

EXETER HARBOUR BOARD

Thursday 13 June 2024

Present:-

Councillor Williams, R (Chair)
Councillors Read, Rolstone, Sheridan, Snow and Williams, M
R Eggleton, A Garratt, J Green, D Marino, J Prescott and C Seddon

Also Present

Harbour Master Exeter Port Authority, Waterways Team Manager and Democratic Services Officer (PMD)

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MINUTES

The minutes of the meeting held on 11 March 2024 were taken as read and signed by the Chair as correct, with one minor amendment to Minute No. 74.

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DECLARATIONS OF INTEREST

No declarations of pecuniary interest were made.

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PUBLIC QUESTIONS

The Chair advised that a number of questions had been submitted but that the author of the questions was unable to attend the meeting.

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CHAIR'S ANNOUNCEMENTS

New Members

The Chair welcomed the two new elected Exeter Harbour Board members (Councillors Gemma Rolstone and Alison Sheridan) as well as the two new independent members (Lt Col David Marino and James Prescott). Members and Officers then introduced themselves.

Thumbnail Portraits of Members

The Chair informed the Board that she had received a request from a member of the public for thumbnail portraits and short biographies of Harbour Board members to feature on the website. She advised that this would be discussed at the informal session which followed the present meeting.

Heritage Harbour Festival

The Chair thanked the Waterways team for their efforts towards making the Heritage Harbour Board a roaring success.

Water Lane SPD

The Chair reminded Members that the Harbour Master was a non-statutory consultee on waterways planning matters. She advised that she had attended a meeting of the Planning Member Working Group on the subject, and read out an email from the case officer for the Water Lane planning application, detailing next steps and deadlines, including:-

- deadline for comments – 23 June; and
- consideration by the Executive on 9 July.

The Harbour Master welcomed that the importance of Gabriel's Wharf as a craning point was now recognised and highlighted the need to have a space for large vehicles (e.g. cranes) to turn. Jane Green remarked that the drawing had been amended and felt that this might constitute an area of disagreement.

Terms of Reference

The Chair advised that the Terms of Reference of the Exeter Harbour Board needed to be amended to reflect the change of Duty Holder and that she would circulate a draft revision for comments.

Stakeholder Engagement

Referring to Minute No. 75 from the previous meeting, the Chair reminded Members of the existence of the Exe Estuary Management Partnership and read out its full membership, advising that partner updates were provided at every meeting.

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EXETER PORT USER GROUP UPDATE

The Chair of the Exeter Port Users Group (EPUG) was unable to attend the meeting and, as a result, copies of the EPUG Annual General Meeting held on 26 March 2024 and the Chair's Report, also dated 26 March 2024, were circulated to Harbour Board Members.

Responding to queries from Members on silt buildup in the estuary and the state of Dawlish Warren, the Harbour Master explained that:-

- recent surveys showed that the channel between buoys 1 and 12 were pretty good but that between buoys 21 and 25 showed a dramatic change and the area from buoy 21 looking north was silted up;
- a survey for the area between buoys 13 and 17 would take place later this week;
- there were no plans to bring forward addressing the state Dawlish Warren as a future project;
- Dawlish Warren had a limited lifespan, supposed to be 50 years; and
- although it was difficult to predict what would happen if the Warren disappeared, it should be noted that the coastal area off Lytham St Annes was now marshland.

Members also made the following comments on the state of Dawlish Warren:-

- repairs of that nature tended to last 20 years on average;
- if the Warren were to disappear, flood risks would increase at Starcross and Powderham; and
- the Environment Agency had to decide whether they could afford not to spend another £80m, although they would have considered and studied all possible scenarios.

The Chair also noted a couple of inaccuracies in the EPUG documents tabled, namely:-

- the ECC Executive now comprised eight members, not nine; and
- independent Members to the Harbour Board were appointed for three years, not two.

The Chair also proposed that the number of terms that a Member can serve on the Board be discussed at a future meeting. A Member also sought clarity on what the EPUG Chair referred to in his report when he wrote "similar problems or points of discussion which were discussed the year or two years previously".

