

EXETER HARBOUR BOARD

Date: Wednesday 26 October 2022
Time: 5.30 pm
Venue: Rennes Room, Civic Centre, Paris Street, 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 through the rear entrance at the back of the Customer Service Centre, Paris Street.

Membership -
Councillors Williams (Chair), Ellis-Jones, Leadbetter, Pearce, Read, Snow, and Messrs Adams, Eggleton, Garratt, May, Michaelson, and Sitch

Agenda

1 **Apologies**

2 **Minutes**

(Pages 5 -
10)

To approve the minutes of the Exeter Harbour Board meeting held on 26 June 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 Questions**

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 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 24 October 2022.

6 **Update from the Exeter Port Users Group**

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

7 **Harbour Revision Order Update**

To receive a verbal update from the Chair.

8 **Harbour Master's Report**

(Pages 11
- 14)

To receive a quarterly report from the Harbour Master. (Grahame Forshaw)

9 **Update on Alternative Propulsion Power Trains - University of Exeter**

An update to be provided by the Harbour Patroller (Nicolas Stone).

10 **Visioning Day Update on Actions**

(Pages 15
- 16)

The Harbour Master (Grahame Forshaw) to provide a verbal update on actions identified at the Visioning Day held in January 2022. (A copy of the report is attached for information.)

Date of Next Meeting

The next scheduled meeting of the Exeter Harbour Board will be held on **Thursday** 15 December 2022 at 5.30 pm in the Civic Centre.

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EXETER HARBOUR BOARD

Thursday 23 June 2022

Present:-

Councillor Ruth Williams (Chair)
Councillors Ellis-Jones, Pearce, Read, Snow
Messrs Simon Adams, Richard Eggleton, Anthony Garratt, Andrew May and Steve Sitch

Apologies:-

Councillor Leadbetter and Mr Owen Michaelson

Also Present:-

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

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MINUTES

The minutes of the meeting held on 14 March 2022 be taken as read and signed by the Chair as a correct record.

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DECLARATIONS OF INTEREST

No declarations of discloseable pecuniary interest were made.

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PUBLIC QUESTION TIME

It was noted that there were no public questions received.

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INTRODUCTION TO THE BOARD - MEMBERS UPDATE

The Chair invited Members of the Board to introduce themselves as there had been a change in the membership following the new civic year. She also confirmed that Simon Adams and Anthony Garratt had been reappointed as Board Members for a further term of three years. The Engineering, Waterways and Parking Service Manager provided some background on the External Board Member appointments which used a skills matrix to ensure the Board as a whole could offer the necessary range of specialist expertise, knowledge and qualifications. The Harbour Board, which had been in place for a year, sits in an advisory capacity to the Council's Executive in terms of all the expertise and experience that Board Members bring advising the Executive who will remain responsible for matters of policy and funding. The Board had assembled a number of aims and ambitions at a Visioning Event held in January 2022, with a view to running a safe and competent port, being mindful of the environmental aspects and the ambition to make the waterways service financially self-sustainable over time.

The Chair offered a vote of thanks to the previous members of the Board, Councillors Allcock, Buswell, and Sparkes and particularly Councillor Harvey who had chaired the first year of the Harbour Board. She also wished to thank the Harbour Master for providing a very extensive induction for all Councillors, as well as the Harbour Board members to show the challenges of the Estuary and canal.

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EXETER PORT USERS GROUP UPDATE

The Chair of the Exeter Port Users Group, Rex Frost was unable to attend the meeting, but submitted an update on the Groups' recent activities which was

presented by the Engineering, Waterways and Parking Service Manager who reported that:-

- in April, he had invited the Harbour Master and Ben Bradshaw, MP for an afternoon on the river. Mr Bradshaw was surprised by the geographical size of the Harbour area and the significant responsibility which was entailed and very interested in all the activities we came across and the explanations of how they related to the Harbour Master's responsibilities. He indicated that he would assist with any issues which may have to be referred to Government, but his term of office may have ended if a Harbour Revision Order is ever submitted.
- the entrance channel marks were all moved to new positions in early May, much to the relief of all local Mariners. The effects of the weather in the winter were to significantly shift the channel eastward and the buoyed area was extremely shallow.
- other parts of the river have also suffered from silting and in several areas realignment of buoyage is required, but negotiations may be required with other stakeholders to accomplish a desirable result.
- the water patrol has been active on many days when the river is busy and is having an appropriate influence on the behaviour of fast craft.

