



Mr S Hearse
Chief Executive
Torrige District Council
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Tel : Bideford (01237) 428700

Date: 20 January 2023

HARBOUR BOARD

On Thursday 26 January 2023 at 2.30 pm

Virtual Meeting via Zoom with Public Access via YouTube
<https://tinyurl.com/TorrigeYouTube>

NOTICE OF MEETING

To: Councillor R Hicks (Chair)
Councillor D McGeough (Vice-Chair)
Councillors: P Christie, K James and D Bushby

Independent Members: John Puddy, Tim Gibbs and Norman Hardaker

Members are requested to turn off their mobile phones for the duration of the meeting

AGENDA

1.	Apologies for Absence
2.	Minutes (Pages 3 - 8) Confirmation of the Minutes of the Meeting held on 20 October 2023.
3.	Action List (Pages 9 - 11)
4.	Public Contributions Public contributions in accordance with the current scheme. The deadline for registering to speak is by 2pm on Tuesday 24 January 2023. To register please email Dem.services@torridge.gov.uk
5.	Agreement of Agenda Items Parts I and II
6.	Urgent Matters of Information Brought Forward with the Permission of the Chairman and the Committee

7.	Port & Harbour Accounts (Page 12)
8.	Bideford Harbour - Safety Management System To receive a verbal update from the Harbour Master
9.	Port and Harbour Activity Report (Pages 13 - 17) To receive the report of the Operational Services Manager
10.	Date of next meeting Thursday 20 April 2023 at 2.30pm (venue to be confirmed)
11.	Any Other Business
	Meeting Organiser: Sandra Cawsey - Democratic Services

Vote: (For - unanimous) – Mr Hardaker was yet to join the meeting so did not take part in the vote.

131. ACTION LIST

The Action List was discussed and updated.

132. PUBLIC CONTRIBUTIONS

There were no public contributions.

133. AGREEMENT OF AGENDA ITEMS PARTS I AND II

There were no Part II items.

134. URGENT MATTERS OF INFORMATION BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIRMAN AND THE COMMITTEE

No urgent matters were brought forward by the Chair.

Councillor Christie raised a matter that the Quay 22 Café Van had moved opposite another café who had complained. Councillor Christie asked why it had moved and if the Café Van could be re-located?

A brief discussion followed.

The Harbour Master advised he had authorised the move following a complaint from the Lundy Office. He briefly explained the content of the email and the reasons why he authorised the move. The Harbour Master advised he would look at re-locating the Café Van to a more appropriate location.

Following a query, it was confirmed that the Café Van does require a license which incurred a fee. The Operational Services Manager advised he would contact the Estates Team to ascertain when the license was due to end and then it can be reviewed.

135. PORT & HARBOUR ACCOUNTS

The Operational Services Manager presented this item and advised following comments at a previous meeting the format of the accounts had been amended.

Mr J Puddy commented that the new format was very clear and was an improvement.

The Operational Services Manager went on to explain the new format to Members and provided a detailed overview of the figures.

Mr N Hardaker joined the meeting at 2.53pm.

136. BIDEFORD HARBOUR - SAFETY MANAGEMENT SYSTEM

The Harbour Master commenced this item advising that each Port is required to have their own Safety Management System and own Risk Assessment which is required to be publicly accessible.

It is the responsibility of the Harbour Master to ensure the Safety Management System is in place and up to date and work for this would be carried out during the next quarter. The Bideford Safety Management System has 17 sections and is available within the Harbour section of the Councils website. The Harbour Master welcomed any comments from Members on the Safety Management System.

The Port Risk Assessments would also be reviewed during the next quarter by both the Harbour Master and Deputy Harbour Master.

Following a query from Mr J Puddy, it was confirmed that the ladders for access to vessels on the Quay were covered in the Risk Assessment under Port of Bideford MRA 1 - Slips, Trips and Falls. The Harbour Master explained in detail the process in the event of an accident from ladders.

137. PORT AND HARBOUR ACTIVITY REPORT

The Harbour Master presented the report, the purpose of which was to report to Members of the Bideford Harbour Board Working Group about the activities and commercial vessel movements in the port and estuary since the last meeting on Thursday 16th June 2022. The Harbour Master asked for any questions as he went through the report.

A video of HMS Atherstone coming in was shared with Members.

Following a question from Councillor Christie, the Harbour Master advised that he had not contacted the Environment Agency regarding dredging as it would delay the process and incur costs. He was content that the enabling legislation in place allows him to proceed. Dredging falls within the remit of maintenance and the main aim for this was to ensure vessels could access the Harbour.

