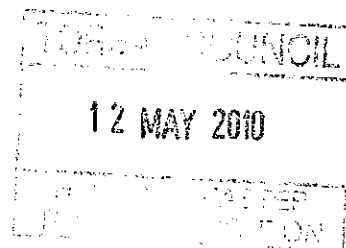




The Harbour
Paignton

11 May 2010



Objection to the Paignton Harbour Estate Zone TRO
Re: Notice of Proposal Borough of Torbay (Paignton Harbour Estate Zone)
(Control of Waiting, Loading, and Unloading and Prohibition of Driving) Order 2010

Our Board of Directors wish to object to the above proposal.

Our company owns the freehold of the building on South Quay which we have occupied since 1977. We have over this time enjoyed good relations with our neighbour the Local Authority and its Officers. Our retail business depends upon the reasonable ability of our customers to visit us by vehicle to select and make their purchases without this process being subject to undue or unnecessary constraint. We have worked jointly with successive Harbour Masters over this period to maintain this, whilst also considering the other needs of the Harbour and fully cooperating with them to ensure that these were addressed. Since the appointment of the current Harbour Master our attempts to continue this collaborative effort have met with only limited success and we must now object to this order which has serious potential implications for the continued existence of our business.

Schedule 1

The proposal does not define "unauthorised vehicles". We have the verbal agreement of the Harbour Master that our customers are welcome to visit us at all times when the harbour is not too busy, to park vehicles for a reasonable time without causing obstruction in order to make their purchases, and this has been the case since we opened for business in May 1978. Until April 2009 there were spaces marked out specifically for this purpose by the Harbour Authority. Therefore we regard any vehicle driven by a potential customer as "authorised", rendering the order meaningless.

We must remind Torbay Council that the deeds of our property do in any case set out a legal right-of-way for motorised and horse-drawn vehicles to proceed to and from our building along the whole width of South Quay from our building to and from Roundham Road. Any attempt by Torbay Council to enforce an Order prohibiting this is in conflict with our rights and is unacceptable to our Company.

The effect of this schedule would be to unnecessarily deter genuine potential customers and cause damage to our business.

Schedule 2

The Harbour hosts a wide variety of activities which we regard as important for the benefit of the community and Torbay as a whole. Torbay Council are concerned to develop the

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economic and cultural aspects of the area and have been prepared over the years to invest large sums in order to engender and promote this. In Paignton Harbour we already have an active community which fully plays its part in maintaining the Harbour as an attraction for both locals and visitors.

We accept and agree that ensuring the safe and smooth running of the Harbour is a duty upon us all, not least Torbay Council and its Officers. However, the level and type of activity varies greatly through a day and at different times of the year. It is essential therefore that the administration of the Harbour is flexible, intelligent, even-handed, cooperative and sympathetic to the needs at the time.

In the case of the local Harbour Master, it has been demonstrated that the successful incumbent of this position is a person who understands this and has the personal qualities needed to carry out this function.

We object to this Schedule because in our view:

1. It is a disproportionate reaction to the actual degree of the perceived problem and is unnecessary
2. It would seriously damage the vibrancy of the Harbour and in particular our business
3. It is unclear by whom and to what extent it would be enforced, causing potential confusion and unfairness
4. If fully enforced it would create wide carriageways encouraging excessive vehicle speeds and causing a danger to pedestrians, especially small children
5. It is being proposed as a substitute for effective local management, which is lacking, and which must be addressed in its own right.

All Schedules

The proposed effectiveness from 1st April to 30th September would include many times when the Harbour is extremely quiet and is currently running with no problem. In fact, in recent years the number of days when the Harbour is actually busy has been low and the length of time during the day when that has been the case has also been limited. The negative effects of this Order would far exceed any potential benefit to the harbour community.

The Directors
Harbour Sports Ltd