Members noted the report.

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HARBOUR MASTER'S REPORT

The Harbour Master provided an update on the circulated report. He referred to an invitation extended to Board Members for a tour of the river and the canal to look at the activities and the maintenance challenges faced by the team. He raised a number of matters of note which included:-

- the Friends of the Exeter Ship Canal have achieved Historic Harbour status with the support of the Exeter Canal and Quay Trust (ECQT). A number of forthcoming events have been planned on the Quay, including a Sea Shanty Festival with visiting vintage vessels on the 11th September 2022. The ECQT have been supportive of the team's activities across the Council and have funded the repair of the pontoon in the canal.
- a survey of the marked channel using a multibeam side scanner showed that the channel had shifted significantly to the east of the chartered positions. A total of eight buoys have now been moved and charts have been updated, including Notices to Mariners to ensure that the marked channel was clear. There was an ongoing maintenance programme of the navigation aids which included lifting, inspecting, repaint and checking and replacing the lights on each of those buoys.
- their working vessel, the Can Doo cannot be used to reach the buoys south of Buoy 10, and the team would like to charter a moorings vessel, with the necessary Maritime and Coastguard Agency (MCA) vessel coding. They would be able to maintain the navigational aids as well as carry out commercial work servicing customers moorings as well.
- they worked closely with the Exe Estuary Management Partnership, Topsham Ferry and local clubs to make sure everyone was kept informed

of any news or events.

- the aspirations for the Harbour team included achieving a HRO, combining and replacement of their two work vessels, dredging parts of the ship canal and improving the facilities at the buoy store.

The Harbour Master responded to Board Members' questions:-

- he had met with a contractor to discuss proposed works for the removal of 5,000 cubic metres of material from the Canal in order to maintain the access to the Canal Basin and Exeter Quay for deep draught vessels. An excavator on a floating pontoon would be required to lift silt from the canal and move to the canal bank to be taken away.
- environmental and sustainable considerations were taken into account with such work and a similar exercise involved the spoil being laid on an adjacent allotment site as it was free from contaminates. They would explore the possibility of selling the material or seeking a site on the overflow for the river near the allotments.
- referencing a comment about the reason for selling the team's moorings barge to charter a purpose built craft that was both fully Maritime and Coastguard Agency coded and Port Marine Safety Code compliant. This could be chartered on a monthly basis thus negating the need to hire in a contractor to maintain the buoys at sea. The craft would allow the team to carry out all of their responsibilities to service the 52 navigational aids both in the river and out at sea as well as carrying out commercial work servicing moorings.
- the environmental benefit of combining the open dory type work boat and small patrol boat as well as investigating an electric motor in place of the petrol engines. They were working with Plymouth University on decarbonisation programmes and the partners of the Exe Estuary Management Partnership on ways to improve their green credentials for the river and canal.

The Chair advised that Board Member, Owen Michaelson was unable to attend the meeting but had requested that a number of comments in relation to the support vessels be shared with the Board, suggesting that any changes should include careful consideration of future use. The Harbour Master confirmed that an MCA compliant coded boat was needed to maintain the buoys in the various locations. He set out the costs of hiring compared with contracting a vessel to carry out their work.

The report was noted.

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HARBOUR REVISION ORDER DISCUSSION

The Engineering, Waterways and Parking Service Manager referred to the Council's commitment to achieving Port Marine Safety Code compliance with the process having commenced through the formation of the Harbour Board. A successful application for a Harbour Revision Order (HRO) would help to ensure the safe running of the port, having sufficient powers to be able to levy harbour dues on vessels and carry out appropriate enforcement on the river and canal. In recent years, the Council has demonstrated an ambition to run a safe port, has invested in patrol boats, and ensured competent and qualified staff carried out the

appropriate maintenance of the buoys and navigation aids.

