

LYMINGTON HARBOUR COMMISSIONERS

Harbour Development Plan Summary of Consultation Responses and Commissioner Conclusions



Issued: November 2022

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Through a 12 week public consultation which concluded on Sunday 26th June 2022, Lymington Harbour Commissioners (LHC) invited feedback on a draft Harbour Development Plan (the Plan) which will guide the sustainable development of the harbour over the next ten years and beyond.

The plan also highlighted the funding challenges facing the harbour as it replaces ageing infrastructure, and the need to raise the level of income it receives from licences from mid-river dredged moorings, where the mooring licence fees are falling some way short of covering the cost of provision.

The consultation document was issued directly to Lymington Harbour Advisory Group, the statutory consultee representing stakeholder interests, together with the principal organisations on the river (Royal Lymington Yacht Club, Lymington Town Sailing Club, Berthon Boat Company, Lymington Yacht Haven, Wightlink and RNLI Lymington Lifeboat). It was also issued directly to all LHC mooring licence holders and persons on LHC's waiting list for a mooring. The consultation was also publicised through LHC's website, newsletters, social media channels and in the Advertiser and Times.

This document provides a summary of the feedback received on the objectives and principal projects, and the conclusions of the Commissioners in the light of that feedback. It should be read in conjunction with the Harbour Development Plan.

2.0 CONSULTATION RESPONSES & COMMISSIONER CONCLUSIONS

2.1 PLAN OBJECTIVES (see Section 2 of the Plan)

The table below summarises the support ratings for the plan objectives from the 64 consultation responses received from individuals. The development projects set out in section 4 of the plan and section 2.2 below, meet one or more of these objectives.

OE	BJECTIVES	SUPPORT RATING %
1.	To optimise the mix of berthing provision to future demand.	83.3
2.	To reduce impacts on and protect the environment.	86.4
3.	To improve access to the water.	87.9
4.	To improve safety and navigation.	84.8
5.	To make the Bath Road slipway more user friendly and improve safety.	81.8
6.	To take advantage of opportunities to improve harbour infrastructure that arise from the New Forest District Council and the Environment Agency coastal defence strategy for Lymington.	84.8
7.	To put a timeline and cost to replace life expired infrastructure.	89.4
8.	To develop the harbour protection scheme at a pace commensurate with ensuring that the harbour remains sheltered.	90.9
9.	To review the funding strategy to facilitate replacement of life expired assets and new projects.	83.3

A significant majority of individual responses were supportive of the objectives. All of the consulted organisations, including Lymington Harbour Advisory Group who are the statutory consultee representing stakeholder interests, were also broadly supportive of the plan objectives.

Royal Lymington Yacht Club asked LHC to consider amending Objective 3 to "Improve access to the river and moorings at reasonable cost".

With respect to the environment, Lymington Society indicated they would like to see a specific objective of "reversing the loss of saltmarshes and exploring environmentally appropriate ways of utilising more of the dredged mud from the harbour". Lymington Society would also like to see a more ambitious aim of "improving the conditions of the surrounding habitats and natural assets in the harbour", rather than the existing aim to "reduce impacts on, and protect the environment".

COMMISSIONER CONCLUSIONS

Feedback received indicates that the majority of individuals and organisations who have commented are supportive of the proposed objectives. These will now be adopted.

With respect to the Royal Lymington Yacht Club's suggestion for amending Objective 3, it is a fact that running a harbour, even on a not-for-profit basis, is an expensive business. LHC strive to provide a range of moorings with mooring fees set at a level to cover the cost of provision and provide a margin.

The Department for Transport Guide to Good Governance (March 2018) states that Trust Ports are commercial businesses which should be run effectively and prudently to generate a commercially acceptable rate of return and a financial surplus. As such, LHC will continue to set its charges at a level that, when taken as a whole, will cover the cost of provision, provide funding for improvements, and provide an appropriate element for contingencies and risk. All surpluses will ultimately be reinvested into the harbour for the benefit of stakeholders, including to facilitate the continued reasonable subsidy of some entry level facilities such as the Bath Road slipway and drying and restricted access mid river moorings.

With respect to the Environment, LHC will introduce an additional objective to "Explore opportunities to enhance and improve the environment." In effect, this is something that LHC are already practicing with the established Boiler Marsh replenishment scheme. Additionally, applications for permits for two new initiatives to beneficially use dredged mud to slow down saltmarsh erosion and restore saltmarsh, are currently being developed.



