



Monday, 28 January 2019

HARBOUR COMMITTEE

A meeting of **Harbour Committee** will be held on

Tuesday, 5 February 2019

commencing at **5.00 pm**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,
Torquay, TQ1 3DR

Members of the Committee

Councillor Amil	Councillor O'Dwyer
Councillor Bye	Councillor Pentney
Councillor Carter	Councillor Robson
Councillor Ellery	Councillor Thomas (D)
Councillor Hill	

External Advisors

Mr Blazeby, Mr Buckpitt, Mr Day, Mr Ellis and Mr Stewart

A prosperous and healthy Torbay

For information relating to this meeting or to request a copy in another format or language please contact:

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01803 207087

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HARBOUR COMMITTEE AGENDA

1. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 3 - 6)
To confirm as a correct record the Minutes of the meeting of the Committee held on 17 December 2019.
3. **Declarations of interest**
 - (a) To receive declarations of non pecuniary interests in respect of items on this agenda
For reference: Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
 - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda
For reference: Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.

(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**
To consider any other items that the Chairman decides are urgent.
5. **Port Marine Safety Code Compliance Update** (Pages 7 - 12)
To consider a report that provides an update on the progress of implementing the high and medium recommendations identified by the Port Marine Safety Code compliance audit.
6. **Brixham Harbour Improvement Scheme** (Pages 13 - 30)
To consider a report on the above.



Minutes of the Harbour Committee

17 December 2018

-: Present :-

Councillor Bye (Chairman)

Councillors Amil, Carter, Ellery, O'Dwyer, Pentney, Robson and Thomas (D)

External Advisors: Mr Blazeby, Mr Buckpitt, Mr Day and Mr Ellis

(Also in attendance: Councillor Mike Morey)

24. Apologies

An apology for absence was received from Councillor Hill.

25. Minutes

The Minutes of the meeting of the Harbour Committee held on 24 September 2018 were confirmed as a correct record and signed by the Chairman.

26. Tor Bay Harbour Authority Environmental Policy Statement

Members considered a report that reviewed and sought the endorsement of the Tor Bay Harbour Authority Environmental Policy Statement. The Torbay Harbour Master informed Members that in addition to their operational duties, ports and harbours have extensive environmental responsibilities. A harbour's commercial and recreational activities must co-exist with sound environmental practice. The Environmental Policy Statement demonstrates compliance with environmental best practice and will be regularly reviewed by the Harbour Committee.

Resolved:

That the Environmental Policy Statement be approved subject to the second bullet point being amended to read:

'Encourage and review the efficient use of renewable energy and natural resources;'

27. Tor Bay Harbour Authority Local Port Services Policy Statement

Members received a report that reviewed and sought endorsement of the Tor Bay Harbour Authority Local Port Services Policy Statement. The Torbay Harbour

Master informed Members that the Guide to Good Practice on Port Marine Operations indicates that Harbour Authorities have the power to establish Vessel Traffic Services (VTS) or Local Port Services (LPS) to mitigate risk, enhance vessel safety and to protect the environment. The requirement to manage navigation varies by port with the decision to have VTS or LPS being informed by a formal risk assessment of navigational risk. In Tor Bay harbour the risk assessment indicates that a VTS is not required and an LPS is instead sufficient.

Resolved:

That the Local Port Services Policy Statement be approved.

28. Tor Bay Harbour Edge Protection Policy

Members were requested to review and endorse the Tor Bay Harbour Authority – Edge Protection Policy. Members were advised that as well as reviewing the policy a physical audit of the Harbour estate. The Tor Bay Harbour Master explained that the Edge Protection Policy makes it clear through risk assessment the control measures to reduce the risk of falling from height.

Resolved:

that the Tor Bay Harbour Edge Protection Policy be approved subject to the inclusion of actions to be taken should a control measure need replacing or require maintenance.

29. Tor Bay Harbour Authority Audit Plan - 2018-2023

Members considered the Tor Bay Harbour Audit Plan for 2018-2023, the key objective of the plan is to deliver a framework of audit tasks that will provide the Harbour Committee with reassurances regarding risk management, control and governance processes. By adopting a risk based, systematic approach to internal auditing the Harbour Committee will be able to assist the Tor Bay Harbour Authority business unit to meet the overall objectives of the service and provide assurance to Torbay Council that the strategic management of Tor Bay Harbour meets their aspirations for their harbour authority function.

Resolved:

That the amended Tor Bay Harbour Audit Plan for 2018-2023 set out in Appendix 1 subject to 'income' being rated as high and the next scheduled audit being in 2019/20.

