

EXETER HARBOUR BOARD

Thursday 15 December 2022

Present:-

Councillor Ruth Williams (Chair)
Councillors Ellis-Jones, Leadbetter, Pearce, Read, Snow and Messrs Garratt, May
Michaelson and Sitch

Apologies

Messrs Eggleton and Adams

Also Present

Harbour Master Exeter Port Authority (GF), Harbour Patroller (NS) and Democratic Services Officer (SLS)

Tom Epton and Eliot Wright - Topsham River Commissioners
Lara Moore and Tommy Fox - Ashfords Solicitors

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MINUTES

The minutes of the meeting held on 26 October 2022 be taken as read and signed by the Chair as a correct record, subject to the inclusion of noting apologies received from Andrew May.

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DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

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PUBLIC QUESTIONS

No public questions were received.

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EXETER PORT USERS GROUP UPDATE

Mr Frost, Chair of Exeter Port Users Group (EPUG) was unable to be at the meeting. He would present an update to the next meeting in March.

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TOPSHAM RIVER COMMISSIONERS - PRESENTATION

Tom Epton, Clerk to the Topsham River Commissioners for the Port of Exeter attended along with fellow representative, Mr Eliot Wright and provided an overview of the Commissioner's function. The presentation included a detailed history of the Estuary. He referred to the key legislation of the Exeter Port Dues Act 1840, which provided for four Topsham River Commissioners to be elected at their Annual General Meeting by Topsham inhabitants and vessel owners, to serve together with three Councillors nominated by Exeter City Council. Up until 1840, the management of the whole Estuary was through the Chamber's Navigation Committee, as well as under the authority of an earlier 1539 Statute. The Topsham River Commissioners was created to fulfil two main purposes and obligations which were imposed on them, thereby relieving the Navigation Committee of the Council of its previous responsibilities. They were in brief to establish the equalisation of Port Dues between Exeter and Topsham Quays and to maintain the navigation through the channel from the Topsham Lock down to Turf Pool.

Mr Epton suggested some areas of future interest for the Harbour Board might be

dredging of the navigation channel between Topsham Lock and Turf; the future of Topsham North Quay and whether Topsham Lock should be restored along with some consideration of how it might be used in the future. He also wished to offer their support in promoting a Harbour Revision Order to bring the governance arrangements up to date, even though any enactment of the Statutory Instrument would mean a cessation of the Commissioners.

In conclusion of the presentation, the number of their recent achievements included the funding of seven navigational aids marking the main channel at Topsham as well as ongoing support for the Harbourmaster in his wide brief to care for the city's waterways.

The Chair thanked both representatives of the Topsham River Commissioners for their excellent presentation. A copy of their detailed history would be made available to Board Members as a useful background information resource.

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HARBOUR MASTER'S REPORT

The Harbour Master provided an update on the circulated report. The team were awaiting the Environment Agency to grant a licence for the contractor to carry out work dismantling the former fishing trawler which was now being stored on the quayside. Network Rail had commented on the proposed road closure, which included the access road serving the construction of new railway station at Marsh Barton. In responding to Board Members' comments, he explained that equipment and associated works would necessitate the road being closed for safety reasons. The vessel would continue to be monitored by the waterways team including over the Christmas break. Contact had not yet been made with the owner of the trawler and the matter would be pursued through the appropriate Council departments. He also confirmed that all boat owners were requested to present their insurance details. The team had begun to focus on the condition of two other boats in the canal basin.

Other activities included viewing a potential workboat/patrol boat for charter, along with consideration of the fit out options. They hoped to start trials towards the end of February. The Harbour Patroller advised that work was also still being undertaken with Exeter University regarding alternative power trains and vessels, including some negotiations over the use of a suitable facility to carry out the project work which is anticipated will be by autumn of 2023. The team had been joined by a student from Plymouth University and were looking at a project to develop a sufficient power source to offer electric charging points for vessels. The feasibility study would consider a floating pontoon with a bank of batteries powered by the tidal flow and wind, and an update would be made at the next meeting. He also responded to a Member's comment regarding the use of hydrogen power in small craft as a future case study. The Council's Net Zero team have been liaising with the waterways team to look at how they could reduce their emissions internally as a contribution towards the Council's Net Zero ambitions.

The Harbour Master also provided a response on the progress of the repair of the Bascule bridge over the canal. Communications with the engineers at DCC have been on-going, at the time of writing there is still no fixed date for the final repairs to the mechanical workings.

Members noted the report.

OUTLINE OF HARBOUR REVIEW ORDER PROCESS

Lara Moore and Tommy Fox from the Marine and Transport Team at Ashford's Solicitors attended the meeting. Ms Moore referred to her experience in working with ports and statutory harbour authorities around the country, and thanked the Board for the invitation to offer some background to the Harbour Revision Order (HRO) process including the cost and timescale.

The process will include:-

- drafting the HRO document and statement in support;
- local consultation with key stakeholders over a 28 day period (including individual sessions) to offer an initial opportunity to ask questions;
- an update of the HRO following any feedback from the initial contact with local stakeholders;
- an application is submitted to the Marine Management Organisation (MMO) following a set fee structure. Following a review of the documents, a validation of the order will take place over a four to six week period;
- two local public notices and one national advertisement must be made;
- there will be a 42 day consultation period.

A HRO Core test is required by the MMO who has to be '*Satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or of facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships*'

The determination and timescale includes a resolution of any concerns raised. The MMO will then either determine the HRO, or call a Public enquiry. There is a laying of the HRO in Parliament and publication of the HRO Decision Notices. The anticipated timescale is between 18 months and two years.

The potential provisions for inclusion in any HRO are set out below:-

- areas of jurisdiction,
- general functions and priorities,
- application of finance, reserve fund and borrowing,
- general directions, special directions and byelaws,
- other charges,
- charges other than ship, passenger and goods dues,
- advisory bodies,
- development of land and commercial activities,
- disposal of land,
- power to delegate function,
- moorings,
- works and dredging,
- repair and maintenance of structures
- aids to navigation.
- parking places and related facilities,
- bunkering (process of supplying fuel for a ship)
- wrecks, unseaworthy vessels and obstructions,
- repeal, revocation and amendments.

Ms Moore responded to the following Board Member's comments and stated that direction in respect of access points to the river, below high water, was not

required; the Ports Good Governance Guide offered suggestions on ring fencing of funds, and in relation to a break-even position for any Harbour.

The Chair thanked Ms Moore and Mr Fox for attending and for the informative presentation.

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VISIONING DAY DISCUSSION

Members confirmed the date of the Visioning Day event as 4 February 2023 and considered topics to be covered, which would include a review of the aims and activities of the Board. Following a brief discussion on opening up the attendance at the event, it was considered appropriate that this targeted event should just be for Board Members.

An update on the outcomes from the event would be reported to the next meeting of the Board.

(The meeting commenced at 5.30 pm and closed at 7.00 pm)

Chair