

EXETER HARBOUR BOARD

Date: Monday 11 March 2024

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 Pierre Doutreligne, Democratic Services Officer (Committees) on 01392 265486.

Membership -

Councillors R Williams, R (Chair), Leadbetter, Pearce, Read, Snow and Williams, M, and R. Eggleton, A. Garratt, J Green, A May, O Michaelson, C Seddon

Agenda

1 **Apologies**

2 **Minutes**

(Pages 3 -
6)

To approve the minutes of the Exeter Harbour Board meeting held on 14 December 2023.

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 Democratic Services Manager 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 6 March 2024.

6 **Chair's Announcements**

7 **Exeter Port Users Group Update**

To receive a verbal update from the Secretary of the Exeter Port Users Group (EPUG).

8 **Harbour Board Visioning Event Review**

(Pages 7 -
8)

The Chair to provide an update on the outcome of the Visioning event with a review of the actions.

9 **Harbour Revision Order Update**

To receive a verbal update on progress towards the HRO application from the Chair and the Harbour Master.

10 **Harbour Master's Report**

(Pages 9 -
12)

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

Date of Next Meeting

The next meeting of the Exeter Harbour Board is currently scheduled for **Thursday 13 June 2024** at 5.30 pm in the Civic Centre.

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EXETER HARBOUR BOARD

Thursday 14 December 2023

Present:-

Councillor Ruth Williams (Chair)
Councillors Pearce, Read, Snow and Ms Green and Messrs Garratt, May, Michaelson and Seddon

Apologies:-

Councillor Leadbetter and Mr Eggleton

Also Present:-

Director Net Zero and Waterways, Service Lead, Legal Services, Harbour Master and Democratic Services Officer (SLS)

Also Present:-

Lara Moore – Partner Ashfords Solicitors
Tommy Fox – Solicitor Ashfords Solicitors
David Turner – Moffat & Nichol

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MINUTES

The minutes of the meeting held on 25 September 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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HARBOUR REVISION ORDER UPDATE

Lara Moore, from Ashfords Solicitors attended the meeting and provided an update on the Harbour Revision Order (HRO) application, confirming that a draft of the Orders and Statement of Support had been submitted in September.

The process would be lengthy and include a 42 day formal public consultation, which was not due to take place until at least May 2024. Although the documents were not yet in the public domain ahead of the consultation, there was an option to run an informal consultation locally, with a pre-application exercise. The Waterways Operations team could help to facilitate some drop in sessions and some dates had been identified in February. There would be an opportunity for the public to read the documentation and then comment. A dedicated email address would also be set up for this informal consultation. Ms Moore stated that she would draft a summary of the likely questions and prepared responses that would be legally and factually correct to offer the public, as part of this pre-consultation exercise and for general enquiries. It should be noted that this would not take the place of the formal public consultation. More discussion and further detail about

the pre-application consultation would take place at the Harbour Board's Vision Day in January.

Ms Moore gave the following responses to questions:-

- it was important to ensure the right message and information was offered, and the responses should be relevant to the Marine Management Organisation (MMO) process.
- the power to charge for use of the river and canal was not changed by the implementation of a HRO. The Council had chosen not to charge. The implementation of a HRO may mean that users of the river and canal may have to make a financial contribution, but if and when any charges are imposed, there will be a separate statutory process with a right of appeal, under Section 31 of the Harbour Act. This was a matter for post-HRO discussion, but was useful to provide reassurance about the ability to challenge any future dues.
- charging was a general principle, and any local position was based on the desire to spread the cost as widely as possible and any opportunity for payment of goods was a standard approach.
- the HRO would ensure a good and efficient process as a future proof of Port compliance.
- the Council had taken the decision to apply for a HRO and the role of the Harbour Board was to share the message. A brief with an outline of potential questions and responses would be made available to Board Members to help guide them with any approach from the public.

The Chair reminded Members that the pre-consultation period will take place with three drop-in sessions, and the dates would be confirmed but would take place in February.

The report was noted.

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PRESENTATION - DAVID TURNER

David Turner of Moffatt & Nichol, was invited to the meeting. The company provide marine engineering and consulting services and had been commissioned by the Port Authority, to help the City Council reach its low carbon ambitions in a number of harbour areas.

He made a short presentation and provided an update on a survey carried out with the Port Authority on their fuel and usage patterns. Over the next few months, he would coordinate an online survey and develop an action plan. The first phase of the work would include engaging with community and recreational users.

He responded to the following Members' questions:-

- the Mobility Centre carry out various research projects and £180 million is spent on research funding.
- fuel parts in the small boat sector and automotive sector have capitalised their supply chains.
- there was a broader diversity of fuel including electric and a hydrogen combination.
- the experiences of port infrastructure was varied with organisations such as Maersk shipping who have committed to green fuel, and there was not a one size fits all approach.