2.2 DEVELOPMENT PROJECTS

2.2.1 Overall

It is clear that the majority of individuals and organisations who have commented are supportive of the proposed development projects as set out in the draft plan. The subsequent sections provide more detail on the main themes of feedback received, and the Commissioners consideration and conclusions.

2.2.2 Redevelopment of Fortuna Mooring Area (See Section 4.2 of the Plan)

There were 66 responses from individuals on the proposal to reconfigure the 'Fortuna' mooring area to provide more 'no frills' walk ashore berths in response to waiting list demand, and to provide the other benefits highlighted in the Plan. The table below summarises the support ratings from individuals for this project.

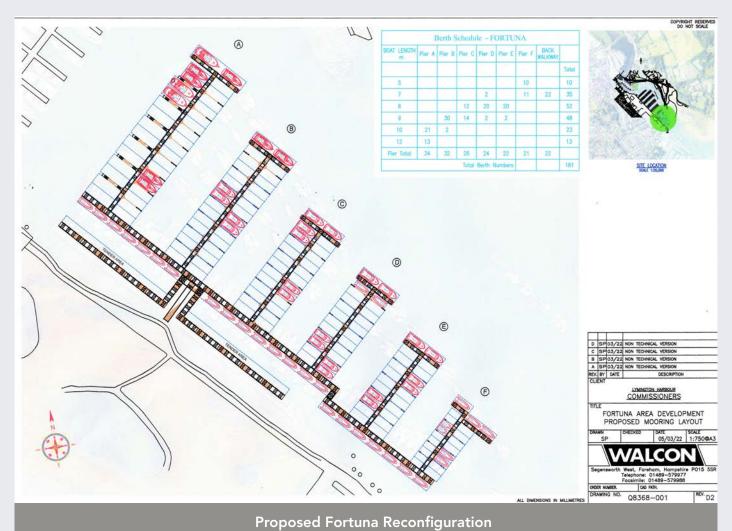
NO. RESPONSES	SUPPORT	UNSURE	AGAINST
66	66.7% (44)	15.1% (10)	18.2% (12)

Four persons objected because they misread the Plan and thought the development would result in a net loss of 33 moorings. The actual position is the project will result in a loss of two moorings. Six persons raised concerns (five objected) due to the loss of lower cost mid river moorings in favour of higher priced walk ashore berths, and the impact on accessibility for those on lower incomes. Two of the objections cited an adverse impact on the character of the river.

The Lymington Harbour Advisory Group and all bar one of the principal organisations on the river support the proposals to reconfigure the 'Fortuna' area to increase 'no frills' walk ashore provision and deliver the other benefits identified in the Plan.

While not objecting to the proposal, Royal Lymington Yacht Club indicated that while understanding that

waiting list demand is greater for walk ashore berths, the Club are concerned that the trend towards providing more walk ashore berths at Lymington and other local harbours, reduces the number of lower cost moorings. Royal Lymington Yacht Club have asked to be consulted on the detailed layout of the new facility to ensure it does not restrict access to their pontoon and shoreside facilities or the LHC scrubbing grids. The Club also asked Commissioners to consider prioritising enhancement of the Bath Road slipway facility over reconfiguration of the 'Fortuna' area and suggested exploring phasing of the proposed 'Fortuna' works to allow funding to be released to accelerate the proposed timescale for slipway improvements.



COMMISSIONER CONCLUSIONS

Feedback received indicates strong support to reconfigure the 'Fortuna' area to provide more walk ashore berths to respond to waiting list demand, and to deliver the other benefits identified.

The project will increase the number of 'no frills' walk ashore berths from 78 to 187 thereby addressing the significant disparity between waiting list demand and mooring supply for this type of mooring.

Following the reconfiguration of the 'Fortuna' area, the majority of moorings in the river will still be lower cost mid river moorings. The tables below compare waiting list demand with mooring supply now¹, and after the proposed development. It can be seen that implementing this project will result in a fairer balance between mooring supply and demand between the different categories of moorings.