30. Port Marine Safety Code - Annual Compliance Audit

Members considered a report that provided an update on the annual Port Marine Safety Code (PMSC) compliance audit undertaken by the Devon Audit Partnership

on behalf of the Council, as the Harbour Authority. The Tor Bay Harbour Master informed Members that the PMSC represents good practice which offers a national standard for port safety in the UK. Members were advised that the Devon Audit Partnership were unable to provide assurance that the Tor Bay Harbour Authority was compliant with the requirements of the PMSC due to the lack of progress made against previous recommendations and agreed actions, particularly the requirement for Members to receive Duty Holder training and the identification of other safety risks.

Members were advised that a number of the high and medium recommendations had been addressed, however Members sought further reassurance and requested an extraordinary Harbour Committee be scheduled prior to the Harbour Committee on 18 March 2019.

Resolved:

That

- i) Members noted the report and attached appendices;
- ii) Members requested their grave concern and disappointment at the outcome of the audit on compliance with the Port Marine Safety Code be recorded;
- iii) an extraordinary meeting of the Harbour Committee be scheduled prior to the Harbour Committee on 18 March 2019 to receive an update on progress of implementing the medium and high recommendations; and
- iv) training for Members of the Harbour Committee on the Port Marine Safety Code be scheduled for January 2019.

31. Tor Bay Harbour Authority Budget and Harbour Charges 2019/2020

The Harbour Committee considered the proposed Tor Bay Harbour Authority budget and charges for 2019/20 in order that customers can make an informed choice regarding the leasing of harbour facilities in the next financial year.

Members were concerned with the proposal for the IFCA (Sea Fisheries) precept liability to be transferred to the Harbour Account as the wider community not just Harbour Users benefitted from IFCA membership.

Resolved:

- i) that, taking into account the opinions expressed at the Harbour Liaison Forums, Members approve the Harbour Committee's Budget Review Working Party (BRWP) recommendation to increase the harbour charges for 2019/20 by a representative average of 2.0%, and approve the schedule of harbour charges set out in Appendix 1;

- ii) that any additional contribution to the Council's General Fund from the Tor Bay Harbour Authority accounts above the base level of £802,000 be on the basis of the operating surplus of the Harbour Account by way of:
 - First £25,000 to the General Fund
 - Any amount over £25,000 split 60% retained by the Harbour Account and 40% to the General Fund;
- iii) That subject to the IFCA (Sea Fisheries) precept liability remaining with the Council, the Tor Bay Harbour Authority budget for 2019/20 be approved.

32. Tor Bay Harbour Authority Budget Monitoring 2018/2019

The Committee considered a report that provided Members with an update on income and expenditure projections for 2018/19. Members noted:

- i) the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds as set out in Appendix 1;
- ii) the Head of Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour;
- iii) that no waiver of harbour charges has been approved to date under the Harbour Master's use of delegated powers for 2018/19.

33. Torquay/Paignton and Brixham Harbour Liaison Forums

The Minutes of the Torquay/Paignton and Brixham Harbour Liaison Forums were noted and an update on the Harbour Lights building was also provided.

The electricity supply to the dock area in Torquay was also raised as an issue, the Committee requested the Harbour Master undertake a user survey on this issue with the survey being clear that investment may result in increased charges.

Chairman



Meeting: Harbour Committee

Date: 5 February 2019

Wards Affected: All

Report Title: Port Marine Safety Code Compliance Update

Is the decision a key decision? No

When does the decision need to be implemented? N/A

Executive Lead Contact Details: Non-Executive function

Supporting Officer Contact Details: Adam Parnell, Harbour Master, 01803 853321, adam.parnell@torbay.gov.uk

1. Proposal and Introduction

1.1 In November 2018 a Port Marine Safety Code (PMSC) compliance audit was conducted by the Designated Person (DP). The audit identified a number of areas of concern and the DP concluded that they were “not yet in a position to provide assurance that the Tor Bay Harbour Authority is compliant with the requirements of the [PMSC]” and recommended a 3-month grace period within which the high and medium risk recommendations should be addressed.

1.2 This report updates members with the progress made to date.

2. Reason for Proposal and associated financial commitment

2.1 The Harbour Committee act as the Duty Holder for the purposes of the PMSC and are individually and collectively responsible for compliance with the Code, as described in the Committee’s Terms of Reference. Furthermore it is a requirement for harbours to triennially confirm to the Maritime and Coastguard Agency (MCA) that they are compliant with the PMSC. The Committee would thus wish to be apprised of progress made against the issues identified during the November 2018 audit.