In response to a Board Member, he would report back on progress in the Spring.

The presentation was noted.

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EXETER PORT USERS GROUP UPDATE

The Chair of the Exeter Port Users Group (EPUG), Rex Frost attended to provide an update from the Group's recent meetings and activities. A copy of his report was circulated to Members and covered the following topics:-

- a survey of river users by consultants on low energy options might result in future challenges, and electric charging points for new electric boats may require some creativity due to the mixed ownership of the river and access points.
- the Exeter Port Authority were due to hold a pre-consultation for the planned HRO, but no specific dates have been set in the areas yet. Users are keen to have more engagement and information on the HRO.
- the new work boat was a significant asset for the Harbour and would reduce the continuing reliance on Teignmouth Harbour.
- there have been changes in sand levels along Dawlish Warren with sand being swept up the river towards Starcross and Lypstone and moving moorings which have relocated the channel.
- the East Devon MP Simon Jupp had written to South West Water in relation to the continued sewage overflows in the Port. He welcomed the intervention of the Council in corresponding with South West Water.
- EPUG members have commented on the Exeter Plan consultation and the Water Lane Supplementary Planning Document and raised the following matters:-
 - there was only one location for a slipway in the Gabriels Wharf area and good road access was needed for cranes along with suitable vehicle and trailer parking. Representations have been made in this regard.
 - the height of the proposed buildings along the canal vary and will result in significant overshadowing of the canal affecting the public amenity and wildlife.
 - the Water Lane SPD had identified that a towpath would be provided with lighting, but this should be kept to a minimum to support the varied environment and wildlife.
 - the location of the cycle paths should be reviewed to avoid a mix of users on the towpath.
 - the road layout was very restrictive with cars only able to enter the site via Haven Road. A traffic assessment was essential for the whole area.
 - EPUG had requested that the Harbour Board note the comments made in respect of Gabriel's Wharf to ensure that it was maintained as a facility area for the Harbour and canal.

Members noted the report.

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DUTY HOLDER PORT AUTHORITY UPDATE

The Director Net Zero and City Management advised that he had recently attended training by the Port Marine Safety Code organisation as he had been designated as the Duty Holder for the Exeter Port Authority. They advised that he was unable to be the designated Duty Holder, as the post holder was generally an elected body of Members with an overview of local government finance. He would seek

advice to identify a new Duty Holder and discuss with the Harbour Master.

The Harbour Master advised that he had investigated the position at other local harbour authorities. There was a range of models including the Director of Place and Environment for South Hams at Salcombe Harbour, and Weymouth Harbour with its separate committee of Dorset Councillors.

The Chair tasked the Director and Harbour Master on identifying a practical solution and report back to the Harbour Board.

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PLANNING RELATED MATTERS

The Chair advised that a planning related matter had been discussed with the Director City Development and the Director Net Zero and City Management. It was confirmed that a Harbour Board Member was able to make a comment on any planning application in an individual capacity.

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HARBOUR MASTER'S REPORT

The Harbour Master, Graham Forshaw presented his report. He highlighted a number of issues:-

- the level of staffing was at full capacity, and staff were concentrating on their core work.
- the new boat was fully coded and staff welcomed the additional equipment.
- a service of navigation aids was being undertaken. Poor weather conditions had hampered the repair of the buoys.
- representatives from Trinity House will visit at the end of January for their annual check.
- maintenance work will be undertaken at Topsham Quay in May and June.
- a Best Practice Maritime consultant was due to carry out a stock check in January and an update report will be made to the next meeting.
- colleagues will start to promote the historic harbour with the annual event taking place on 8 and 9 June 2024.
- news was awaited on the outcome of an offer of a weed cutting boat for eligible organisations, by a charity based in Peterborough, which would help deal with some of the canal repairs.
- seven canal based volunteers now worked with the Friends of the Estuary.
- the Alaska 500 boat was in the canal now ready for the volunteers in the canal to be trained on its use.

Members noted the report.

(The meeting commenced at 5.30 pm and closed at 7.25 pm)

Chair

Revisions of Actions from Visioning Day January 13th 2024

Vision Statement

To be a safe, user-friendly and financially sustainable harbour which contributes positively to the wellbeing of residents and visitors, net-zero ambitions, and the local economy whilst maintaining the character, beauty and leisure potential, biodiversity and ecological health of the Port of Exeter.

Mission Statement

To operate a safe, efficient and sustainable modern harbour that enhances the character of the Exe Estuary and Exeter Ship Canal. The Harbour meets the needs and expectations of a 21st century harbour user, is an asset to local communities whilst maintaining its character and environmental importance.