CURRENT	NO. Moorings	WL Demand per Berth	% of all Moorings	% of WL Demand
Walk Ashore – Dan Bran Pontoon (highest price walk ashore)	88	6.4	13.2	30.3
Walk Ashore – Fortuna Pontoon (lowest price walk ashore)	78	7.6	11.7	31.9
Mid River (sub tidal dredged)	330	1.7	49.6	30.9
Mid River (restricted access – drying or air draft)	151	0.8	22.7	6.5
Commercial (sub tidal)	19	0.3	2.8	0.3
TOTAL	666		100	100

PROPOSED	NO. Moorings	WL Demand per Berth	% of all Moorings	% of WL Demand
Walk Ashore – Dan Bran Pontoon (highest price walk ashore)	88	6.4	13.2	30.3
Walk Ashore – Fortuna Pontoon (lowest price walk ashore)	187	3.1	28.2	31.9
Mid River (sub tidal dredged)	219	2.6	33.0	30.9
Mid River (restricted access – drying or limited air draft)	151	0.8	22.8	6.5
Commercial (sub tidal dredged)	19	0.3	2.8	0.3
TOTAL	664		100	100

The proposal will also release up to 111 tender berths as mid river moorings are replaced by walk shore berths, thus significantly reducing waiting list times for tenders to access boats moored on mid river moorings and removing issues associated with overcrowding. In recent years, the waiting list for tenders has started to have an adverse effect on occupancy of mooring licences for mid-river moorings in the lower river as customers are more reluctant to take up a mooring without having a tender on the river to access.

The development will also improve safety by moving the 'Fortuna' tender pontoon into deeper water, thereby addressing the current issue of the pontoon grounding at low tide causing a slope on the walking surface. The development will also increase navigation space in the mooring fairways and will prevent the current issue of fairway encroachment caused by fore and aft moorings moving due to wind and tide conditions, which can constrain access at times.

Commissioners also consider that the provision of additional walk ashore berths will in future provide LHC with greater options to support electrification as the boating industry responds to the climate emergency. The extent to which this will be the case given the significant technical challenges is yet to be determined, but a pontoon with shore power connection will be a pre-requisite to delivering charging solutions.

¹The numbers shown are a snapshot in time. The number of waiting list applicants will vary week by week but typically remain within a small margin of the figures shown. Waiting list applicants include persons who already have a mooring licence but are seeking to 'upgrade' to a different type of mooring once their waiting list seniority allows.

In considering options for development of the 'Fortuna' area when the existing pontoons come to the end of their serviceable life in 2026, Commissioners reviewed a business case for 'like for like' replacement, for comparison with the redevelopment option. Although the estimated capital expenditure (£720k) is lower, the cost per berth is 25% greater due to economies of design and scale presented by the larger project. Progressing this option would also require a significant increase in mooring fees in order to generate an appropriate level of return. However, the main reason for rejecting the 'status quo' was because this solution would not provide the benefits, including the safety improvements listed above.

Commissioners do not consider that a phased implementation of this project to release funds to allow the timeline for the proposed project to improve shared use of the Bath Road slipway to be brought forward, is practical or cost effective. Commissioners also consider it would not be appropriate to do so, given the wider benefits of the 'Fortuna' scheme, and the strong support to progress.

Due to land ownership and access constraints, Commissioners consider that the 'Fortuna' area is the only area within the river where walk ashore provision can be increased, and the need to replace the existing life expired assets in this area creates a one in 30+ year opportunity to do so.

For the reasons given above, and the strong overall support for this scheme, Commissioners will now incorporate the redevelopment of the 'Fortuna' area into the Harbour Development Plan, with development scheduled to take place in the last quarter of 2026. Commissioners will liaise with Royal Lymington Yacht Club to ensure that the existing navigation clearances between Fortuna moorings and their shoreside facilities are maintained.

2.2.3 Bath Road Slipway (See Section 4.3 of the Plan)

There were 64 responses from individuals on the proposals to make slipway improvements to make

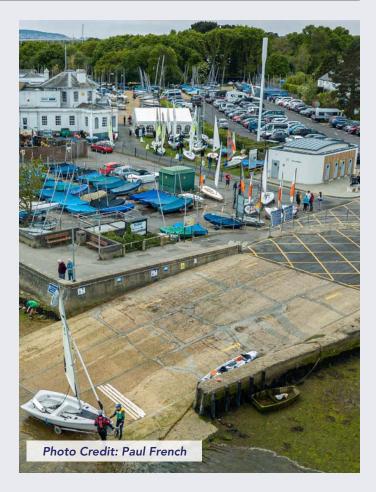
shared use between vehicle and hand launches safer, and to make launching and recovery more user friendly. The table below summarises the support ratings from individuals for this project.

NO. RESPONSES	SUPPORT	UNSURE	AGAINST
64	84.4% (54)	10.9% (7)	4.7% (3)

In addition, the Lymington Harbour Advisory Group and all of the principal organisations on the river support the proposals.