Regarding the potential to land sand at Yelland the Harbour Master advised that he was confident to hand this over to Seven Seas as they understood the stipulation involved with dumping sand out at sea.

The Harbour Master advised he had received a request from Cory Shipping to quote for 4 to 5 shiploads of 2000 tonnes of poultry ash for onward shipment to Okehampton. An explanation of Poultry Ash was given. Both the Harbour Master and the Operational Services Manager advised more information would be necessary before agreeing to this shipment. Once more information had been sought it would be brought back to the board.

It was proposed by Councillor B Hicks, seconded by Councillor D Bushby and –

Resolved: That the dredging maintenance work commence.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Bushby, D	X		
Christie, P	X		
Mr T Gibbs			
Mr N Hardaker	X		
Hicks, R	X		
James, K			
McGeough, D			
Mr J Puddy	X		

Vote: (For – unanimous)

Councillor D Bushby congratulated the team on the oil spill exercise.

A discussion took place surrounding a sunken vessel in the Harbour and the work required to address the situation.

It was proposed by Councillor B Hicks, seconded by Councillor D Bushby and –

Resolved: That the work required to address the sunken vessel be approved.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Bushby, D	X		
Christie, P	X		
Mr T Gibbs			
Mr N Hardaker	X		
Hicks, R	X		
James, K			
McGeough, D			
Mr J Puddy	X		

Vote: (For – unanimous)

The Deputy Harbour Master gave an update on the Bideford Harbour Office and the Squirry Fountains. Once a quote for repair had been received for the fountains it would be presented to the board.

The Harbour Master advised the Harbour Users Group would be re-visited in another quarter.

138. FUTURE DATES FOR HARBOUR BOARD AND PORT SECURITY

The future dates were agreed.

139. ANY OTHER BUSINESS

Following a request from Mr J Puddy to discuss a sensitive item it was agreed to move the meeting into Part II.

It was proposed by Councillor B Hicks, seconded by Mr J Puddy and –

Resolved:

That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information by virtue of paragraph 3 of Part I and paragraph 10 of Part 2 of Schedule 12A of the Local Government Act 1972.

A recorded vote was taken.

COUNCILLOR	FOR	AGAINST	ABSTAIN
Bushby, D	X		
Christie, P	X		
Mr T Gibbs			
Mr N Hardaker	X		
Hicks, R	X		
James, K			
McGeough, D			
Mr J Puddy	X		

(Vote: For - unanimous).

Part II

Mr J Puddy advised that the Fresh Spring had been invited to the Appledore book festival, however when the boat arrived access to moor was refused.

A discussion and debate took place on the ownership of the Quay in Appledore and the right to block mooring.

The Head of Legal & Governance (Monitoring Officer) provided legal advice.

The Chair suggested that a report be drawn up and presented at Community & Resources about mooring at Appledore.

It was proposed by Councillor B Hicks, seconded by Councillor D Bushby and

Resolved:

That the press and public be re-admitted

(Vote: For - unanimous)

The meeting commenced at 2.30 pm and closed at 4.14 pm

Chair:

Date:

	<p>16.6 Previously DCC had used the Harbour for salt cargo. Harbour Master to speak to SK re a contact at DCC to discuss this matter.</p> <p>16.6 Import of timber on a large scale – Cllr Christie asked for this matter to be revisited.</p> <p>20.10 – Update given by the HM at the meeting</p>	Master/SK			
125.	<p>Trailer Charge</p> <p>To make a charge for those launching at Bank End slipway. RH to speak to the Car Parking Manager re areas for parking and purchase of tickers.</p> <p>20.10 – K Jarman confirmed she had spoken with Parking Services and was awaiting a response from S Macey regarding the Parking Order.</p>	Operational Services Manager			Ongoing
128.	<p>Any Other Business</p> <p>Llandavisia Walk – RH to speak to Estates Team to look at safety issue – lifting of paving slabs and retaining wall collapsing making that part of the area dangerous.</p> <p>20.10 – RH confirmed he had spoken with the Estates Team and confirmed they would look at the safety issues and make safe anything required. RH to continue to monitor.</p>	Operational Services Manager			Ongoing
134	Urgent Matters	Harbour Master			