2.2 There are no financial commitments arising from this report.

3. Recommendation(s) / Proposed Decision

3.1 That the Harbour Committee note the progress made against the issues identified during the November 2018 PMSC audit.

Appendices

Appendix 1: PMSC Compliance Audit Continuous Improvement Plan 2018/19

Background Documents

Department for Transport, 2012 (updated 2016): *Port Marine Safety Code*,
<https://www.gov.uk/government/publications/port-marine-safety-code>

DfT, 2018: *Port Marine Operations: good practice guide*,
<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>

DfT, 2018: *Ports Good Governance Guidance*,
<https://www.gov.uk/government/publications/good-governance-guidance-for-ports>

PORT MARINE SAFETY CODE COMPLIANCE AUDIT

CONTINUOUS IMPROVEMENT PLAN 2018/19

ITEM	IMPROVEMENT ACTION	PRIORITY	STATUS	ACTION TAKEN	OWNER
1.1.1	In line with the ToR it should be reviewed annually and presented to the Committee for approval. The Harbour Master should consider whether there is a need for an annual review.	Low	In Hand	Agreed with DAP that this would be reviewed at the June Harbour Committee meeting so that any new members post the elections would be appropriately briefed	A Parnell
1.1.2	We would consider it best practice to ensure that committee membership terms are reviewed, discussed and where necessary re-approved prior to the current terms expiring.	Low	In Hand	As above	A Parnell
1.2.1	As previously agreed the PMSC should be combined with the Accident and Incident statistics going forward, as a standing agenda item for the Harbour Committee meetings	Low	Complete	Actioned and now 'business as usual'	A Parnell
1.3.1	Whilst we acknowledge that most legislation could be found on the internet, it would be appropriate for these to be obtained and held in a folder under PMSC and staff made aware of the location and contents.	Low	Recommend close	Retaining copies of legislation is not considered 'best practice' as changes to source documents could be missed. We have instead developed a legislation register spreadsheet which will be used as the basis for an annual review of legislation by the HM.	A Parnell
1.3.2	To ensure that all Staff and Committee Members are aware of the requirements of the PMSC, associated legislation and their individual responsibilities, a training / briefing session should be provided to all Harbour staff and Committee Members as initial and refresher training as required, and access to information readily provided.	High	In Hand	Member and staff training 28 January 2019	A Parnell
1.4.1	The Safety Policy should be reviewed to ensure it remains current and fit for purpose.	Medium	Complete	Incorporated into Safety Management System, the latest version of which was accepted by the Dec 18 Harbour Cttee mtg	A Parnell

1.5.1	As per the Safety Management document the accident and incident statistics should be provided on a quarterly basis to the Harbour Committee.	Low	Complete	Standing Harbour Comitee agenda item	A Parnell
1.6.1	We acknowledge that the slipway is a known hazard which harbour staff are monitoring and pursuing but are reliant on external contractors in terms of a resolution, this should continue to be pursued. Given the ongoing issues it would be prudent to undertake a full risk assessment of this issue.	Medium	Complete In Hand	Risk assessment completed and filed in MarNIS. Works scheduled to commence on the slipway by Balfour Beaty on 11/02/19	N Burns N Burns
1.6.2	A speed limit should be introduced for fork lifts in and around the harbour, additionally BTA should be reminded of the proper use of fork lifts as set out by the H&S Executive. Safe Driving and Vehicle Speeds are set out within the Harbour Byelaws (byelaws 70 and 71 respectively). Linked to this, a risk assessment should be undertaken for the use of fork lifts and a SOP should be drawn up.	High	Complete	A 10 mph speed limit was already in place. BTA have been reminded of their responsibility to ensure that their employees adhere to the speed limit or risk being barred from driving on the site.	D Bartlett
1.6.3	Linked to the works to be undertaken at Brixham, both projects should have a risk assessment to determine what / if any impact this will have on the public and to mitigate any risks identified.	Medium	Complete	Contractors' risk assessments will be reviewed by HM/DHM prior to commencement of works being approved	D Bartlett
1.6.4	Paignton have drawn up a traffic management plan linked to a recent visit for H&S. We therefore recommend that Brixham and Torquay should also do this and all sites should have a risk assessment linked specifically to the traffic around the harbour especially where pedestrians have access.	Medium	Recommend close	Traffic Management Plans for Brixham, Torquay and Paignton have been developed and being incorporated into 'business as usual'	K Annis
1.6.5	Due to the structural issues and weight restrictions in relation to Haldon Pier, we recommend that a risk assessment is undertaken as a matter of urgency.	High	Complete	Completed 20 Dec 18	N Burns
1.6.6	As previously recommended and agreed, the 'Edge Protection Policy' and associated 'Edge Audit Record' should be reviewed and updated.	Medium	Complete	Edge Protection Policy endorsed by Harbour Committee 17 Dec 18.	A Parnell
1.7.1	The Prosecution Policy should be presented to the Harbour Committee for them to review and approve.	Low	In Hand	To be presented to March Harbour Committee	A Parnell