Lymington Harbour Advisory Group, Royal Lymington Yacht Club, Lymington Society and Berthon Boat Company have asked that Commissioners look at accelerating the timescale for improvements from the current estimate of between 7 to 10 years due to funding constraints and Environment Agency timescales for planned upgrades to sea defences.

Lymington Society and Berthon Boat Company noted that there is no prospect of the slipway deriving a commercial return to facilitate payback over the lifetime of the facility and have indicated their view is that the cost of improvements should be borne by income derived from other harbour users. Berthon Boat Company proposed that the improvements be financed by increasing the charges for walk ashore berths on the Dan Bran pontoon to the local private marina prices for equivalent berths.



COMMISSIONER CONCLUSIONS

Feedback received indicates there is strong support to progress the project to improve the shared use of the Bath Road Slipway and to find a way to accelerate the timeline for this project.

Recognising the slipway provides low cost and grass roots access to the water, the cost of providing this facility has long been subsidised from other harbour income which ultimately comes from mooring licence fees. However, by no means can all use of the slipway be described as 'entry level' as it is also used for launching high performance motor boats and sailing dinghies and Commissioners will continue to keep the degree of subsidy under review to ensure it remains reasonable in light of overall usage and where benefits lie, such that stakeholder benefits remain fair and proportionate.

The Commissioners do not agree that the bulk of the financial burden for the proposed improvements which were initially requested by the Royal Lymington Yacht Club and Lymington Town Sailing Club as part of the consultation on the 2020-2025 Strategic Plan, should be borne by other harbour users through increased mooring fees or through deferring projects which benefit other stakeholders. As reflected in both the Strategic Plan and the consultation draft of the Harbour Development Plan, Commissioners have previously agreed to bring this project forward on the condition and shared understanding that it would be in partnership with the principal organisations that use the slipway (Royal Lymington Yacht Club, Lymington Town Sailing Club and RNLI), with some element of shared financing and a successful joint application for grant funding.

The Commissioners consider that any substantial structural change to the slipway in advance of the Environment Agency's published strategy² to enhance the sea wall would carry unacceptable longer term financial risk. At this stage we do not know how far the sea wall may be raised, whether a gate will be required (though this seems likely) or the impact of any changes on the angle or direction of the ramp of the slipway. In light of anticipated delays in the wider coastal defence project the Commissioners have already, in consultation with the stakeholders, brought forward low cost improvements to enhance the user experience for dinghy sailors.

Commissioners will now progress discussions and work with the principal user organisations to explore ways to bring forward improvements to the slipway that will continue to facilitate the key objectives. As part of this LHC will engage with partners on developing options and shared financing in order to deliver practical and affordable enhancements. This may include further extension of operational measures such as Club marshalling, supported by temporary slipway closures or restrictions to vehicle launches during organised activities.

In the medium to longer term the Commissioners will continue to engage with principal user groups to work up costed project proposals for structural improvements to the slipway, with a view to undertaking them when the revised sea defence requirements are known and funding has been secured, including with contributions from principal beneficiaries.

2.2.4 A Row (North-South) Moorings (see Section 4.4 of the Plan)

There were 26 responses from individuals on the proposal to install a mid-river pontoon to replace the 'A' Row moorings that lie between the Berthon

Marina and the main navigation channel opposite the Wightlink ferry terminal to address the issue of mooring movement due to the effects of wind and tide which results in moored boats encroaching on navigation fairways. The table below summarises the support ratings from individuals for this project.

NO. RESPONSES	SUPPORT	UNSURE	AGAINST
26	57.7% (15)	38.5% (10)	3.8% (1)

Lymington Harbour Advisory Group and Berthon Boat Company were the only organisations that commented on this project, both in support.

² The Environment Agency (EA) have indicated the Hurst Spit to Lymington Flood Defence Strategy will be published in 2024 (Source EA stakeholder group workshop 8th September 2022).

COMMISSIONER CONCLUSIONS

Commissioners will progress this project at an opportune time. It is understood that in the next few years Berthon Boat Company will be renewing their marina pontoon infrastructure and a logical time to progress will be to coincide with these works. There may also be an opportunity to save money through sharing plant mobilisation costs.

2.2.5 Dan Bran Pontoon

(See Section 4.6.2 of the Plan)

There were 21 responses from individuals on the proposal to explore options for making better use of the 'water locked' area between the Dan Bran pontoon and the public footpath that runs past

the Harbour Office, for the purpose of developing greater participation in water based activities such as paddle sports, including for local school children. The table below summarises the support ratings from individuals for the principle of developing initiatives to make better use of this area, together with potential opportunities upstream of the railway bridge.

