



# POSOL Residents Management Company Limited

Autumn Newsletter 2017

## New POSOL Director

A few months ago, Melvyn Farndell stepped down from the Board and the Covenants Working Group. During his time, he made a significant contribution to POSOL and the Board is grateful to him for all his efforts. Following his departure, the vacancy was publicized on the POSOL website and to shareholders registered on POSOL's email distribution list. Two candidates came forward and we are pleased to advise that Darron August was elected on to the Board in August.

Darron is a relative newcomer to the estate, having lived at Port Solent for 3 years. Long enough to appreciate our marina village lifestyle but comes fresh to the board to challenge existing procedures and ask questions like "Why do we do it that way?". He recognises Port Solent as a great community and is looking to enhance that through his work on the Board and the Covenants Working Group.

## Gardening

Two years ago, "Escapes" came on board as our gardening contractor. The experience has not been good and many shareholders have quite justifiably complained about the standard of the gardening. The good news is that we have parted company with Escapes and a new contractor "Leylandii and Lawns" has been appointed. They started on 6<sup>th</sup> September and, if the results so far are maintained, then we have made a good choice. So far, we are favourably impressed by their work rate and the way they tackle each job with the right equipment and resources.

We ask that you do not approach the gardeners about extra works, replanting or re-design of your garden as they will be unable to assist you. Please ensure that you direct all such enquires to [posol@sdlbigwood.co.uk](mailto:posol@sdlbigwood.co.uk)

### Trees

Our trees play a major role in creating the Port Solent ambiance but some are getting too long in the tooth and some serious husbandry is called for. The birds have flown their nests and so we can get started on a program of work to maintain, improve and sustain our trees.

POSOL commissioned a specialist company to produce a report on the state of all our trees. The program of

work will take place over a few years to spread the cost and minimise the short-term impact of such works (when you give a tree a severe haircut it takes time to recover its full beauty). Some trees will have to be felled but, wherever practicable, the aim is to replace them with specimens more suited to our location and environment. Replacement trees will not be "sticks in the ground" but be young trees of between 3 and 4 metres height.

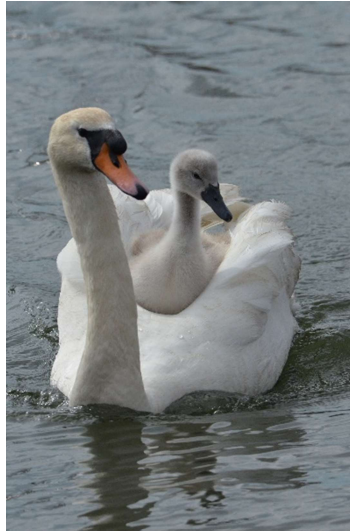
Shareholders with trees on their property which will be affected by the program will be contacted individually, prior to any work being carried out. Where possible, we will take any concerns they may have into

consideration but note that, for safety reasons, some felling will have to take place.



## Oyster Quay Gates

The new Cotag system has been operating satisfactorily since May, although there have been four unfortunate incidents. During the long and protracted negotiations with Oyster Quay, the concern their management team kept emphasizing was that their bedroom windows overlooked the path. In the past they had suffered from rowdy behaviour late at night. The POSOL negotiators were insistent that our residents were of a different calibre and people who live some distance away must have been the culprits.



climbing over the gates late at night, letting dogs run loose and foul the communal lawns. We have spoken to all four offenders. PLEASE do not let this happen again, it reflects badly on all of us. Closed circuit TV is in operation and the Cotag system identifies people using the gates.

**The gates do not open between midnight and 6 am.** This was made clear on the form signed by everyone when applying for a Cotag.

To our dismay, POSOL residents have been caught

## Bigger Boats

**Boats are getting bigger but our berths are not!** As a result, there is an increasing risk of territorial issues between neighbours. We all have to fit in, somehow!

The following notes highlight the problems and the means of dealing with them in a way that is fair for everybody. The notes refer to a pair of “standard” berths, by which we mean berths where two boats are moored side by side between two pontoons which are at right angles to the marina wall. (The same concepts apply to other berths, but the wording may change to reflect a different configuration).



If a boat is too wide for a berth and therefore trespasses onto the neighbouring berth, there are two major problems.

1. The neighbour may have difficulty navigating

into or out of his berth.

2. The neighbour will not be able to sell their berth with vacant possession. If the berth is attached to the house, the sale of both will be affected.

In the first problem, the difficulties presented are largely proportional to the degree to which the large boat trespasses. However, the last problem is more fundamental and may be more serious. Legally, there is a trespass, or there isn't a trespass, no shades of grey. No matter how small the trespass is, vacant possession has been lost by the owner trespassed against.