He invited Members of the Harbour Board to offer their views on an application for a HRO being made, as well as any other course of action they might suggest. The views of the Board would be included in a report to the Executive and Full Council with any cost implication for consideration. It was acknowledged that making an application would be both a costly and lengthy exercise and include legal advice being sought, garnering evidence for the application from users and stakeholders as well as appropriate advertising through public notices. An estimate of £75,000 for the cost of submitting an application had been suggested, but this did not take into account any additional work required for any challenge that may be subsequently made. The Port Users Group as one of the Board's main stakeholders had already commented along with informal feedback from the Estuary users that there was a greater appreciation that any future charges levied would be used to make the port self-sufficient financially with any improvements for the good of the users.

Where appropriate, the Engineering, Waterways and Parking Service Manager gave the following responses to Board Members' comments and enquiries (the response was in italics).

- we are one of the only ports that does not have Marine Port Compliance and the Board Member had some concern over the lack of progress in pursuing a HRO to address this. The canal was virtually the only inland waterway in the country that was not part of the British Canal Licensing Scheme and, whilst it was not about seeking additional revenue, it should be about investing in extra facilities that could be accessible to all. *There had been a great deal of scene setting and discussions on how a HRO would be progressed, what it might cost and how we might fund it, and how such a request would fit in with the Council's Committee process over the forthcoming autumn period.*
- whilst we should commend the Council and officers for the work they have done so far, applying for a HRO required careful consideration. Some individuals may perceive a HRO proposal as the opportunity to simply put regulations in place or raise finances, but this was clearly not the case. *One of the reasons that the previous HRO in 2003 had met so much objection was centred on the lack of income opportunities and the financial viability of a third party taking on a Trust Port model at the time. Any future HRO bid would be less contentious as it would not involve a transfer of responsibility but simply enable the Council the appropriate powers to manage the port in a safer manner.*
- the Board Member welcomed an application for a HRO and enquired if it would be possible to take a report to the Executive in September. *It was anticipated that a report seeking the views of the Executive and Council on commencing work on an application for a HRO would be made in the autumn.*
- the objectives set at the Visioning event should have net zero and biodiversity considerations embedded into the process as well as ensuring every appropriate opportunity to derive some revenue from the canal and river.
- there should be an appreciation that Exeter's application for a HRO was starting from a low base but the experienced team should help to push this

forward.

- in supporting an application for a HRO this could resolve the lack of any powers of enforcement, as well as ensuring other additional financial and environmental benefits for the Port.
- the Board Member welcomed making an application and a more holistic approach, including that the neighbouring partner authorities of East Devon and Teignbridge Councils would help the process, with a future conversation on the introduction of necessary byelaws.

The Harbour Master referred to the efforts made to ensure a safe environment and educating and reminding people of the dangers posed by speeding. They do need some form of deterrent and in response to a Board Member's question, any new powers would provide the City Council with greater enforcement capabilities, particularly in respect of jet-skis and similar small craft not designated as 'a vessel' under previous legislation. Kite surfing was also becoming increasingly popular and they moved across the channel at low water which was particularly hazardous. He advised that existing patrols were making some difference.

The Chair referred to comments received from Board Member, Owen Michaelson who was unable to attend the meeting, but who had referred to the adoption of powers to adhere to the Port Marine Safety Code to keep the river and canal as a safe place for commercial and recreational use, and to a level appropriate and relevant to the risks within the Port of Exeter and being clear about the reasons for applying for HRO status.

The Chair presented a recommendation for a report to be made to the Executive. Members reiterated a number of comments in support of pursuing a HRO which included:-

- to move forward to achieving Port Marine Safety Code Compliance
- to regulate the waterways and enable appropriate enforcement powers
- to move towards a financially sustainable port by providing the opportunity to levy Harbour dues
- to include net zero and sustainability considerations

RESOLVED that the Exeter Harbour Board endorsed an application for a Harbour Revision Order be made with a report to the Executive with the Board's request, setting out the process and associated costs for their consideration.

(The meeting commenced at 5.30 pm and closed at 6.55 pm)

Chair

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REPORT TO HARBOUR BOARD 26 OCTOBER 2022

Harbour Master Report

1. Introduction.

After an exceptionally hot and dry summer, we are now firmly in the season of mists and mellow fruitfulness.