NO. RESPONSES	SUPPORT	UNSURE	AGAINST
64	75.0% (48)	18.8% (12)	6.2% (4)



Four individuals (1 against) expressed concerns about the potential use of this area on the security of boats moored on the Dan Bran pontoon.

Lymington Town Sailing Club, Royal Lymington Yacht Club, and Lymington Society expressed support for making better use of this area. Lymington Town Sailing Club and Royal Lymington Yacht Club have expressed ideas on how they may be able to use

this area to increase water sports participation, or to facilitate teaching beginners in a safe environment.

Lymington Amateur Rowing Club are keen to explore opportunities for increasing water sports participation through their Club, potentially by expanding facilities on the pontoon upstream of the railway bridge which is adjacent to their club house.

COMMISSIONER CONCLUSIONS

It is clear that from the feedback received that there is strong support to develop options to make better use of the 'waterlocked' area behind the Dan Bran pontoon. Commissioners will now work with the Lymington Town Sailing Club, Royal Lymington Yacht Club and other interested parties to develop proposals for making better use of this area.

Commissioners will also work with Lymington Amateur Rowing Club to explore opportunities to increase water sports participation through improving facilities upstream of the railway bridge.

2.2.6 Environmental Enhancement through Beneficial Use of Dredged Arisings (See Section 4.9 of the Plan)

There were 21 responses from individuals on the Commissioners plans to continue to beneficially use

mud dredged from the river to slow down erosion of existing saltmarsh, and to trial a new technique to create new saltmarsh. The table below summarises the support ratings from individuals for the principle of developing new initiatives.

NO. RESPONSES	SUPPORT	UNSURE	AGAINST
21	71.4% (15)	28.6% (6)	0% (0)

Lymington Harbour Advisory Group and Lymington Society also expressed support for the continued development of initiatives to beneficially use dredged mud for saltmarsh enhancement, noting the potential benefits if successful.

COMMISSIONER CONCLUSIONS

Commissioners will continue to progress targeted and cost-effective schemes to sustainably use mud dredged from the harbour for saltmarsh replenishment projects.

2.3 FUNDING STRATEGY

Section 5 of the draft Harbour Development Plan drew attention to the funding strategy for the next 10 to 15 years, and highlighted the need to replace a significant proportion of the waterside infrastructure in the harbour as it comes to the end of its serviceable life.

2.3.1 Funding Harbour Protection (Breakwaters)

Section 5.1 of the plan reiterated LHC's policy to continue to fund the cost of building breakwaters from revenues derived from the Harbour Protection Levy (HPL) which is charged to all LHC mooring licence holders, visitors to LHC moorings, berth holders in the private marinas, Wightlink Ltd and all dry sailing launching permits. Taking account of

the financial forecasts for a FY 2028-29 extension of the western breakwater and in order to keep pace with inflation, in July 2021 Commissioners took the decision that until further notice the HPL will increase annually by 3% or the increase in CPIH³ in October of the preceding year, whichever is higher

No individuals commented on harbour protection funding. Lymington Harbour Advisory Group continue to support funding future phases of breakwater construction through the HPL, with all monies raised through the HPL being used for this purpose. Lymington Society asked that consideration be given towards using some of the HPL funds to enable trials to create new saltmarsh to protect the harbour as a possible alternative to breakwater construction.

COMMISSIONER CONCLUSIONS

Commissioners will continue to fund the cost of harbour protection breakwaters through the Harbour Protection Levy.

Although Commissioners share Lymington Society's desire to facilitate trials to create new saltmarsh, Commissioners do not believe it is appropriate to use Harbour Protection Levy income to fund trials as these are expensive and by their nature offer no degree of certainty or permanence. To do so would also require an increase in HPL fees over and above increases required to keep pace with inflation.

However, through other income, Commissioners will continue to fund opportunities for low-cost saltmarsh replenishment schemes. Commissioners will also continue to explore opportunities for more ambitious saltmarsh creation trials funded principally through grants or third-party partnerships, similar to those currently being developed.

³ Consumer Prices Index with Housing (measure of inflation published monthly by the Office for National Statistics)

2.3.2 Funding Harbour Development, Asset Maintenance/Replacement and Environmental Enhancement

Section 5.2 of the Plan highlighted that LHC will need to replace a significant proportion of the waterside infrastructure in the harbour over the next 15 years as it comes to the end of its serviceable life. The plan highlighted that to meet the funding requirements of the harbour going forward, including meeting environmental objectives, Commissioners will need to raise the level of income generated from the provision of mooring services.