For many years the legal advice given to POSOL was that this was an inter neighbour dispute and POSOL was powerless to intervene. The argument was that, to have the trespassing boat removed, an injunction would have to be applied for. An injunction can only be applied for by the injured party, and in this case the injured party is the neighbour and not POSOL.

As shareholders will be aware, one of the reasons for terminating the contract with Countrywide was that they had allowed multiple errors to creep into the POSOL berth database. In the last ten months, we have been spring cleaning this data base and

have discovered far too many errors, such as unregistered boats, unconfirmed insurance, unlicensed boats and some boats which are not of a suitable size for their berth.

Accordingly, we contacted a Barrister, reputed to be most knowledgeable in marine affairs. To our surprise he has identified a very clear legal procedure by which POSOL can enforce the berthing covenants.

POSOL now intends to take the initiative where a boat is trespassing into the neighbour's berth against the wishes of the neighbour.

However, there is no change to the procedure whereby the neighbour can agree to the trespass using the sample licence format already on the POSOL website.

### **How big is too big?**

A "standard" berth has a defined width (normally, but not always, in line with the walls of the house or midway between the edges of the pontoons where there is no house), and its length is 11 metres measured from the marina wall.

In deciding whether a boat is too large to fit within the boundaries of the berth there is an important consideration on the width. A boat needs to have fenders and it needs to have riding room. The riding room is essential as mooring lines stretch and shrink with the weather and we need to allow for changes in the boat's position due to the water level, because the brow is hinged horizontally. Forces resulting from wind or wash from passing vessels act on the boat which needs to move to absorb these forces. POSOL has determined that the standard allowance for riding room and fenders on both sides of the boat is 400mm (just over 15 inches).



Therefore, when determining the effective width of the boat then 400mm should be added to the maximum beam of the boat when deciding whether a trespass is occurring. POSOL is very aware that 400mm is significantly less than is recommended for marina berths but our berths were constructed to fit in with the dimensions of the houses and we have therefore decided to adopt this much lower figure which still provides an adequate safety margin.

### **Can we compromise?**

Where the trespass is only marginal then it would be possible for the owner to use flat thin fenders and to secure his boat as close to the pontoon as possible while still allowing minimal riding room. If the owner agrees to operate this way then POSOL will agree to the registration, but only for marginal cases. Each case tends to be unique and the hull configuration will sometimes be the deciding factor. If you are considering purchasing a new boat and you think the dimensions will make it a marginal case, do contact POSOL. The Berth Working Group will always be happy to discuss the matter and try to help.

### **Length**

Your sub-underlease extends 11m from the marina wall. Beyond that is Premier's water and Premier has stated that it is unlikely to approve a new boat registration if the length is greater than 11.3m. There are exceptions to this where a previous boat has had the benefit of a "Letter of Comfort" from Premier Marinas. POSOL is unable to register a boat if its length overall is greater than 11m, unless we have Premier's approval for the trespass into its water. Again, the advice is "check with POSOL before committing to purchase, if you have any doubts". POSOL will liaise with Premier on your behalf.

## Portsmouth City Council Plans for Port Solent

Just over five years ago Portsmouth CC produced a Local Plan which included developments at Port Solent and at Tipner. POSOL took an active part in contributing a response to these plans. In reality, very little of the plan was instigated but, under the rules relating to council planning, these have to be updated every five years.



*Port Solent Circa 1997*

Portsmouth City Council has just issued an “Issues and Options” document which is the first stage in the production of a new Local Plan. This should result in the production of a Draft Local Plan sometime in 2018.

This new draft plan will then be available for public comment, with the expectation that the final plan will be produced in 2019.

POSOL will of course endeavour to have its views taken into account through all stages, so we are not presented with a fait-accompli when the development gets under way. The expectations are that houses will be built on the south side of Port Solent with areas close to the waterfront, perhaps including industrial premises suitable for marine business activities.

A worrying feature is that the scope of the plan extends right up to the water’s edge on the south side of the marina pool. Redevelopment of the Boardwalk, the Chandlery and the boat repair facilities are all in the melting pot.

Unfortunately, the official closing date for responding to the “Issues and Options” document is 28<sup>th</sup> September and you probably won’t be reading this until after that date. You might still care to log in at [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk), search for Local Plan and, if the response survey is still available, have your say anyway.

## Communications

### E-mail Communications

Our thanks to those of you who sent in their e-mail addresses and indicated your willingness to receive communication from POSOL in this format. We have already used this method for a couple of recent messages. If you have not, so far, given us this information, why not do so now? It can be a very efficient way of keeping you informed. If you have given us the information, can we ask that you remember keep it up to date, should you change your address?

### Web Site

The POSOL web site is in the process of being enhanced with the aim of making the information more easily accessed. The opportunity will be taken to check that all the data up to date and relevant to today. Do make use of it. There is lot of helpful information relevant to living here in our marina village. Go to [www.posol.co.uk](http://www.posol.co.uk).

