

## **EXETER HARBOUR BOARD**

Date: Thursday 23 June 2022  
Time: 5.30 pm  
Venue: Rennes Room, Civic Centre Exeter

Members are invited to attend the above meeting.

If you have an enquiry regarding any items on this agenda, please contact Sharon Sissons, Democratic Services Officer (Committees) on 01392 265115.

Entry to the Civic Centre can be gained to the rear of the Customer Service Centre, Paris Street.

### *Membership -*

Councillors Williams (Chair), Ellis-Jones, Leadbetter, Pearce, Read and Snow  
Simon Adams, Richard Eggleton, Anthony Garratt, Andrew May, Owen Michaelson and Steve Sitch

## **Agenda**

### **1 Apologies**

### **2 Minutes**

(Pages 3 -  
6)

To approve the minutes of the meeting of the Exeter Harbour Board held on 14 March 2022.

### **3 Declarations of Interest**

Members are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

### **4 Local Government (Access to Information Act 1985 - Exclusion of Press and Public**

It is considered that the Board would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish do so, then the following resolution should be passed:

**RECOMMENDED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the particular item(s) of business on the grounds that it (they) involve the likely disclosure of exempt information as defined in the relevant paragraphs(s) of Part 1, of Schedule 12A of the Act”.

## 5 **Public Question Time**

A period of up to 15 minutes is available to deal with questions relating to the business of the Harbour Board from the public.

Details of questions should be notified to the Corporate Manager Democratic and Civic support via the [committee.services@exeter.gov.uk](mailto:committee.services@exeter.gov.uk) email by 10.00am at least three working days prior to the meeting. For this meeting any questions must be submitted by 10.00am on Monday 20 June 2022.

## 6 **Introduction to the Board - Members Update**

## 7 **Exeter Port Users Group Update**

To receive an update from the Chair of the Exeter Port Users Group (EPUG) – Rex Frost.

## 8 **Harbour Master's Report**

(Pages 7 -  
12)

To receive a quarterly report from the Harbour Master.

## 9 **Harbour Revision Order Discussion**

To discuss the issues relating to any future application for a Harbour Revision Order.

## **Date of Next Meeting**

The next scheduled meeting of the Exeter Harbour Board will be held on **Monday** 26 September 2022 at 5.30 pm in the Civic Centre.

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## EXETER HARBOUR BOARD

Monday 14 March 2022

### Present:-

Councillor David Harvey (Chair)  
Councillors Allcock, Pearce and Leadbetter  
Simon Adams, Anthony Garratt, Owen Michaelson and Steve Sitch

### Apologies:-

Andrew May, Richard Eggleton, Councillors Buswell and Sparkes

### Also Present:-

Engineering, Waterways and Parking Service Manager (SC) Harbour Master (GF) and Democratic Services Officer (SLS)

Rex Frost, Chair of Exeter Ports Users Group

1

### MINUTES

The minutes of the meeting held on 27 September 2021 be taken as read and signed by the Chair as a correct record.

2

### DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were received.

3

### PUBLIC QUESTION TIME

It was noted that there were no public questions and the Chair welcomed questions at future meetings.

4

### EXETER PORT HARBOUR USERS GROUP UPDATE

Rex Frost, Chair of the Exeter Port Users Group, attended the meeting and provided a verbal update on activities and matters of interest to the Exeter Port Users Group (EPUG). He reported that they had held their last EPUG meeting in November 2021, with the Harbour Master and several of the City's waterways staff in attendance.

He acknowledged and commented on a number of issues:-

- the intent to mark the channel up to the Motorway bridge at Topsham.
- the forthcoming plan to carry out a pollution spillage exercise on the Estuary as this has not been done for many years.
- that should there be any future intention to impose Harbour Dues, that it should be acknowledged that there would be little opportunity to derive harbour income from properties such as car parks and slipways which allow access to the River Exe, as these have historically been the responsibility of other Councils so that avenue is blocked. The EPUG had discussed the option that future funding might be possible through a surcharge on access points considered to spread the load of harbour costs.
- at a recent meeting of the Exe Estuary Management Partnership, the Environment Agency representative had referred to the protection systems on Dawlish Warren would only be in place until 2040, with some withdrawn in 2030. The Environment Agency plans only ensure that road and rail systems on the river banks could cope with sea level changes and flooding, but there was no plan to account for changes caused in the river itself.

They felt the effect of the Warren on the Estuary was significant. The Group hoped that the Board would seek comment from the Environment Agency and Government on ways to protect or adapt businesses and facilities in the next few years.

The Chair thanked Mr Frost for the update.

