



Title: **Oxen Cove Boatyard Proposal – Brixham Harbour**

Public Agenda Item: **Yes**

Wards Affected: **Berry Head with Furzeham and other wards in Torbay**

To: **Harbour Committee** On: **5 December 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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1. What we are trying to achieve and the impact on our customers

1.1 The purpose of this report is to propose that a part of the harbour estate at Oxen Cove, in Brixham, be leased out for use as a boatyard (see drawing in Appendix 1). This marine related use of the space would provide a boat storage area and working space for harbour users across Torbay and throughout the year. A boatyard space in this area of Brixham would help support local and regional marine businesses. It would provide a secure and convenient area for engineers, mechanics and shipwrights, etc, to carry out repairs to various types of vessel up to a certain size.

2. Recommendation(s) for decision

2.1 **That the Harbour Committee supports the proposal to lease part of the harbour estate at Oxen Cove, Brixham harbour, for use as a boatyard.**

2.2 **That, notwithstanding the recommendation in 2.1 above the Harbour Committee supports the continued use of part of Oxen Cove as an area for the winter storage of boats and the storage of fishing gear and equipment relating to the safe and efficient operation of the harbour.**

2.3 **That, subject to approval from the Homes and Community Agency, the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee, be asked to use his delegated authority to grant a lease, for a maximum of 7 years, for part of the harbour estate at Oxen Cove, for use as a boatyard.**

3. Key points and reasons for recommendations

- 3.1 There are currently only a few small areas of the harbour estate in Torbay that can be used routinely for the storage of boats for repair and maintenance. As a consequence of this shortfall in provision a significant number of local boats go to the river Dart in pursuit of this service. Oxen Cove has been used for the winter storage of boats for over twenty years and by taking advantage of the adjacent slipway there is an ideal opportunity to create a year round boatyard facility.
- 3.2 The ability to launch and recover larger boats via the slipway will also greatly improve the process of winter storage. Among the benefits are :-
- Reduced harbour authority costs with no need to hire a crane
 - More flexibility over haul out dates and times, similarly with the spring relaunch, as more tidal windows will be available
 - Less disruption to those using the South West Coastal Footpath
 - Easier management of health and safety risks
- 3.3 A local a shipwright has recently shown an interest to operate an all year around boatyard in Oxen Cove and he understands that any new lease opportunity would need to be subject to a public tendering process.
- 3.4 The proposal would provide a much needed facility for yachts and small fishing boats to be taken out of the water throughout the year for the purposes of boat repair and maintenance.
- 3.5 The proposal was given support by the Brixham Harbour Liaison Forum at its meetings on 31st August 2011 and 23rd November 2011 it sits well with the Council's Harbour & Maritime Strategy (2007). Support for this idea was also provided at a recent meeting of Brixham harbour users.

For more detailed information on this proposal please refer to the supporting information attached.

**Kevin Mowat
Executive Head of Tor Bay Harbour Authority
Tor Bay Harbour Master**

**Paul Labistour
Tor Bay Harbour Master**

Supporting Information

A1. Introduction and history

- A1.1 Oxen Cove was created in 1988/89 when a section of Brixham's outer harbour was reclaimed from the sea. Statutory consent to carry out the reclamation works was obtained through a Harbour Revision Order, namely the Tor Bay Harbour (Oxen Cove and Coastal Footpath, Brixham) Act 1988.
- A1.2 The 1988 Act indicates that the area be reclaimed from the sea will facilitate the transition of the South West Coast Path along that section of the harbour. It also goes on to indicate that the reclaimed area is for the beneficial use of Brixham harbour users to provide further landside areas which would support both the commercial and leisure activities, at, and within the vicinity of Brixham harbour.
- A1.3 The area in question was duly recovered from the sea and subsequently became a car park facility with the car park income originally passing to the Brixham harbour ring-fenced account. At a later date the income from the car park was transferred to the Council's general fund as indeed was all the income generated by car parks located on the harbour estate.
- A1.4 In 2000 a separate fenced off area was created within the Oxen Cove car park, for the use of the harbour authority. The purpose of the area was and still is for use as a storage area for fishing equipment and to facilitate the removal of discarded fishing gear and equipment left elsewhere on the harbour estate. In 2008 a further section of the car park was also fenced off. The purpose of this second area was to accommodate site huts to facilitate the building of the new fish market development and to provide for the temporary housing of displaced harbour tenants during the building phase. Although the development project was effectively completed in January 2011, an area still remains fenced off and this is currently being used by the harbour authority to store boats fishing gear and harbour equipment.
- A1.5 The proposal outlined in this report will not require any further space as it seeks only to use the space that has remained fenced off from the car park for at least the last four years. Existing car park income will not therefore be impacted by this proposal.
- A1.6 The Oxen Cove car park area is used every winter for the purposes of boat storage. Many ports and harbours offer a service to store boats ashore during the winter period. In Brixham the service is discretionary and could be withdrawn to accommodate a short term need for additional car parking capacity, although this would lead to a loss in harbour income. During the winter and throughout the year the area is shared with the parking of coaches and cars, including many cars owned by harbour users.
- A1.7 More recently the harbour authority received a proposal from a local shipwright to introduce a service whereby yachts and small fishing boats could be taken out of the water and stored in a yard in Oxen Cove. This facility would in effect be a boatyard, something that is in short supply in the Tor Bay Harbour area.

