

EXETER HARBOUR BOARD

Monday 25 September 2023

Present:-

Councillor Ruth Williams (Chair)

Councillors Pearce, Read, Snow and Ms Green and Messrs Garratt, May, Michaelson and Seddon

Apologies

Councillors Ellis Jones, Leadbetter and Richard Eggleton

Also Present

Chief Executive, Harbour Master, Water Patroller (NS), Water Patroller (GM) and Democratic Services Officer (SLS)

Also Present

Tommy Fox - Solicitor Ashfords

David Rochester - Secretary Exeter Port Users Group

John Monks - Chair of Friends of Exeter Ship Canal

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WELCOME

The Chair welcomed two new members of the Board, Ms. Green and Mr Colin Seddon who she invited to introduce themselves along with the Board Members.

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MINUTES

The minutes of the meeting held on 13 July 2023 were taken as read and signed by the Chair as correct.

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DECLARATIONS OF INTEREST

No declarations of pecuniary interest were made.

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PUBLIC QUESTIONS

There were no public questions.

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UPDATE ON THE HARBOUR REVISION ORDER

Tommy Fox of Ashfords Solicitors attended and referred to the previous meeting of the Harbour Board when an outline on the general process of a submission for a Harbour Revision Order (HRO) was made. He confirmed that the application for a Harbour Revision Order had now been submitted.

The HRO submission had been prepared in draft form and with a statement of support had been submitted to the regulator, the Marine Management Organisation (MMO). The application was submitted before the fee for submission increased. He thanked the Harbour Master and his team for their assistance in producing the required plans. Checks would be made by the MMO and could take any time up to

six months. Once that part of the process was complete, there will be a 42 day public consultation and the application documents would be made available to the public. The document will be published on line, circulated in the local press and the MMO will send it to designated consultees. Individuals and organisations will be able to respond and comment on the application. Following the consultation, consultees will be contacted in relation to their response. Once all of the objections have been resolved the MMO will make a decision and either make a HRO or call a public Enquiry, which would be rare for a HRO of this nature. Once the HRO is made, it will be put to Parliament through the Department of Transport for laying. The whole timescale can be anything from 18 to 24 months from submission to determination, but once it is laid before Parliament, the Order will come into force two weeks later. The Order can then be enforced and the Council will be able to exercise any provisions in the Order.

He gave the following responses to questions:-

- the timescale for the HRO will be from the submission date until the date of determination by the MMO and the date was impossible to gauge but could take from 18 to 24 months.
- there has been an influx of applications made in the last two years and whilst 18 months may be a more realistic timeframe, much of the process was out of their control.
- once the HRO is drafted, it becomes a Statutory Instrument and passes through two stages of validation, electronic and manual validation to check it will operate correctly as legislation, and ensure it is a complete application.
- he will forward the question in relation to the jurisdiction limits onto to his colleague at Ashfords, along with the request to circulate the plan.
- both he and the Harbour Master have discussed a pre-consultation exercise and there will be a few months to prepare for that. A pre-consultation should come just before the formal consultation, as there will be changes made to the documentation that will need to be updated. Time spent in a pre-consultation exercise would resolve possible issues. He suggested the pre-consultation might include a drop in session with Ashfords, or a more formal meeting.
- lobbying MPs and Parliamentary pressure can be helpful but other Harbour Authorities would also likely take that opportunity.

The Chair thanked Board Members for wanting to become involved in the pre consultation exercise, but the Council had to manage the consultation appropriately with a formal City Council presence as well as Board Members. This would be discussed with Ashfords as part of the pre-consultation arrangements. A Board Member offered his services and suggested using other Board Members as ambassadors in support of the consultation. A Board Member also suggested publishing the methodology that will be used in the consultation to increase buy in by the public.

The Harbour Master advised that a list of clubs and organisations to contact for the pre-consultation had been drafted, and would be circulated for any further suggestions or additions.

The Chair responded to a Member over a matter raised in relation to levying charging and advised that the matter would in time need to be discussed by the Executive. She would speak to the Director and his officers to seek a view on this before coming back to the Board.

Thanks was expressed to Tommy Fox for the presentation and for meeting the application deadline along with an acknowledgment of the support of the Harbour Master and the waterways team.

EXETER PORT USERS GROUP UPDATE

The Secretary of the Exeter Port Users Group (EPUG), David Rochester attended to provide a verbal update from the Group's recent meetings and activities:-