1.8.1	As good practice, we would recommend that the competencies of staff that are PACE trained are assessed periodically, or as and when PACE requirements change, to ensure staff remain up to date with developments in the rules surrounding evidence management and legal procedures.	Low	Complete	PACE requirements have been checked and remain unchanged	A Parnell
1.9.1	Harbours should look at undertaking a multi-agency exercise in the coming year. This will ensure effective co-ordination between those organisations where their duties for health and safety enforcement and accident investigation overlap at the water margin, offshore and on inland waterways	Low	In Hand	Scheduled for March 2019 at Torquay Harbour Office. Table top exercise will include representation from Police, Fire, Ambulance, RNLI, Coastguard and NHS representatives	N Burns
1.10.1	As previously recommended, the Harbour web page should be fully reviewed to ensure that all reports and plans are current, ensuring the public has access to up to date and current information.	Low	Recommend close	Ongoing and incorporated into 'business as usual'	S Pinder
1.11.1	As previously agreed all risk assessments should be reviewed annually, additionally the document register should be reviewed to ensure that where applicable all documents are reviewed.	Medium	Closed	This is 'business as usual'	A Parnell
1.12.1	Tor Bay Harbour Authority should either accept the risks (with the upgrade audit trail provision) or progress the modification to provide full system access controls.	Medium	Complete	Accepted by Harbour Committee 17 Dec 18	Harbour Comittee
1.13.1	Each site should have a trained risk assessor. This is especially important at Brixham, as this is the largest port, which operates largely with the fishing industry, and the port is getting increasingly busy.	High	Complete	Refresher training completed 20 December 2018	A Parnell
1.14.1	A full review should be undertaken to ensure that risk assessments have been established for all areas of the three harbours and this should include all tasks undertaken by staff for example any equipment they use, chemicals they handle etc and activities in and around the harbour e.g. fly boarding	Medium	In Hand	Assessment is under way and forecast to be complete by Mar 19	S Pinder

1.14.2	The Safety Management System manual should be updated to reflect the correct date of all reviews for risk assessments and all risk assessments thus ensuring the committee is presented with accurate information.	Low	Complete	Updated SMS adopted by Harbour Committee 17 Dec 18.	A Parnell
1.14.3	As previously agreed a Safety Officer should be appointed to ensure action in relation to risk assessments and that all recommendations arising from the PMSC audit are actioned.	High	In Hand	Discussions with HR ongoing; aspire to have role in place by Mar 19.	A Parnell
1.15.1	Linked to risk assessments a full review should be undertaken for all SOP's to ensure they cover all areas in particular the use of fork lifts as detailed in 1.6.2 and the Brixham work boat. Where SOP's have been subject to review, the associated review date should also be identified within the document.	Medium	In Hand	Full audit of SOP's to be completed and missing RA identified by March 2019 SOP template updated to show review date. Existing SOP to be modified during Jan 2019	S Pinder
1.16.1	As previously recommended the Pilotage Manual needs to be updated, issued for comments and finalised.	Low	Open	Update to be completed by June 2019	S Pinder
1.17.1	The Emergency Plan should be reviewed and if necessary updated, this should then be presented and approved by the Harbour Committee. Additionally, as previously recommended the National Contingency Plan for Marine should be obtained and all links to it updated to ensure they direct staff to the latest version.	Low	Complete	The Emergency Plan is a Council document however it has been reviewed by the HM and feedback provided to the Emergency Planning Officers	A Parnell
1.18.1	As previously agreed the training matrix should be updated to show when the medicals are due.	Low	Complete	Training matrix updated	A Colmer
1.18.2	Harbour workboat users should be reviewed to ensure that all are appropriately certificated.	Low	Complete	Documentation reviewed and copies added to Training Logs	K Annis
1.19.1	A full review should be undertaken of each training matrix and where applicable re-training should be undertaken. Where training has been done this should be recorded.	Medium	Closed	This has been undertaken and ongoing periodic reviews have now incorporated into 'business as usual'	K Annis
1.20.1	Confirmation should be provided that the MCA were provided with details confirming they are compliant with the PMSC, this should also be on the Harbour website	High	Complete	Provided to Auditors	A Parnell



Meeting: Harbour Committee

Date: 5 February 2019

Wards Affected: All

Report Title: Brixham Harbour Improvement Scheme

Is the decision a key decision? Yes

When does the decision need to be implemented? N/A

Supporting Officer Contact Details: Adam Parnell
Harbour Master
01803 292429
adam.parnell@torbay.gov.uk

1. Proposal and Introduction

1.1 Since the new Fish Market in Brixham was opened in 2011, both the quantity and value of fish and shell-fish product have increased. Brixham has effectively reached capacity in terms of vessels that it can accommodate, and cannot develop further without the installation of a northern breakwater arm to provide the essential environmental protection required. In addition, the forecast consequences of climate change will make the harbour less viable without the additional protection afforded by a northern arm breakwater. In tandem, the popularity of the recreational vessels' swinging moorings has substantially decreased while the costs of maintaining the aging mooring infrastructure has significantly increased.