5

### **HARBOUR BOARD VISIONING EVENT REVIEW**

The Engineering, Waterways and Parking Service Manager reported on the Visioning event held in January, when a number of fundamental issues including the development of a Vision Statement and Mission Statement, identifying six core values and four key objectives were explored. The detail was included in the circulated report. The event had also offered the Board the opportunity to network in an informal setting as well as meet with members of the waterways team.

An update on a number of actions identified was given:-.

- Officers to progress a report in support of funding for the Harbour Revision Order which was recognised as a fundamental aim of ensuring Port Marine Safety Code compliance (The Chair stated that the Harbour Board did not have a dedicated budget and any expert technical advice needing significant funding would require Council agreement).
- Discussions had continued on an agreement with Teignbridge District Council to provide the Designated Person for an initial period of time.
- Officers to identify options to deliver a Safety Management system.
- To clarify the relationship between the Board and the City Council's Executive.

A Board Member paid tribute following the sad and untimely death of former Board member Paul Labistour. They welcomed Simon Adams as a new member.

Board Members thanked officers for organising the Visioning event which had consolidated the purpose of the Board and recognised the interests of the many individuals and businesses associated with the river and canal.

The Chair would ensure that the purpose of the Board was embedded in the Council's processes and systems.

The report was noted.

6

### **HARBOUR MASTER'S REPORT**

The Harbour Master, provided an update on the circulated report. He introduced the Canal Manager, Colin Acton who was present at the meeting as an observer. The waterways teams have been very busy but particularly since Christmas carrying out a number of necessary maintenance tasks including vegetation clearance on the canal banks and general repairs. The Heritage Harbour aspiration has meant some additional tasks needing to be completed before the start of the season, with the next three weekends being crucial to the canal team.

The Harbour Master responded to a number of questions:-

- Exeter Canal was not connected to any other waterways but there was a growing realisation and support in principle for paying for use of some of the city's waterways. Repairs were expensive and if an arrangement could

be made with organisations such as Inland Waterways then charges would only be made for a particular stretch of water.

- the recent bad weather had resulted in a number of boats breaking free from their moorings and a future registration of boats and database would be particularly helpful in such circumstances.
- an extension of the channel markers in Topsham to the Retreat Boatyard was being made at a cost of £6,500 will improve what is currently an unmarked channel. Topsham River Commissioners (TRC) had purchased six red and one green marker buoys as markers to signpost the channel. TRC were giving the buoys prominent names including one after local yachtswoman Kate McCabe. An exhibition at Topsham Museum was also being held on the history of the canal.

The Chair referred to the effort being made to engage visitors, ensuring their safety and wellbeing as well as ever more innovative ways to identify an income stream for use of the waterways. He also referred to the number of incidents requiring assistance from the team, citing the rescue of a man from a sinking boat and suffice to say that the team were there once again to save lives and money. He also responded to a Board Member's comment on factoring in a strategy or work plan for the Board to timetable future business to ensure that their duty was being met as well as looking at opportunities for maximising income and improving health and safety, and stated that the process had not been clarified, but it would be approved by the Executive and Council. The matter would be discussed with the Director and Service Lead.

The report was noted.

7

#### **UPDATE ON PREVIOUS HARBOUR REVISION ORDER**

The Engineering, Waterways and Parking Service Manager, presented a briefing paper on the Previous Harbour Revision Order (HRO) as a member of the Board had requested an update on this matter. The previous HRO application in 2008 was made on the basis of a move from a traditional Municipal Port status to that of a Trust Port model. Any future HRO application would now be aimed at helping Exeter City Council to operate the existing Municipal Port more effectively rather than passing responsibility to a Trust Port model. It would also help enable the Council to reach compliance with the Port Marine Safety Code.

There was the opportunity to look at this in a completely different way and the appointment of a Harbour Master, and formation of the Harbour Board were all components of this process. The next steps would include consultation with the Board's participation and agreement culminating in a formal report to the Executive and Council for their consideration at some point in the future. A scoping report will be brought to the next meeting of the Board for Members' views and comments.

In response to a Board Member's comment, the Engineering, Waterways and Parking Service Manager advised that it was anticipated that the likely cost of achieving a HRO would be in the region of £75,000.

The report was noted.

8

#### **SCOPE FOR IMPROVED SUSTAINABILITY WITHIN THE ESTUARY**

The Engineering, Waterways and Parking Service Manager, presented a briefing paper following a request for information from a Board Member on the scope for improved sustainability within the Estuary including the potential for wind turbines

within the Estuary. Improved sustainability would be a desirable direction in view of the Council's key aims to meet Net Zero targets by 2030. The process would involve many stakeholders as well as landowners, leaseholders and the Environment Agency. The Harbour Master had engaged with Plymouth University and discussed renewable options, including investigating an electric engine for Topsham Ferry and charging point options. Exeter University also had the capacity for the design and testing of such engines in a marine environment and there could be scope for future charging points at the buoy store, and at the canal basin.