	20.10 - Look at re-location of Café Van. Complaint email received from the Lundy office to be circulated.				
134	Urgent Matters 20.10 - Find out when Café Van's license renewal is due.	Operational Services Manager			
139	Any Other Business 20.10 – Report re Appledore Moorings added to C&R agenda for the 5 th Dec meeting.	Harbour Master			

HARBOUR BOARD FINANCE REPORT FOR QUARTER ENDING 31 DECEMBER 2022

Nature of income and expenditure	Profiled (Ytd) Budget	Actual To Date	Current (Ytd) variance	Full Year Working Budget	Projected Out-turn	Full Year forecast variance	Explanation of variances over £2k Variances - Red Text worse than budget Variances - Green text better than budget Total lines - Net Cost red Total lines - Net income green
HARBOUR							
Employees	29,273	36,923	7,651	39,030	49,863	10,833	Back dated and ongoing staff restructure costs to year end £11k
Premises	7,270	17,750	10,480	11,565	17,938	6,373	Incident management exercise and training £5k, Cleaning £1k
Transport	3,700	3,994	294	7,555	7,843	288	Crane repairs £3k Mileage budget reduced £3k
Supplies And Services	4,706	3,538	1,168	7,059	2,420	4,639	Subsistence budget not required £5k
Services by Private Contractor		1,784	1,784		1,784	1,784	Hire of tanker to pump diesel from vessel £2k
Expenditure Total	44,948	63,988	19,041	65,209	79,848	14,639	
General annual mooring	5,507	11,816	6,309	5,507	11,566	6,059	Annual mooring increase £6k
Harbour Operations	21,953	11,850	10,103	24,905	15,828	9,078	2022 income down £9k
Income Total	27,460	23,665	3,795	30,412	27,394	3,019	
HARBOUR TOTAL	17,487	40,323	22,835	34,797	52,455	17,658	Harbour income forecast down £3k. Expenditure currently forecast at £14k overspend
PILOTAGE							
Employees	46,623	37,208	9,415	62,164	47,894	14,270	Forecast Pilotage crew cost saving due to reduced pilotage activity £8k, Restructure saving £8k
Transport	9,949	1,897	8,052	15,549	15,549		Current variance: Pilot boat repairs and fuel spend lagging behind profiled budget - any unspent repair budget will be rolled forward into next year
Supplies And Services	760	864	104	1,037	1,037		
Expenditure Total	57,332	39,969	17,364	78,750	64,480	14,270	
Reimbursement Contribution		188	188	10,000	12,000	2,000	NDC Contribution to pilotage service - year end entry - estimated £2k up
Yelland pilotage		17,828	17,828		17,828	17,828	Arco Dart - sand dredger £18k
Bideford and Appledore pilotage	20,798	6,840	13,958	27,730	13,730	14,000	Forecast Pilotage income down - reduced activity £14k
Income Total	20,798	24,480	3,683	37,730	43,558	5,828	
PILOTAGE TOTAL	36,535	15,489	21,046	41,020	20,922	20,098	Pilotage Total - income benefitted from agricultural sand dredging campaign but the net gain is being eroded by reduced pilotage activity so the income is a net favourable variance of £4k, NDC Contribution £2k, plus the saving on the pilotage crew staff £14k
HARBOUR & PILOTAGE TOTAL	54,022	55,811	1,789	75,817	73,377	2,441	Net full year forecast overspend for the year at Q2 is £2k

Report: Operational Services Manager
To: Bideford Harbour Board Working group
Subject: Harbour Masters Quarterly Report
Date: Thursday 26th January 2023

Confidential or Exempt Information - Not for Publication by virtue of Paragraph of Part 1 and Paragraph of Part 2 of Schedule 12A of the Local Government Act 1972.

PURPOSE OF REPORT:

To report to members of the Bideford Harbour Board Working Group about the activities and commercial vessel movements in the port and estuary since the last meeting on Thursday 20th October 2022.

1. INTRODUCTION

Torrige District Council is the Statutory Harbour Authority for the Port of Bideford and the Competent Harbour Authority for the Taw and Torrige Pilotage District.

The Harbour Board provides strategic direction to the Harbour Authority. The Harbour Board reports to the Community and Resources Committee who are the Duty Holder for the Harbour Authority as described in the Port Marine Safety Code.

2. REPORT

This has been a very quiet quarter with 0 ship movements in the entire Estuary. Significant progress has been made with maintenance dredging in the river Torrige and with the annual reviews of port navigation and activity specific risk assessments as well as a complete review of Port policies.