1.2 Key project deliverables include:

- Installation of a northern arm breakwater connected to the land at Freshwater and extending to within 60m of the obsolete fuelling jetty on Victoria breakwater. This distance is considered a compromise between environmental protection and the necessity to allow vessels to safely enter and leave the harbour;
- Land reclamation between the north-western face of the Fish Quay and Oxen Cove to connect the two areas, this allowing the burgeoning commercial fishing industry to expand coherently by providing 3 new landing berths and the space to construct additional market, storage and administrative buildings; and
- Construction of a 350-berth walk-ashore pontoon system, connected to the shore in Freshwater. This will accommodate the 160 vessels currently on swinging moorings to the western side of the harbour and another 190 berths to deliver additional revenue to off-set the costs of this scheme.

1.3 The expected benefits of this scheme include:

- Up to 100 direct and 150 indirect new full-time employment opportunities;
- Up to £10m pa growth in the value of fish and £4m pa growth in the value of shell-fish landed at Brixham;
- Up to £14.28m Gross Value Added (£8.16m Net Value Added) into the Torbay;

- Three new landing berths, each capable of accommodating a beam trawler sized vessel; and
- The continued success of Brixham as a fishing port of strategic national value.

2. Reason for Proposal and associated financial commitments

- 2.1 Brixham's capacity to accommodate the commercial fishing industry has been reached both ashore and afloat. This is exacerbated by the operational loss of the more exposed (north-facing) Fish Quay berths during inclement weather which often make it dangerous to berth or unload vessels alongside. Similarly, the associated growth in storage and transport requirements have often led to lorries being loaded beyond the Fish Market gates and thus amongst the general public. This is a serious health and safety issue.
- 2.2 The lack of capacity not only hinders future growth but is also a threat to existing revenues: if new boats have to be turned away for the lack of berthing and unloading facilities there is a risk that existing vessels could also leave since they habitually work together.
- 2.3 Recreational harbour users are eschewing the current swinging mooring arrangements in preference for affordable 'walk ashore' pontoon berths. While demand for vessels berths undoubtedly exists the desirability of the current moorings in Brixham is declining. The financial consequences are compounded by the rise in maintenance costs to operate this aging infrastructure.
- 2.4 The proposals contained in this report will commit the Council financially to:

Item	Cost (Est)	Notes
Floating breakwater	£9m	Based on 400m breakwater (20x 20m units), and all chain/anchor fixings required
350 berth piled pontoon	£1.9m	160 existing berth-holders and 190 new berths
Fish Quay & Oxen Cove land reclamation	£2m	
Contingency	1m	
Total	£14m	

- 2.5 Grant funding will be sought, however in its absence the business case remains viable: a loan of £14m from the Public Works Loan Board requires an annual repayment of **£657,013** based on a 3.25% interest rate fixed for the first 25 years, capital and repayment, reducing to £544,838 for years 26-40 after the loan on the mooring pontoon is repaid.
- 2.6 Borrowing costs reduce by £45,028 pa for every £1m grant or other funding secured.

3. Recommendation(s) / Proposed Decision

- 3.1 That the Harbour Committee support the strategic direction presented by the Tor Bay Harbour Master and endorse the proposal to undertake capital works that will improve Brixham harbour.

- 3.2 That the Harbour Committee recommends to Council the strategic direction set out in the submitted report and that the Interim Director of Place be requested to prepare a business case for presentation to Council

Appendices

Appendix 1: Sketch of project deliverables

Appendix 2: Exempt Appendix

Background Documents

DEFRA's *South Inshore and South Offshore Marine Plan*

(<https://www.gov.uk/government/collections/south-marine-plans>);

Heart of the South West Local Enterprise Partnership's draft *Strategic Economic Plan*

(<https://heartofswlep.co.uk/about-the-lep/strategies-and-priorities/strategic-economic-plan/>)

Torbay Council's *Economic Strategy 2017-22*

(<http://www.torbay.gov.uk/media/10409/torbay-economic-strategy.pdf>)

Tor Bay Harbour's *Port Masterplan* (<http://www.tor-bay-harbour.co.uk/media/1016/port-masterplan.pdf>)

Section 1: Background Information

1.

What is the proposal / issue?

- 1.1 A number of factors are, in combination, driving the need for the oft-debated northern arm breakwater in Brixham harbour to be re-considered:
- the port's capacity to accommodate the commercial fishing industry has been reached both ashore and afloat;
 - interest from recreational harbour users in swinging moorings is declining in preference for walk-ashore berths;
 - the aging material state of the existing swinging moorings will soon require costly replacement if they are to be maintained;
 - the necessity to enhance environmental protection of the port to address safety risks and to safeguard against interruptions to industry resulting from increasingly experienced adverse weather.
- 1.2 These challenges can be addressed by further land reclamation between the Fish Quay and Oxen Cove, and conversion of the swinging moorings into walk-ashore piled pontoon berths. These would require environmental protection afforded by a northern arm breakwater, but this has hitherto proven prohibitively expensive because the designs have been based on traditional stone models.
- 1.3 Investigations have established that the required environmental protection can be achieved by a floating breakwater, which is both affordable and de facto future-proofed against changes in sea levels caused by climate change.
- 1.4 The proposed project benefits include:
- Up to 100 direct and up to 150 indirect new – not relocated - full-time employment opportunities;
 - Three new fish/shell-fish landing berths each capable of accommodating a beam trawler sized vessel;
 - Up to £10m pa growth in the value of fish and £4m pa growth in the value of shell-fish landed at Brixham;
 - Up to £14.28m Gross Value Added (£8.16m Net Value Added) into the locality;
 - The continued success of Brixham as a fishing port of strategic national value.
- 1.5 Project delivery costs do not exceed £14m (including 10% contingency) but deliver returns of £68.57m gross asset-life revenue (£37.51m net). This position could be further improved if grant funding could be obtained.