Members noted the two documents.

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APPOINTMENT OF THE DUTY HOLDER

The Chair talked the Board through the current situation and explained that:-

- the eight members of the Executive of Exeter City Council were now the Duty Holder;
- the Director Net Zero Exeter and City Management and the Chair herself had started Duty Holder training; and
- training for Members of the Executive would be arranged soon.

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HARBOUR REVISION ORDER UPDATE

The Harbour Master advised that:-

- the pre-consultation period (three sessions in total) was over;
- the next step would be a 42-day formal consultation period;
- no start date had been set for the formal consultation yet, and this currently sat with the Marine Management Organisation (MMO).

The Chair read out a summary of the responses received during the pre-consultation period. She advised that she had received legal advice that these could go on the website despite the pre-election Period of Heightened Sensitivity. A Member asked how much notice period would be given before the start of the formal consultation period. The Harbour Master replied that some warning would be given and that the process would have to be advertised in a local newspaper. He would endeavour to enquire about the exact notice period and report to the Member.

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HARBOUR MASTER'S REPORT

The Harbour Master talked the Board through his report, highlighting:-

- the success of the Heritage Weekend;
- the positive dialogue with the RNLI following a serious incident involving known offenders, although he stressed the need to collate information better;
- incidents of youngsters attempting to swim from Exmouth to Dawlish Warren and found clinging to buoy 10, as a result of not understanding the speed of moving water;
- boats breaking free of their moorings because these had not been maintained;
- how lifeboats only went out if life was at risk, which resulted on port authorities being leant on more;
- how a couple of boats had sunk and how retrieving them came at a cost; and
- the three new buoys in the river, as well as a "Danger: Weir Ahead" sign.

Risk Assessment

The Harbour Master remarked that the Exeter City Council risk assessment did not lend itself to a maritime environment and stressed the need to consider a separate one for all water-based activities (such as the MARNIS system) and to encourage all users to come and speak to the Harbour Board.

The Harbour Master the responded to queries from Members as follows:-

- "Local Notices to Mariners" covered specific events;
- there was no framework for understanding risk;
- the Harbour Office currently held pollution gear at four locations and were

- able to respond quickly to minor pollution incidents;
- if it was not possible to identify boats not registered with the Lower Exe Mooring Authority (LEMA) because, at the moment, the Port Authority did not have the power of special direction;
- there had been two incidents of cars being discarded into the estuary but no evidence of spillage;
- there was no formal link-up with the RNLI at Exmouth but both parties were speaking on a regular basis;
- the Port Passage Plan, which explains how to get into the Exe, was required by law; and
- while there was no current initiative to educate people, new Board members would soon be invited to the water.

Appointment of Designated Person

The Chair proposed that the Harbour Master draft a specification, which would be circulated to Members for comments.

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PORT MARINE SAFETY CODE AND SAFETY IN DOCKS

The Harbour Master remarked that the report did not fundamentally say anything that the Board did not already know and highlighted the following:-

- the appointment of a Duty Holder was a genuine step change;
- the legislation referred to “existing powers”, when in fact the Harbour Board did not have any;
- any Marine Safety Management System could be woven into the text; and
- the Board could finally produce a Safety Plan now that a Duty Holder was in place.

Addressing the key points of the report, he acknowledged that the Exeter Harbour Board was lacking in some areas (especially with regard to the Gap analysis) but was in a much better position than five years ago. The Chair noted that considerable progress was being made towards compliance and stressed the importance of the Board’s independent members.

During further discussion, Members received clarification on:-

- pilotage
- stakeholder engagement and Code compliance.

Mr Eggleton advised that a new Port Marine Safety Code was imminent. The Chair looked forward to the implementation of an action plan.

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STATUTORY HARBOUR AUTHORITY STATEMENT OF ACCOUNT AND 2024-25 FEES & CHARGES

A Member sought clarity about the significant drop in income figures between 2021-22 and 2022-23. The Harbour Master offered to look into this and respond to the Member.

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

Chair