Vessel Movements

Bideford

1. No ship movements to Bideford in this quarter.

Appledore

1. No planned ship movements to Appledore in this quarter.
2. The Crane barge "Bristol Giant" had been berthed alongside at Middle Dock for over 6 months, and her owners, Severn Seas Shipping, have always paid their mooring fees promptly. In the storms of early December, the barge pulled the Middle Dock moorings from their foundations, and she came adrift eventually coming to rest safely on the sand banks in the river – causing no other damage. The owners quickly appeared and laid a set of substantial mooring anchors in the mud bank to the south and west of the H&W shipyard. There the barge will remain until activated for commercial tasking. The vessel moorings lie on TDC leased fundus and as a part of the conditions of the lease TDC has explicit permission from the Crown Estate to charge a vessel to lie or moor on it. However, when or if we (TDC) decide to charge Severn Seas Ltd for mooring the crane barge on TDC fundus, we (TDC) should be prepared to be challenged to justify the reasons



why haven't applied this charge equally to all of the many other vessels mooring on TDC leased property.

It should also be noted that neither TDC or Bideford Port have any authority to "direct the movement of a vessel" in the traditional Section 52 of the 1847 Harbours Act sense of the word¹, because it lies outside of the Bideford SHA ("the prescribed limits") and so the only rights we might have to direct a vessel come from the limited rights derived as the leaseholder from the Crown Estate Lease or if she represented a danger to navigation. Again, if we (TDC) were to insist on the application of the leaseholder rights, we would need to be careful to demonstrate that we had applied them equally.

For Harbour Board Information

Yelland

1. There have been no shipping movements to either of the Yelland jetties in the reporting period. The dredger Deo Gloria is expected to return in May 2023 for her annual Bristol Chanel sand extraction campaign.

Other Items

Dredging – the dredger "Riparian" arrived in mid-December and once the parent company was suitably licenced by TDC, she began maintenance dredge work on the shipyard sand banks in the river Torridge. Progress was slow initially and the HM was careful to physically monitor and record progress using riverbed walks and drone filming. In December 185 tons of sand was extracted over 3 operating days and, at the time of writing (9th January), 140 tones has been extracted in 2 operating days in January.

Initial assessments are that even these minimal quantities of extraction are already causing the "gut" of the river to change course from the Instow side of the river to the Appledore side. This heightened rate of flow should help to keep the Appledore channel deep and scoured and stop banks from re-accumulating. A side bonus of this activity is to earn the Harbour £185 in December while fulfilling the core function of keeping the navigational channel to Bideford open.

The present campaign is licensed until the end of March whereby a 75m wide navigational channel, ideally at chart datum should be maintained all the way up to Bideford.

A river sonar survey will be commissioned at the end of this maintenance dredge campaign to benchmark progress.

For Harbour Board Information

Pike Ward & Sibelco – regular updates on the progress of the dredge campaign were given to Pike Ward, the shipping agents, and to Sibelco, the exporters of sand. The HM also communicated a willingness on the part of Bideford Port to negotiate favourable bespoke fixed annual shipping rates in return for a commitment to bringing no less than 6 clay ships a year to Bideford. The offer was acknowledged but so far, neither company has been able to deliver on this. We are expecting the first clay ship to arrive before the end of February 2023.

Other Shipping Agents – The HM has also approached other shipping companies and agents to try and generate more commercial shipping activity:

¹ 52. Powers of harbour, dock, or pier master. The harbour master may give directions for all or any of the following purposes; (that is to say) For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the **prescribed limits**, if any, and its position, mooring or unmooring, placing and removing, whilst therein:



Cory Brothers, having visited the port in late October with a view to starting imports of poultry litter ash, they were prompted for an update in December and January with no response so far.

Williams Shipping were also approached by email in December with no response.

Hanson's were also contacted with regard to their cement / aggregates works site in Appledore. In recent memory, the quay at Bidna Yard at Appledore was used to import / export aggregates with at least one ship a week and now, the raw materials arrive and leave by road with approximately 2 - 4 trucks arriving each week. The HM approached them by email with the aim of starting a discussion on the relative merits of sea transport against the high cost of road haulage. In particular, with the emerging prospect of being able to dredge the berth to bring it back into commercial use. Again, no response has been received so far. Suggestions from the Board on better ways to make commercial contact with any of the agents above would be gratefully received!

For Harbour Board Information

Squirry Fountains – Despite persistent chasing, we are still periodically chasing and awaiting a quote for repair.