<p>2.</p>	<p>What is the current situation?</p> <p>The Fish Market was redeveloped in 2010 to meet the needs of a fishing industry which then was landing less than £20m of fish by value per annum. In 2017/18 more than £42m of fish was landed to the market (not including shell-fish and direct landings which have also similarly doubled) and the Fish Market is rapidly reaching capacity.</p> <p>The associated growth in storage and transport requirements have often led to lorries being loaded beyond the Fish Market gates, as was the case prior to the 2010 development. This is a serious health and safety issue.</p> <p>The Harbour Authority is increasingly receiving requests for additional space ashore from the fishing and shell-fishing. Mussel landings are forecast to grow tenfold and the crab industry has aspirations to grow at a similar pace by consolidating their national operations in Brixham, but cite lack of space ashore as the main factor currently thwarting these ambitions.</p> <p>The existing swinging moorings, which will be replaced by a walk-ashore pontoon system, are increasingly expensive to maintain: the ‘riser’ chains frequently require inspection and replacement and the ground chain will shortly require to be changed too as it is reaching the end of its serviceable life - likely to be several hundred thousand pounds.</p>						
<p>3.</p>	<p>What options have been considered?</p> <p>The following options have been considered:</p> <table border="1" data-bbox="328 1200 1423 2056"> <thead> <tr> <th data-bbox="328 1200 874 1317">Options considered</th> <th data-bbox="874 1200 1423 1317">Brief explanation of options (including justifying options exclusion where applicable)</th> </tr> </thead> <tbody> <tr> <td data-bbox="328 1317 874 1514">Do nothing (maintain status quo)</td> <td data-bbox="874 1317 1423 1514">This is the cheapest option but does not address any of the existing issues (climate change, lack of environmental protection, fishing industry at capacity) and is thus not recommended</td> </tr> <tr> <td data-bbox="328 1514 874 2056">Extend Fish Quay only</td> <td data-bbox="874 1514 1423 2056">Extending the Fish Quay would cost ~£2.0m however it would be environmentally exposed and thus not usable during northerly inclement weather. It would however address lack of shore-side space and allow expansion of the dry (landward) elements of the fishing industry. There would be a risk that the additional revenue would not fully cover the costs of borrowing the ~£2.0m and hence this option is not recommended despite partially meeting this scheme’s objectives</td> </tr> </tbody> </table>	Options considered	Brief explanation of options (including justifying options exclusion where applicable)	Do nothing (maintain status quo)	This is the cheapest option but does not address any of the existing issues (climate change, lack of environmental protection, fishing industry at capacity) and is thus not recommended	Extend Fish Quay only	Extending the Fish Quay would cost ~£2.0m however it would be environmentally exposed and thus not usable during northerly inclement weather. It would however address lack of shore-side space and allow expansion of the dry (landward) elements of the fishing industry. There would be a risk that the additional revenue would not fully cover the costs of borrowing the ~£2.0m and hence this option is not recommended despite partially meeting this scheme’s objectives
Options considered	Brief explanation of options (including justifying options exclusion where applicable)						
Do nothing (maintain status quo)	This is the cheapest option but does not address any of the existing issues (climate change, lack of environmental protection, fishing industry at capacity) and is thus not recommended						
Extend Fish Quay only	Extending the Fish Quay would cost ~£2.0m however it would be environmentally exposed and thus not usable during northerly inclement weather. It would however address lack of shore-side space and allow expansion of the dry (landward) elements of the fishing industry. There would be a risk that the additional revenue would not fully cover the costs of borrowing the ~£2.0m and hence this option is not recommended despite partially meeting this scheme’s objectives						