Since our last meeting the river and canal have seen huge numbers of people taking to the water and enjoying the different activities that the huge estate has to offer.

Now that the sailing season is coming to a close, the teams are gearing up for the type of work that we carry out at this time of the year.

2. Exeter Ship Canal

At the canal, boats are starting to come in for winter storage, some will remain at the Turf and others will convoy up to the basin for lifting out onto the quayside. Generally there will be two convoys which are usually done on a Saturday morning with the lifting out done on a separate Saturday. Because of the extra demand for mooring space at Turf we have installed an extra 42 metres of pontoon and by then laid a line of trot moorings.

Since early March the Bascule bridge that crosses the canal has been out of action, only being fully serviceable at the start of October. The impact of this has been enormous. We were able to have the bridge lifted open by other means to allow a commercially built boat and two out of hours evening convoys to transit down.-The bridge issue has meant that we have been restricted in our ability to bring boats up to the basin to visit or carry out essential maintenance. Indeed, even though the bridge is fully serviceable now we have lost a number of customers that would have brought craft up to the basin for the winter because obviously owners don't want to be marooned up at the basin next season if the ageing bridge were to break down again.

The bridge being out of action has also been trying for our commercial users. Stuart Lines Cruises had to curtail all of their booked trips up the canal, turning around at Countess Weir. Throughout the time of the bridge closure the engineers at Devon County Council tried to give some indications of potential repair dates but all these expectations were delayed further. Similarly our weed control in the canal was not able to be done because the Margaret R was on the wrong side of the bridge when it became unserviceable. The weed has probably been at it worst this year in our experience and a weed boat is needed to keep the Canal navigable during warmer months.

The developers of the Water Lane site have produced a draft plan of how the area will look in the future and I am in conversation with the project team to ensure that the operational needs of the canal are taken into account before the final plan is decided.

There are two areas of concern to me are the potential development at Gabriel's Wharf and also that part of the design brief for the planners is have easier access to the canal by local residents. I fully support this but increased access to the canal will have an impact on the canoe loops that the canal team maintain. As the Harbour Board are fully aware we do not at the moment gain any income from the users of the canal and

increased use of the access points to the water will mean greater wear and tear for the team to cover but without any extra resource.

At Gabriel's Wharf the development plan is to create an open Piazza area with buildings set back from the quay that will complement the area with limited road access. This plan will curtail our ability to crane out of the water large vessels that cannot be lifted elsewhere. Discussions continue about this.

There are a number of issues with boats in the canal not being maintained or abandoned.

Some boats will need to be disposed of and of these some larger vessels at great expense.

Existing all year round boats will need to comply with the new contracts.

Vessels over 20 tonnes will need to be lifted out at suitable boatyards outside the Canal for inspections and hull maintenance to ensure they remain seaworthy and comply with terms of their insurance.

A few liveaboard boats at the basin fall into this category where they exceed 20 tonnes and have had no hull maintenance done for many years.

3. The River Exe

In the river we have noticed an increase in people accessing the water, not surprising with the lovely summer weather.

The increase in water users has meant that we have had some problems on the water with anti-social behaviour. For example the number 31 navigation buoy was destroyed by a large boat running into it. The buoy was replaced within 24hrs but at present we do not know which boat collided with it or who might have been involved. During our work in the river in the dark hours we have seen many boats running at high speed not showing navigation lights.

The Safe Water buoy at the entrance to the river became unserviceable at the start of September and was removed so that we did not lose the ground tackle. A replacement has been ordered and will be on station at the end of October depending on the weather and suitable tides.

We continue to keep Trinity House informed of any alterations to the navigation aids in the river, we have had two visits by the organisation, one to carry out a physical check on the aids and the other to inspect all the paperwork and records. Both visits were useful to us and the inspectors were satisfied with our work.

The sand banks in the river continue to shift and change shape. The channel leading from the Safe Water buoy into the entrance to the river was altered just after Easter in the spring and thankfully there is no indication that the buoys need to be moved. In the river though the bank between no 13 and no 15 has spread to the south and west and above no 15 the bank has also spread west. We have laid an intermediate buoy between no 13 and 15 to keep traffic away from the bank.

