

Background

At the time of our purchase from the administrators in December 2011, the Harbour was in a serious state of neglect and decline. There had been no dredging within the Harbour for at least 8 years, some pontoons were dilapidated, no safety management structure was in place, relations with the local community were poor - basically it was not 'fit for purpose'. We put into place some immediate plans - the amount of investment needed was significant and we stated from the outset that there would be some minor Harbour redevelopment in due course to enable further improvements to the Harbour facilities for all Harbour users.

Our discussions with the Local Planning Authority started in 2013 and our planning application was submitted in summer 2014, together with having many discussions with local groups and individuals. Eighteen months of extensive consultation with all the various agencies resulted in gaining the approval of Natural England, the Environment Agency and others. Regrettably, to gain their support meant sacrificing part of our application in the process - the redevelopment of The Old Boathouse and the construction of the new commercial business units.

During the latter stages of our discussions with the various agencies, we became aware that unbeknown to us, the Bembridge Harbour Trust (BHT) had also been holding private discussions with the same agencies - but totally contrary to our own discussions they were actively encouraging all agencies not to support our proposals. These counter-negotiations incurred us in substantially greater consultancy fees and time than would normally be the case for an outline planning application within the local environment.

Having gained the support of the major agencies for our application, it was considered by the IOWC Planning Committee on 01/12/2015 and resulted in a resolution to grant consent by a vote of 8 to 1, subject to a Section 106 Planning Agreement which had been part of our discussions with the planning authority from the outset.

In January 2016 we received the first draft of the S106 Agreement and immediately proposed a fundamental change to its format, whereby the beneficial enabling works to the Harbour would be carried out prior to the new houses being built and thereby demonstrate our Harbour commitment.

However we then learnt by chance at the end of February 2016 that BHT had submitted some weeks earlier to IOWC a potential judicial review challenge against their resolution to grant consent. This challenge is against the lawfulness of the resolution to grant consent during IOWC's processing period and their technical procedures used and not against the decision for consent itself. Again without our knowledge BHT also attempted to become a party to the drafting of the S106 Agreement with IOWC - which again meant even longer discussions with the Council and more cost to the Harbour.

Current Situation

At the start of April the IOWC obtained legal advice from a planning barrister and we are due to have further meetings with the Council as a result. On a similar basis we are discussing our position with our own legal team and professional consultants and with a view to appointing our own specialist barrister to represent us. We are now relegated to being a

bystander in the legal arguments created by BHT against the Isle of Wight Council and are technically described as an 'interested party'.

The on-going cost to the Harbour of all this professional and legal advice plus our own management time is hugely expensive in dealing with BHT's continued unwarranted involvement. At this stage it is impossible to put a finite figure or timing on the same.

Unfortunately such time consuming issues and potentially expensive costs demand unpleasant decisions as below:

- a. We have shelved plans to buy our own dredger; heads of terms had been agreed to buy a small dredger but this capital investment has now been put on hold.
- b. Following receipt of our Harbour survey we had finalised our 2016 dredging programme and concluded negotiations with our chosen contractor to commence dredging at the end of April - all but signing a contract. We have today advised the dredging company of our decision to postpone this programme till late summer when we will re-appraise the overall situation. This will mean that for this season yachts with a keel depth of 2m+ should take extra care when in the Harbour during spring tides.
- c. Our dredging programme for the Entrance Channel as part of our on-going arrangement with H J Bennetts will continue as normal.
- d. The Harbour fairway alongside the Duver has silted up slightly during this past year but still has sufficient depth for visiting yachts other than those with extra-deep keels. For two years we have been encouraging a leading brand of UK built super-yachts to rally at Bembridge - a date has been agreed and all plans have been put into place, including a formal dinner at Bembridge Sailing Club. I have today advised the brand's CEO that our dredging plans are on hold and explained our reasoning and I will not be surprised to see the rally cancelled. This totally undermines the Harbour's reputation which we have spent over four years rebuilding.

In overall terms:

- we know that these decisions will harm the Harbour's reputation - one that we and the Harbour team have worked on tirelessly during our management
- we know that it will damage income for the Harbour business as well as local businesses
- we know that our plans to commence constructing the new facilities and admin complex on the Duver will now be shelved for at least another twelve months instead of commencing in September 2016
- we know that our plans to commence the construction of the new facilities and car parking for the marina will also be shelved for at least a similar twelve month period.

Whilst we accept it is impossible to meet everyone's expectations when promoting our regeneration plans, we have listened to views and suggestions and incorporated them within our proposals where possible.

In conclusion, we have demonstrated to the Isle of Wight Council that our regeneration plans are in compliance with planning policies and hence gained their support in the resolution to grant consent; however we are hugely disappointed and frustrated by BHT's continuation to pursue their technical legal arguments against IOWC.

In the meantime we are now at the start of our 2016 summer season - our Harbour Staff have excelled themselves once again in their winter maintenance programme - all their work schedules are complete and the Harbour is looking in fine shape. Our 2016 seasonal staff intake have completed their induction training and we have further upgraded our berthing office computer hardware. Our appetite to continue offering the highest level of service to all our customers has not diminished during our four+ years of ownership and we look forward to the future when hopefully (and in the not too distant future), we will be able to provide upgraded and better shower and toilet facilities in a new admin complex at the Duver plus better similar facilities and car parking at the marina.

Malcolm & Fiona Thorpe
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