

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