Board Members raised the following matters:-

- issues relating to wind turbines included acquiring the necessary planning permission and the viability of a commercial operation;
- tidal stream technology;
- wind generators and solar array farms could create issues for bird migrating routes; and
- welcome the opportunity to work with the local universities.

The Chair responded to a Board Member's question and stated that the City Council had an overarching ambition to meet a Net Zero target by 2030. This included the Chief Executive & Growth Director who had been seconded part time to work with the Exeter City Futures team, and the City Council's Net Zero team whose role included looking internally across the City Council's estate and operations. The Council's Corporate Energy Manager was also working toward achieving the Net Zero 2030 target.

Board Members referred to the need to ensure future sustainability of the waterways with local stakeholders, including amongst others the Water Sports Association and Exeter Port Users Group. An on-line form or drop box was suggested to allow contributions to the conversation. The Chair commented on the need for cooperation and understanding of the various interests and local wildlife and the impact of opening up the countryside to larger numbers of visitors.

It was noted that the Engineering, Waterways and Parking Service Manager would investigate options and conduct an exercise to gather comments and suggestions for a more sustainable approach to the Estuary. He would report back to Members in due course.

The report was noted.

9

### **HARBOUR BOARD APPOINTMENTS**

The Engineering, Waterways and Parking Service Manager confirmed that he would commence the process for recruitment of two external Board Members for a further term. A Board Member was allowed to sit a maximum of two terms with any current member at the end of their first term of office also able to apply. Candidates would be considered by a panel consisting of the Chair, the Harbour Master and himself. The successful candidates, once confirmed would be invited to the next Board meeting in June.

(The meeting commenced at 5.30 pm and closed at 6.45 pm)

Chair

## REPORT TO HARBOUR BOARD 23 JUNE 2022

### Harbour Master Report Update

A warm welcome to the new members of the Board, I look forward to working with you all.

In the near future I will send you an invitation to an online workshop provided by the British Ports Association (BPA) that will give you an introduction to the Port Marine Safety Code (PMSC) that will be an important part of the detailed briefings and discussions that we will have in Harbour Board meetings. When I send out the notification of training I will also send a link to the PMSC document and also the Guide to Good Practice (GtGP) that will help you understand the day to day practicalities of working in a marine environment and will also let you know what your responsibilities are as Duty Holders within the PMSC.

### Current Situation

As Duty Holders, collectively the board are responsible for how the port operates and for the safety of both users and staff. As part of the PMSC, ports and harbours must demonstrate good governance and ensure that they have the right powers to enable the port to be managed successfully.

The Exeter Port Authority do not have the correct powers of Special and General Direction meaning that we do not properly control our waters either in the Exeter Ship Canal or the river Exe estuary. To gain those powers we need to go through the process of a Harbour Revision Order (HRO) otherwise the Authority (and specifically the Harbour Board) are open to challenge if there were to be an incident that could have been prevented by having proper control measures in place.

The Maritime and Coastguard Agency (MCA) are aware from the last inspection that we lack the correct powers and although the Council made a commitment as far back as 2015 that the PMSC would be adopted, we have yet to move forward with the plan..

As the Port Authority we continue to work with all user groups around the waterways.

We hold regular meetings with the Port User Group, Canal Users Group, Topsham River Commissioners and the different Moorings Associations in the river.

### **Exeter Ship Canal**

Unfortunately the bascule bridge that crosses the canal on the A379 is still currently out of action and has been since just before Easter. It is expected that repairs will be completed by the end of June 2022. Thankfully, Devon County Council provided a crane on two separate occasions to lift the bridge span to allow a commercially built vessel to leave as well as two convoys of yachts out to sea from winter storage. My sincere thanks go to the engineers at the County Council for swift action to lift the bridge at short notice.

The canal team continue with the day to day maintenance of the estate, the locking in/out of vessels visiting the Turf or seeking shelter and storage. The use of the water by different organisations is growing exponentially. Again, to keep the service going and help maintain the levels and depths we need to both dredge areas that easily silt and stop leakage of water through the aging lock gates.

Exeter Quay has now achieved Historic Harbour status. The Exeter Quay and Canal Trust (EQCT) has employed a consultant to make recommendations to a plan to raise the profile of the Quay and part of that plan is to attract historic vessels to the port.

We have to dredge the approaches to the Turf on a regular basis to maintain access to the canal, and from time to time we need to dredge the build-up of silt outside the Kings Arms gates at the entrance to the Basin and the junction to the river Exe.