	Northern arm breakwater only	This would address existing environmental concerns and partially address climate change issues. It would also provide better protection to the existing facilities. There would be insufficient additional revenue to service repayment costs of the loan (~£9.0m) so this option is not recommended
	Replace swinging moorings with pontoon system only	This is not recommended as without the northern arm breakwater the pontoons would be too environmentally exposed; they would likely be damaged during winter storms. This option is not recommended
	Breakwater+ Fish Quay extension	This option meets most of the objectives however the increased fish tolls would not be sufficient to service the repayments on the project costs (~£11.0m) so this is not recommended
	Breakwater+ walk-ashore pontoons	Although this option meets the environmental protection and recreational mooring objectives, it does not address the lack of capacity in the fishing industry. However the additional pontoon revenues would return a profit in addition to servicing the ~£10.9m loan repayment costs. Although not recommended because it does not address the fishing industry issues it nevertheless could form 'phase 1' of a broader project and should be carefully considered if the main scheme is not taken forward.
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>This project directly contributes to the following Corporate Plan targets:</p> <ul style="list-style-type: none"> • Working towards a more prosperous Torbay. <ul style="list-style-type: none"> ○ As the largest fishing port by value of landed fish in England and Wales, the industry is a key driver in Brixham in terms of direct jobs associated with the fishing industry. It is also significant in terms of indirect jobs in Torbay and the wider South Devon region in terms of engineering and repair, logistics, fish processing and retail, and transport. Furthermore, the industry is a significant contributor to the food chain both nationally and internationally. • Promoting healthy lifestyles across Torbay. 	

	<ul style="list-style-type: none"> ○ The expectations of the recreational or leisure harbour user are evolving, with the current swinging mooring arrangements being eschewed for affordable ‘walk ashore’ pontoon facilities. There is declining demand for the existing swinging moorings despite the fact that local demand for moorings undoubtedly exists: the waiting lists for ‘walk ashore’ berths in both Dartmouth and Salcombe each exceed 500 customers¹. Replacement of the swinging moorings with a piled pontoon-based system is not possible without a northern arm breakwater as they would otherwise be too environmentally exposed. ● Ensuring Torbay remains an attractive and safe place to visit. <ul style="list-style-type: none"> ○ The provision of a ‘walk ashore’ system will make Tor Bay Harbour in general, and Brixham in particular, a more attractive destination for visiting recreational vessels. ○ The existing commercial fishing activities that take place in Brixham are often cited by tourists as a ‘pull’ factor for visiting Brixham. The growth of these facilities is likely to increase this ‘pull’ and result in an increased number of visitors from landward. <p>This scheme also meets the following DEFRA objectives articulated in their South Inshore and South Offshore Marine Plan (published 2018):</p> <table border="1" data-bbox="328 1016 1423 1352"> <tr> <td>S-AQ-2</td> <td>Supports proposals that enable the provision of infrastructure for sustainable fisheries and aquaculture</td> </tr> <tr> <td>S-INF-1</td> <td>Supports appropriate land-based infrastructure which facilitates marine activity</td> </tr> <tr> <td>S-TR-1</td> <td>Supports proposals that facilitate tourism and recreation activities</td> </tr> <tr> <td>S-EMP-2</td> <td>Supports proposals that result in a net increase to marine related employment</td> </tr> <tr> <td>S-CC-1</td> <td>Supports proposals that improve resilience to climate change</td> </tr> </table>	S-AQ-2	Supports proposals that enable the provision of infrastructure for sustainable fisheries and aquaculture	S-INF-1	Supports appropriate land-based infrastructure which facilitates marine activity	S-TR-1	Supports proposals that facilitate tourism and recreation activities	S-EMP-2	Supports proposals that result in a net increase to marine related employment	S-CC-1	Supports proposals that improve resilience to climate change
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S-EMP-2	Supports proposals that result in a net increase to marine related employment										
S-CC-1	Supports proposals that improve resilience to climate change										
5.	<p>How does this proposal contribute towards the Council’s responsibilities as corporate parents?</p> <p>Not applicable</p>										

¹ It is not possible to gauge demand in Tor Bay because of a policy of capping the length of waiting lists at 20, but it would seem incoherent that demand in the Bay is lower than other ports in the immediate vicinity.

<p>6.</p>	<p>How does this proposal tackle deprivation?</p> <p>This scheme will alleviate deprivation both within the industry (there will be more employment opportunities) and locally as a result of the additional Council revenues which will alleviate the budgetary pressures caused by existing adult and child services.</p> <p>Although historically a male-dominated industry, Fishers are increasingly drawn from all sex, gender and ethnic backgrounds and thus any expansion of the industry will de facto contribute directly to improved E&D outcomes.</p>
<p>7.</p>	<p>How does this proposal tackle inequalities?</p> <p>This proposal contributes towards tackling inequalities in health and education because it will increase the number of physically demanding fishing industry roles, many of which attract recognised vocational qualifications.</p>
<p>8.</p>	<p>How does the proposal impact on people with learning disabilities?</p> <p>This proposal does not impact on people with learning disabilities</p>
<p>9.</p>	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>This proposal positively impacts upon all Brixham harbour users, in particular the commercial fishers, recreational boat owners but indirectly the residents and visitors to Brixham who will benefit from the greater environmental protection and economic opportunities delivered by this scheme.</p> <p>Opportunities for public consultation will be presented as part of the process for obtaining terrestrial Planning and Development consent, the obtaining a Marine Management Organisation licence to undertake the works. It will have hitherto also taken place as part of the design stage.</p>
<p>10.</p>	<p>How will you propose to consult?</p> <p>If this scheme is adopted then a comprehensive and robust consultative framework will be developed to ensure that the scheme retains this high level of public support at every stage of development and operation.</p>

Section 2: Implications and Impact Assessment

11.