Actions from 2024

1. Officers to progress the application 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 carry out a selection process to fill any Harbour Board vacancies, including those arising from expiry of current terms of office. Due consideration to be given to appointments addressing gaps in appropriate skills and experience.
7. Officers and Chair to develop a communications strategy to disseminate and improve transparency of the activities of The Board, particularly regarding the HRO process, and promoting the Harbour.

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, from the Canal to Exmouth, and promote the value of the Harbour to the City's culture and economy.
- c) We will lead on environmental stewardship of the Port whilst working towards the Net Zero Exeter 2030 Plan.
- d) We will develop and implement a Port-specific decarbonisation Plan.
- e) We will take stakeholder engagement seriously.
- f) We will provide value-for-money services despite continuing central government budget reductions.
- g) We will enact good governance and act with integrity.

Key Objectives

- a) Achieve Port Marine Safety Code compliance.
- b) Promote use of the Harbour including the waterways and Canal.
- c) Become financially self-sustainable.
- d) Maintain and enhance the 'green infrastructure' that forms the Harbour, addressing environmental and Net Zero aspects.

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Management Objectives

Management Objectives for the Marine Safety Plan have split its into two sets, the first addresses ‘Standing Objectives’ the second set addresses ‘Period Objectives’. This plan is owned by Exeter City Council on behalf of the Duty Holder, and aims to address high level targets which will benefit all port and harbour locations and fulfils the requirement of the PMSC for the Duty Holder to maintain a ‘Marine Safety Plan’.

Standing Objectives

	Number	Provision	Objective	Target	Evidence
	1	Duty Holder	Duty Holders to have received training on their role and responsibility under the Code in the last three years.	To appoint ECC Executive Committee as DH	Paper in support being prepared for full Council
	2	Designated Person	To have undertaken an operational tour of Exeter waterways in the last three years.	Not yet appointed, DP has to be selected by the DH, likely nominees in discussion with HM	Awaiting designation, will be published in annual report
	3	Legislation	Report by the Designated Person to the Duty Holder at least once per year.	Not yet, but will be an annual review	Management review meeting
	4	Duties and Powers	MAIB Reportable Incidents: make all reports to the MAIB within 24 hrs, with investigation followed up.	24 hrs initial report, investigation at incident close	Maritime activity report
			Incidents recorded and investigated (if necessary) within the agreed timeframe.	Initial action 7 days, investigation closed in 30 days	Maritime activity report
	5	Risk Assessment	All Marine Risk Assessments to be in date.	100% complete	Currently looking into a different RA toolset. Council owned system not easy to tally with a marine environment. Looking at a system called MARNIS and another called Harbour Assist

	Number	Provision	Objective	Target	Evidence
	6	Marine Safety Management System	All Policies reviewed on a three-yearly basis.	To have plan produced and available to all stakeholders within 6 months.	Not yet complete, awaiting appointment of Duty Holder and Designated Person positions. Appointees need to have sight of the draft for sign off.
			The Marine Safety Management System will be reviewed annually (or following any significant incident, industry or legislative changes)	To distribute widely, to keep numbered and dated reviews. To liaise with other stakeholders on the waterways about their own responsibility to the PMSC	To keep agenda item at the Port User group meetings
	7	Review & Audit	Internal Audit	Staff reviews annually. Document checks annually	Audit carried out by internal team in the Council, report to Duty Holder and Harbour Board
	8	Competence	Ensure staff with marine safety responsibilities are trained to undertake their duties.	100% of Essential & 80% of Desirable completed	Maritime activity report
	9	Plan	Publish a three yearly 'Marine Safety Plan' (this plan).	Plan currently being prepared	Internal Audit
	10	Conservancy Duty	Aids to Navigation: Three-year performance meets or exceed IALA performance threshold	To carry out annual liaison and inspection with Trinity House	Constant monitoring of navigation channels
			Hydrographic surveys in date	Next survey of the approaches booked for April 2024	

Period Objectives

	Number	Provision	Objective	Target	Responsible Officer
	1	Duties and Powers	General Directions	Introduce General Directions and repeal current Bye-Laws – With Ashfords currently	Harbour Master
	2	Duty Holder	Marine Facilities	Identify Marine Facilities within the port area and seek compliance with the PMSC	Full Council, on-going training with Harbour Master
	3	Competence	Training	Issue Training Matrix and ensure all staff have appropriate training as required to undertake their duties	Harbour Master
	4	Marine Safety Management System	Management of Navigation	Carry out a formal Risk Assessment of navigable waters	Harbour Master
	5	Conservancy Duty	Aids to Navigation	Review of all AtoN's in the port	Graham Manchester
	6	Marine Safety Management System	Liaison and consultation with stakeholder	Improve lines of communication in place with Port User Groups	Harbour Master