After a survey, we calculate that there is a need to remove 5,000 cubic metres of material from the canal in order to maintain the depths needed for deep draught vessels to access the canal basin or Exeter Quay. We are looking to speak with contractors to look for the best deal to complete this work if funding can be found.

The canal team work extremely hard to manage the expectations of water users. Unlike the rest of the River Exe, the whole area (including the banks) are owned by Exeter City Council and the area. The limited resources we have available are tight, the team often have to adopt a 'make do and mend'

approach to the job. Apart from the Exeter Anglers Association, nobody either as an individual or organisation are paying for the use of the canal.

The build-up of weed and algae in the canal is a perennial problem. Because of the accumulation of growth, this has a detrimental effect on some Watersports such as kayaking and rowing. On the other hand, wildlife enthusiasts and anglers prefer to have weed in the water to provide a home for wildlife and shelter for fish. We try to clear the middle of the water from weed but this is a very difficult issue to deal with.

### **Exe Estuary**

At the Buoy Store in Exmouth the team there continue with the maintenance of the navigation aids in the river, the commercial work that we are commissioned to do and the patrolling of the waters at busy times.

Notably, the main marked channel leading into the river had to be altered in May because of the changing nature of the sea bed. The deeper water is now East of where the charted positions for the navigation buoys were plotted. In total, eight buoys had to be moved. This exercise is not easy nor inexpensive. A survey of the approaches to the river was carried out in April which indicated that the channel had moved, just about the time that people were starting to get back out to seas in boats. Moving swiftly, we organised a tug from Teignmouth (four weeks later) to come and help move the buoys to new positions once we had worked out where to place them.

We need to replace our main workboat. The Can-Doo as she is called, is now no longer fit for purpose and needs to go. Working out at sea (in the navigation channel, anywhere south of no 10 buoy is classed as being at sea) we need to be working on a vessel that is coded under the MCA licencing scheme. Our current vessel does not conform to the code, therefore we cannot proceed to sea in it and hence we had to ask the Teignmouth Harbour Master to use their tug at a significant cost to us. If we had an MCA coded vessel of our own, we could have both done the move of the navigation marks sooner and at a greatly reduced cost.

The Can-Doo certification for lifting equipment is now out of date.

To purchase a new vessel to replace the existing one would be prohibitive and lengthy. A better solution is to sell our current boat and charter a purpose built

moorings barge that is both fully MCA coded and built for purpose. There is one available to us locally that we could start using immediately if this action was taken.

At Exmouth from the Buoy Store we use an open workboat as a tender to get to the mooring where our larger vessel is kept afloat. This smaller boat is now life expired and needs replacement (This was recorded in the Corporate Health & Safety Operational Remedial works Register of 2021). A clear way forward is that we dispose of this boat along with the small patrol craft that we use occasionally and combine the two roles together in one newer craft that is both cleaner for the environment and more fit for purpose.

Patrolling in the river continues at busy periods and at weekends. Our patrols regularly advise on speed limits and safe conduct on the water to users. After three seasons of being out on the river with volunteers it becomes apparent that it is the same group of people that infringe the Bye-Laws constantly.

In the main, the boating community respond positively to our being afloat, we have offered advice, gone to the aid of many and I believe we should have a visible presence out on the water.

### **Aids to Navigation**

We have been inspected to Trinity House on our Aids to Navigation and all of the Aids were found to be in the correct position and in good serviceable position. Another check was carried out on all of our reporting procedures and response times for Aids that are either broken or out of position. We were judged to be satisfactory in all aspects.

Since the last meeting of the Harbour Board, we have issued 10 Local Notices to Mariners.

### **Topsham Ferry**

The Topsham ferry is now operating a summer schedule of working six days per week, dependant on tides and weather conditions. Mr John Kent is the full-time skipper and reports that the service is getting more popular as summer approaches.

### **Harbour Master office/Buoy store**

The Buoy store has still not been refurbished, currently there is no planned start date for any works to be done on the building.

The staff are currently working from a failing base with extremely poor facilities. There is no heating or insulation in the building, no windows and an area the size of a small cupboard is the office for up to four people. Better facilities are needed for the safety and welfare of the team.

A working base at Exmouth is necessary for our work on the aids to navigation but our facilities need to be improved.

Aspirations for the Future include

Application for an HRO

Charter a replacement for Can-Doo

Replace workboat and small patrol boat with one more suitable vessel

Dredge parts of the Exeter Ship Canal

Improve the facilities at the buoy store

Members are invited to note the report.

**Grahame Forshaw Harbour Master June 2022**

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