The plan identified that the fairest way of generating the additional income needed, was to increase the charges for loss making mid-river dredged moorings, where mooring fees are currently covering less than half the cost of provision and are priced substantially below the local harbour market average for comparable moorings. The plan gave details of the Commissioner's decision to increase mooring licence charges for mid river dredged moorings by 7.2% per annum (plus the annual increase applied for inflation) for 8 consecutive years to meet the full cost of provision by FY 2030/31.

The plan confirmed that licence fee income from LHC's 151 mid river drying/restricted access moorings also did not cover the cost of provision,

but indicated that Commissioners do not propose to increase charges for these 'entry level' moorings beyond annual inflation adjustments for inflationary pressures.

Feedback on funding strategy from individuals was limited to five responses. Of these, three expressed support, one objected, and one asked for more information. The objection related to a concern that the increase in charges will reduce access for persons who have a limited budget.

Royal Lymington Yacht Club expressed a concern that local residents might be excluded from access to the water through being unable to pay the increased charges for the mid-river dredged moorings and asked Commissioners to review. Lymington Society supported increasing charges to ensure that revenues covered the cost of provision, but asked Commissioners to do all they can to ensure that lowcost options such as the drying/restricted access moorings continue to be available to enable entry level sailing. Berthon Boat Company understood the need to increase income, but felt this should be achieved by increasing the charges for the Dan Bran walk ashore berths to the same level as that charged by the private marinas, and not by raising the mid river sub tidal mooring fees which might exclude access for individuals who might otherwise not be able to afford the hobby.

COMMISSIONER CONCLUSIONS

The Commissioners have reviewed their decision to implement phased 'real terms' increases in the fees for mid river dredged moorings which currently cover less than half the cost of provision, and are heavily subsidised by income from resident and visitor walk ashore berths. In FY 2022/23 the mid river dredged moorings are forecast to produce a loss of £175,250 on the cost of provision.

The Commissioners have concluded that their original decision to implement phased real terms increases for this category of moorings was both sound and necessary for LHC to operate with commercial prudence, provide a level of return to fund existing activities as well as new investments, and to allow for an appropriate level of reserves for contingencies and risks. This was in line with Ports Good Governance Guidance⁴.

In coming to this conclusion, Commissioners noted:

- a. that continuing to cross subsidise all mid river moorings (sub tidal and restricted) is reducing income to spend on replacement of 'life expired' assets, harbour improvement projects and meeting environmental objectives including LHC's climate change commitment to halve greenhouse gas emissions by 2030 and achieve net zero by 2050.
- b. that charges for LHC mid river sub tidal moorings are substantially below the local harbour market average⁵ charges for comparable moorings and that based on current prices, LHC charges will still be less than the market average after all phased 'real terms' increases have been applied.

⁴ Department for Transport Ports Good Governance Guidance (March 2018)

⁵ Average harbour authority market price derived from Beaulieu, Chichester, Cowes, Yarmouth, Poole and Hamble sub tidal mid river mooring fees in July 2022. For boats between 5m - 13m in length, the local market average price for a comparable mooring is between 89.7% and 170.9% more than at Lymington excluding the Harbour Protection Levy (HPL). If the HPL is taken into account, the local market average price is between 57.1% and 127.5% more than at Lymington for a comparable mooring.

c. that LHC will continue to provide supported stakeholder benefit through continuing to cross subsidise 151 drying (or otherwise restricted access) 'entry level' moorings. This represents just under a quarter of all moorings on the river. LHC also continue to cross subsidise the Bath Road slipway for entry level boating and paddle sports.

Commissioners considered the current exceptional economic circumstances and very high inflation and concluded that it would be appropriate to recognise this with a 'one off' 12 month deferral of the implementation of real terms phased price increases for mid river dredged moorings to FY 2024/25, but that the strategic target of implementing phased increases to cover the cost of provision will remain. Accordingly, with effect from 1st April 2024, mooring fees for this category of mooring will increase by 7.2% per annum (plus the increase applied for inflation) for 8 consecutive years ending in FY 2031/32.

3.0 WAY FORWARD

Commissioners have finalised the Harbour Development Plan based on their conclusions and decisions as set out in this document. The plan is available on the LHC website.



⁶ The 7.2% per annum is the combined effect of the increase in the mooring fee element plus harbour dues, but excludes the HPL.



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