- in noting the HRO process was moving forward, EPUG expressed concern that no mention had been made to the public with regard to the level of Harbour Dues prior to the application.
- in citing a recent BBC report on the loss of revenue opportunities at Langstone Harbour, who now had only modest mooring charges (£8 a metre) as their only income stream with many vacant moorings remaining. Many River Exe users have discussed the City Council's intentions over future river management and at what level they expect it to be economically viable. There was very limited commercial revenue and with the addition of high costs associated with the upkeep of the canal, Harbour Dues paid by river owners can only ever cover a fraction of the costs associated with the Port. EPUG had calculated a figure in relation to moorings with a figure of 10,000 metres, with a 10% margin of error and included boats kept in the Canal Basin and Exmouth Dock.
- the recent Heritage Harbour Festival appeared to be a great success and was a reassuring sign of the city's interest in its maritime heritage and boating in general.
- there was concern about the Council's plans for the port area, under the Exeter Living and Water Lane projects. With the national interest growth in boating, and more accessible types of water craft for all abilities and ages, EPUG suggested that the development may restrict facilities for the sport and its associated industries. They suggested a likely loss of hard standing, craning and space for crafts-people to set up business would be both regrettable and not compatible with a Heritage port.
- similarly restricting the space available for kayaking/canoeing and other water-based clubs, was not desirable and it was likely that the new residents of water side housing would be expecting good water-based leisure facilities to go with them. Any plan which curtails space and amenities for that, would reduce the attractiveness of those dwellings for active, fitness minded residents. A modern river/canal living space should be accessible to all as a leisure and sporting area, which also then adds to the attractiveness for visitors, reinforcing the concept of Exeter as a modern, lively, healthy city to live and work in.

The following response was given to Board Members' questions:-

- the calculation of the number of boats in the river had included both the river and canal, Exmouth Docks and the Marina and was accurate to within a 10% margin.
- most UK ports have revenue from commercial traffic. Exeter's Port had limited commercial revenue and the Canal with its strict maintenance regime was operated at considerable expense.
- in terms of the protection from the proposed development, the space around the Canal Basin will be important for the clubs to continue to operate. He was aware of the proposed development at Water Lane and how that might encroach on the area available for boats. The Chair added that the planning application was on the Council's web site for comments

and there was the opportunity to comment on that as well as on the Exeter Local Plan.

Members noted the report and suggested that in future the report be circulated to Members in advance of the meeting.

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EXETER SHIP CANAL AND HERITAGE HARBOUR ROUTE MAP

The Chair of the Exeter Ship Canal, John Monks presented the details of the Heritage Harbour route map. He advised that the Exeter Canal and Quay Trust (ECQT) had adopted the circulated version of the route map. He added that he made some minor revisions and would take the opportunity to update the document in the future.

He set out the background to the Ship Canal and Heritage Harbour Route Map and how the document may be of use to the Harbour Board. At the end of 2020, the Friends of the Ship Canal secured Heritage Harbour status for Exeter, and published their report *Making the Canal Matter Again* calling on the City Council, the Canal and Quay Trust and the Port Authority to work together and use the boost which the new Heritage Harbour status provided to bring about a working regeneration of the waterway. The responsibilities for the canal and basin, control over income and use of waterside buildings, and management of access to the sea were split three ways between the Council, the Trust and since 2021 the Harbour Board. The route map was commissioned and sets out interlocking projects, activities and improvements to take the canal and basin forward and scale up the level and range of maritime activity to make Exeter a leading inland port. The route map also develops its plan for a maritime future simultaneously with its vision for a working Heritage Harbour including the docking of historic vessels and return of traditional skills and crafts. He welcomed the arrival at the Basin of *Britannia* for restoration and *Snark* for a safe commercial mooring over winter, along with the two Heritage Harbourside festivals organised by ECQT, which were all tangible results of the Route Map's preparation.

The Route Map was designed to be a source of good ideas and good advice and a tool for planning ahead and offers a direction of travel. It included practical recommendations as long-term proposals and quick wins for the canal and basin and included:-

- Return of waterside assets to waterway use
- Making space and workshops available for start-up boatbuilders
- an accessible canal management, information and community hub
- A mini-hub at Topsham Lock and the Lock Cottage
- Preparation for quicker and easier navigation when headroom beneath the road bridges on the A379 is raised: this is a game-changer
- Bridges and locks electrically operated and boater operated where possible
- Slipways fit for purpose
- Attracting commercial interest in, say, sailing holidays working out of Exeter and making a gradual return of specialised waterborne freight with low carbon impact a focus of the Port's waterway revival. If Exe Estuary mussels bound for Exeter, and Exeter brewed beer bound for Exmouth are transported in any other way than by boat, something is lacking
- Lacking too is the offer of combined bus and ferry tickets for passenger transport, taking in Marsh Barton railway station and a variety of waterside leisure destinations.

In conclusion, a key idea embedded in the Route Map, was that the basin, canal,

estuary and its smaller harbours, and the coast make up one entity of the port and the basin is the Port of Exeter's principle harbour. The idea of the Route Map to update maritime activity and economic focus at the canal and basin was a route to the Port's continuing maritime significance. However, the Route Map will only be useful only as long as it is held to be a live document that sets a general direction. It is to be consulted, reviewed and adapted as opportunities and possibilities evolve and partnerships grow.

He suggested that a sense of direction for the port as a whole was needed and welcomed any opportunity as to how the Harbour Board might join with the two other stakeholders in the Canal, the Friends of the Ship Canal and ECQT.

The Chair thanked Mr Monks and suggested that the topic of the Route Map be included in the agenda and discussed further at the proposed Visioning Day for the Board.