- A1.8 The advantage of such a facility would be to provide an all year around boat storage service which would enable vessels to be stored, maintained and refitted. A marine straddle carrier or trailer based hoist could be employed to bring vessels out of the water using the Oxen Cove slipway. Torbay Council engineers have provisionally confirmed that the slipway structure would most likely be suitable for such use and that the proposal is therefore feasible.
- A1.9 As part of the funding agreement for the new fish market the South West Regional Development Agency (SWRDA) envisaged a much wider regeneration scheme. Consequently any disposal of land covered by the funding agreement will need to be discussed with the Homes and Community Agency who are the successor body to the SWRDA to ensure that such disposal is acceptable. The area covered by the funding agreement includes all of Oxen Cove and Freshwater Quarry car parks. It is assumed that in the current economic climate a short-term disposal of part of Oxen Cove would not be seen as a breach of the earlier funding agreement. It is for this reason that only a 7 year lease can be considered without any right to a renewal of the lease.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

- A2.1.1 That the introduction of a boatyard facility would lead to the loss of car parking facilities for the town and car park income. The area in question has not been used for car parking in the last four years and further mitigation can be achieved by keeping the area to a sensible size. Also, this risk should be offset against the ongoing loss of opportunity as boats are stored and repaired outside of the Bay area.
- A2.1.2 That the introduction of a boatyard facility would lead to the loss of valuable storage capacity for the harbour authority. This risk would be mitigated by insisting that sufficient harbour storage was maintained in addition to the newly leased area.
- A2.1.3 That the harbour authority fails to achieve best value in appointing a suitable boatyard operator. This risk would be mitigated by using the Council's approved procurement procedures, which would include an open public tendering exercise.
- A2.1.4 That the introduction of a boatyard facility would lead to the loss of valuable development land and bring the Council into breach of the funding agreement entered into with the SWRDA. This risk would be mitigated by liaising with the successor body to the SWRDA (facilitated by the Torbay Development Agency) and only offering a contracted out lease (with no security of tenure) on a fairly short term.

A2.2 Remaining risks

- A2.2.1 That the subsequent boatyard facility is a failure and does not lead to improved facilities for local boat owners and the fishing industry. This risk would be mitigated by ensuring that a suitable and acceptable business case is submitted as part of the lease tendering process.

A3. Other Options

- A3.1 The do nothing approach would see Oxen Cove continue as a mixed use facility. i.e. a car park, a coach park, boat storage over winter and the storage of fishing equipment.
- A3.2 That the harbour authority invests in the necessary plant and equipment and operates the boatyard using its own resources.

A4. Summary of resource implications

- A4.1 Some modest advertising costs will be incurred as will some officer time. The existing fencing can be re-used.
- A4.2 No existing car park income will be lost.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

- A5.1 None

A6. Consultation and Customer Focus

- A6.1 The proposal was given support by the Brixham Harbour Liaison Forum at its meetings on 31st August 2011 and 23rd November 2011. Also, the need for additional boatyard space sits well within the Council's Harbour & Maritime Strategy (2007). Furthermore this proposal was discussed on 21st October 2011, at the inaugural meeting of the Brixham Employment and Regeneration Advisory Group and support has also been received from Brixham harbour users.

A7. Are there any implications for other Business Units?

- A7.1 Residents and Visitors Services manage the Oxen Cove car park located on the Brixham harbour estate. This proposal has been discussed with the Service Manager - Community, Leisure and Transport, who has no objection to the idea provided that no additional car park spaces are lost.

Appendices

- Appendix 1 Drawing of Oxen Cove storage areas

Documents available in members' rooms

None

Background Papers:

The following documents/files were used to compile this report:

Tor Bay Harbour and Maritime Strategy - 2007