For Harbour Board Information (and assistance if possible)

Harbour Users Group – HM and DHM will be attending the inaugural meeting of the reinvigorated Taw and Torridge Estuary Forum (TTEF) on 16th January. The activity and scope of the TTEF will be examined to see if it might also act as the Bideford Harbour Users Group (HUG). However, because of the much wider geographical remit of the TTEF, it is felt likely that a separate Bideford HUG will be required. If so, the HM will inaugurate a HUG in February 2023 using the draft Terms of Reference below:

1. **Purpose** – to allow Harbour Stakeholders to have a voice in the affairs of Bideford Harbour (noting the small geographical area).
2. Chair initially to be the Bideford HM / but the first meeting will be used to decide on a HUG member as Chair going forward. Chair to change every year. It is important that the HUG is seen as a valid, useful and working platform for stakeholders to express their views and normally, it is much healthier if the HM is NOT the Chair. The Chair must be firm, otherwise the meetings tend to become hijacked by single issues and will lose authority if not seen to be completely unbiased and controlled properly.
3. HUG role is advisory only – no executive authority.
4. Each meeting should be attended by at least one Harbour Board member – to support HM and provide assurance of balance (and action!) to attendees.
5. HUG to meet quarterly and before each Board meeting – 90 mins absolute maximum – ensures focus.
6. Meeting to be a closed session – members of public to be granted access by written invitation only.
7. Agenda to be agreed and published in advance – normally:
 - a. Minutes and Actions - last meeting.
 - b. PMSC / Legal compliance report by HM.
 - c. Commercial vessels last quarter / next quarter / dredging / surveying / slipway clearance etc.
 - d. Upcoming public events.
 - e. Stakeholder Reports / Questions / Comments.
 - f. Written questions.
 - g. Election of Chair – first meeting of the year only.
 - h. AOB.
 - i. Date next meeting.
8. Each meeting to be formally minuted with agreed actions.
9. Minutes to be forwarded to Harbour Board either as part of HM report or separately.



10. Minutes to be published on the Harbour website.
 11. Proposed membership as follows:
 - a. Bideford Town Council – 1 person.
 - b. TDC – 1 person.
 - c. NDDC – 1 person.
 - d. Bideford Mooring Holders – 1 person who can be said to represent all berth holders.
 - e. Lundy Island Company – 1 person.
 - f. Commercial Fishermen – 1 person.
 - g. Skern Lodge Activity Centre / PGL – 1 person.
 - h. Bideford Rowing Clubs (Reds and Blues) – 1 person.
 - i. Environment Agency – 1 person.
 - j. Natural England – 1 person.
 - k. Devon Wildlife Trust – 1 person.
 - l. Fresh Spring Trust – 1 person.
 - m. TTEF – 1 person.
- + HM / DHM and Board Member = 16 people.

Request Harbour Board Approval

Round Britain eRIB – summer 2023 will see an eRIB attempt to circumnavigate Britain and despite the tidal challenges, they have chosen Bideford as one of the places to stop and recharge. As a consequence, TDC is in negotiation with one of the partner companies of the eRIB venture to install 2 x eVehicle charging points opposite the HM office on the Bideford town quay. These points will be used to charge the eRIB but also to generate revenue for charging electric cars in the longer term.

For Harbour Board Information

3. IMPLICATIONS

Legal Implications

Enforcement of the Mooring Policy as above will likely require legal support.

Financial Implications

None

Human Resources Implications

None

Sustainability/Biodiversity Implications

The Harbour Authority is committed to working with colleagues and Partner organisations in supporting all relevant environmental protection legislation.

Equality/Diversity

The Harbour Authority seeks to comply with all Equality and Diversity Legislation.

Risk Management

The Harbour Authority has a Safety Management system in compliance with the Port Marine Safety Code and all risk assessments were reviewed in December 2022.



Compliance with Policies and Strategies

Bideford Harbour Authority seeks to comply with all Torridge District council policies and Strategies.

Ward Member and Leader Member Views

Date of Consultation –

3. CONCLUSIONS

Bideford Harbour authority continue to work towards maintaining full compliance with all statutory legislation and government Policy on the Port Marine safety Code.

4. RECOMMENDATIONS

That the report by noted and discussed by members.

SUPPORTING INFORMATION

Consultations:

Date of Consultation –
Officers Consulted –

Contact Officer:
Paul Brown,
Harbour Master
Bideford