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HARBOUR MASTER'S REPORT

The Harbour Master provided an update on his circulated report and raised some matters in addition to his circulated report.

- the Heritage Harbour weekend had been a great success and he passed on his thanks to all staff in the Waterways team, including colleagues who were part of their administrative support with a whole team effort.
- the Snark had been guided up through the Canal at a fairly slow pace, giving the opportunity to view the infrastructure as well as the level of undergrowth on the canal side. The Canal Manager had worked hard to keep the weeds clear to aid navigation as well as having consideration for the wildlife. It brought into focus an indication on the availability of the team to carry out some of the work.
- bringing in the Britannia was a whole team effort and safely craning off into position was a complicated procedure. Following the Festival, both the Brittanian and the Snark will be turned and moored up.
- a great deal of work went into the timely submission of the Harbour Revision Order. He thanked the Canal Manager for his input on the Port and premises plan and the wet Plan, which had been a real team effort with colleagues throughout the Council.

The Harbour Master responded to a number of questions:-

- the Snark will be moved at 8.00am the next day taking advantage of a quieter time on the Quay.
- they hoped to seek volunteers for patrolling the Estuary who ideally needed some boating experience or working with people and could offer any time, but again possibly one weekend a month. They may also seeking some volunteer help with the Canal.
- John Monks had put them in touch with a Canal Restoration Group who had offered a barge to help with this, but they could not bid for that as a Council but the Friends of the Exeter Ship Canal or ECQT may as Registered Charities be able to look at the possibility of acquiring such a vessel for weed clearance. The team were ever conscious about the management of the weeds on the canal bank whilst being mindful of wildlife. The Canal Manager said that lower Bridge Road was part of a triple SSI site and he had consulted with Natural England and RSPB on what they are doing in respect of weed clearance and preserving the site is very complex.
- the project for developing power trains with the University had stalled

because of issues with the funding stream. The University had suggested installing a different power train in a boat that the waterways team would test for them. They had also decide to remain at a workshop at the Science Park.

- the Harbour Patroller (NS) advised that they were due to meet a consultant to discuss a Net Zero Strategy to link in with the Council's Net Zero strategy for a decarbonisation of their operations by 2030.

Members noted the report.

60 **UPDATE OF THE TERMS OF REFERENCE/CONFIRMATION OF THE DUTY HOLDER**

The Chair introduced a proposed update of the Terms of Reference for the Exeter Harbour Board which were circulated for Members' comments. The update included a reference with the confirmation that the Director Net Zero responsible for waterways would be the Duty Holder. This would be included in a Scheme of Delegation report relating to officers' duties which would be presented to the November Executive and ratified by Council.

A Board Member who welcomed the City Council support for the Harbour Board, the River and Canal and the financial commitment to support a unique piece of green infrastructure for the area. He suggested a further amendment that in paragraph (d) that it was more realistic to just say *contributed to*, to manage expectation.

A Board Member also referred to the information put out on the Council's Newsfeed on the Harbour Revision Order and queried references 'to the waters of the Exe' and of there being 'no plans currently to charge' and would that be changed when the HRO is passed. The Harbour Master confirmed that the waters of the River Exe included the Canal, and he was unable to comment on future charging matters.

Members agreed the revised terms of reference as amended at the meeting and the Director Net Zero with responsibility for Waterways be the designated Duty Holder for Exeter's Port Authority.

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

Chair

EXETER HARBOUR BOARD TERMS OF REFERENCE

The Harbour Board sits within the existing committee structure of Exeter City Council and consists of six Exeter City Council Members and also six external representatives, who have a broad experience and interest in the workings of a harbour and its operational environment. The Chair is the Portfolio Holder with responsibility for the city's waterways.

Exeter City Council is the Port Authority for the Exe Estuary, some non-tidal sections of the River Exe and the Exeter Ship Canal. This stretches from Blackaller Weir (in Bonhay Road, Exeter) to a safe water mark a mile off the Exmouth beach. The Board is the advisor to the Duty Holder (the Director responsible for the Council's waterways) for the management of the Port of Exeter and will meet every quarter. The Board's duties include working with the Harbour Master to prepare an annual business plan for the service, monitoring compliance with the Port Marine Safety Code and consulting harbour users and other stakeholders.

The Terms of Reference for the Board is as follows:

- (a) To have strategic oversight and direction of all aspects of the Harbour operation, including marine safety;
- (b) To take an active role with the Harbour Master in the development of policies, plans, systems and procedure for safe navigation;
- (c) To ensure that all assessments and reviews are undertaken as required to maintain and improve marine safety;
- (d) To work with the Duty Holder to ensure that the Harbour Authority seeks and adopts appropriate powers for the effective enforcement of their regulations, and for the setting dues at a level which contributes to the discharge of all their duties;
- (e) To appoint a Designated Person to provide independent assurance directly to the Duty Holder that the Marine Safety management system is working effectively; and
- (f) To continue to investigate the potential for applying for a Harbour Revision Order to empower the Council to take enforcement action on issues such as dangerous use of jet skis through Special Directions and to oversee a review of the Bye-Laws covering the Estuary.

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