Up at no 21 buoy we are looking at moving the channel further to the west and we are assessing whether to have another survey done by a contractor in early spring to confirm that there is indeed some deeper water to the west.

The Buoy Store has not yet been refurbished but work on providing improved facilities for the staff is progressing.

Work on the compliance with the Port Marine Safety Code continues. We have completed the Port Waste Plan, the Port Passage Plan and the first draft of the Safety Management System.

We are also progressing with a review of the Risk Assessments that appertain for the river and canal and we have created a new incident reporting system for the whole of the waterways. This reporting system will be used to compile a record of incidents which will help compile and adjust the Risk Assessments that cover the waterways and hopefully reduce accidents and incidents.

At the time of writing we are seeking to employ a new member of the canal team. At the Buoy Store, a team member is still recovering at home from surgery and is now in a phased return to work. To keep up with our work we have employed a casual worker on 21hrs per week to help keep our operations going. With the amount of work we have to do and the size of the area we cover we are still under resourced with staff.

Our volunteer patrollers have again been invaluable this past summer. With the weather being as good as it was we were able to put regular patrols out on the water and every weekend there was at least one patrol boat out and in the height of summer there were sometimes two afloat.

Our commercial work on servicing moorings for customers is just about to get under way, the first part of this process is the winterisation of a mooring which is a fairly simple task then we will bring ashore the mooring tops that we have taken off and service them over the winter in the Buoy Store before putting them back out in the spring.

The Can Doo which is our main moorings workboat has now reached the end of its usefulness and is due to be retired. In its place we are going to hire in the vessel that I briefed you about at our last meeting. This vessel will be Maritime and Coastguard Agency (MCA) coded and be completely fit for purpose.

The small Dory that we use for carrying equipment such as heavy chains/buoys/warps/shackles out to the workboat is due to be taken out of service. This Dory is now about 40 years old, not MCA coded and life expired. We are currently looking at a replacement craft.

Members are invited to note the report.

Harbour Master, Grahame Forshaw,

October 2022

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REPORT TO EXETER HARBOUR BOARD

Date of Meeting: 26 October 2022

The Harbour Master (Grahame Forshaw) to provide an update on actions identified at the Visioning Day held in January 2022.

Harbour Board Visioning Event held at the Customs House – January 2022

This event was as an opportunity for Board Members to more fully explore the background to a number of fundamental issues concerning the Harbour and the role of the Board itself

The key take away points agreed following a morning of lively discussion were as follows:-

1. Vision Statement

To be a safe, friendly and financially sustainable eco-harbour which contributes positively to the wellbeing of residents and visitors, the local economy whilst maintaining the character, beauty and leisure potential of the River Exe and Exeter Ship Canal.

2. Mission Statement

To operate a safe, efficient and sustainable modern eco-harbour that enhances the character of the Exe Estuary and Exeter Ship Canal and meets the needs and expectations of the 21st century harbour users and is an asset to local communities

3. Core Values

- a) We will take responsibility for marine safety.
- b) We will encourage access and promote active and healthy lifestyles on and surrounding the Port waterways.
- c) We will lead on environmental stewardship of the Port whilst working towards the Net Zero Exeter 2030 Plan.
- d) We will take stakeholder engagement seriously.
- e) We will provide value-for-money services despite continuing central government budget reductions
- f) We will enact good governance and act with integrity.

4. Key Objectives

- a) Achieve Port Marine Safety Code compliance
- b) Promote use of the Harbour
- c) Become financially self-sustainable
- d) Maintain the 'green infrastructure' that forms the Harbour

Those present offered numerous views on what was needed to forward the above ambitions and the following actions were agreed

1. Officers to progress a report in support of funding for the Harbour Revision Order recognised as fundamental to enable PMSC compliance
2. Officers to identify funding and progress the appointment of a Designated Person

3. Officers to identify options to deliver a Safety Management System
4. Officers to provide clarity on the relationship between Exeter City Council Executive and the Harbour Board
5. Officers to provide clarity on the 'duty holder' responsibility of the Board
6. Officers and Chair to select new Board Member from previous applicants to best replace skills and experience lost following the passing of Paul Labistour

Steve Carnell

Engineering, Waterways and Parking Service Manager

10 January 2022