What are the financial and legal implications?

Legal

The Council, as the nominated Statutory Harbour Authority in the Tor Bay Harbour Act 1970, has *inter alia* a duty to ensure the following:

- To provide, conserve, maintain and improve the harbour and services and facilities afforded therein [s6 Tor Bay Harbour Act 1970];
- To see that the harbour is in a fit condition for a vessel to utilise it safely [Harbour Docks & Piers Clauses Act 1847];
- A general duty to exercise its functions with regard to nature conservation and other environmental considerations [s48A Harbours Act 1964].

The key provisions in local legislation regarding to the Authority's works powers are:

- Tor Bay Harbour Act 1970:
 - S9: extension and alteration of any tidal work;
 - S13: works in the harbour;
- Tor Bay Harbour (Oxen Cove and Coastal Footpath, Brixham) Act 1988:
 - S8: power to reclaim land and construct works;
 - S9: power to make subsidiary and accommodation works.

Financial

Indicative financial data can be found in Appendix 2. These figures are based on the following broad assumptions:

- The serviceable life of the breakwater pontoons exceeds 50 years. This is based on the product's designed lifecycle and reinforced by case studies of similar products which have already been in service for >40 years which have been assessed to have in excess of 10-15 further serviceable years remaining.
- The serviceable life of the mooring pontoons and pilings is 25-30 years. This is based on many examples of similar pontoons which have been in service for more than 30 years
- The mooring chains and anchors will last at least 10 years. Chains of similar diameter in Brixham harbour have lasted over 15 years.
- The reclaimed area between Oxen Cove and the Fish Quay will be relatively maintenance free, requiring a replacement road surface no more than once every 15 years.
- The occupancy of the additional walk-ashore pontoon berths will be 15% in year 1 due to in-year construction, 30% in year 2, 60% in year 3 and then 90% for year 4 and beyond.
- Berthing charges rise by 2% pa.

Appendix 2 tabulates the anticipated year-by-year financial position for the scheme. Over the first 40 years of the project the total expenditure is £29.887m and the total income is £40.965m, ie a net overall surplus of £11.078m surplus and ROCE of 79%.

Once the 40-year loan repayment is complete, project returns increase further. Total expenditure over years 1-50 of £31.069m and income of £60.458 which delivers a ROCE of 210%.

Projected revenue streams include:

- **Rental of pontoon berths.** Replacing the existing swinging moorings at the western side of the outer harbour with a pontoon berthing system permits an additional 190 new 10m berths in a smaller space than at present.
- **Rental of reclaimed land.** The area to be reclaimed between Oxen Cove slipway and the Fish Quay would yield a considerable rent. The business case assumes that the rental income is reviewed every 15 years with a 5% increase at each review.
- **Income from fish landings.** There is increasing interest from the Irish fishing vessels, up to 15 of which wish to land to Brixham for up to 3 months a year. This is equivalent to 5 full-time vessels landing. In addition, the Authority is aware that companies which already land to Brixham are procuring 3 new beam trawlers.
- **Income from shell-fish landings.** In addition to the forecast increase in shell-fish landings facilitated by the prospective jetty in Oxen Cove, the Authority understands that other shell-fishing companies wish to land to Brixham which would generate additional fish toll revenues to the Authority.

Grant funding will be sought, however in its absence the figures show that the business case could still remain viable: a loan of £14m from the Public Works Loan Board requires an annual repayment of **£657,013** based on a 3.25% interest rate fixed for the first 25 years, capital and repayment, reducing to £544,838 for years 26-40 after the loan on the mooring pontoon is repaid. Borrowing costs reduce by £45,028 pa for every £1m grant or other funding secured.

12.

What are the risks?

Risk of not implementing the scheme

Risk Description	Risk Mitigation
Fishing industry migrates to other ports due to lack of landing capacity and environmental exposure	Install northern breakwater arm and reclaim land off Oxen Cove to permit shore-side expansion
Loss of recreational vessel custom due to preference for 'walk ashore' vice swinging moorings	Install pontoon system within protection of a northern arm breakwater
Climate change: existing facilities (especially northern side of Fish Quay) becomes increasingly unusable	Install northern breakwater arm
Reduced fish toll revenues as a result of the above risks	None unless this scheme enacted. Add to corporate risk register

	<p>Risk of delivering the scheme</p> <table border="1" data-bbox="325 259 1425 499"> <thead> <tr> <th data-bbox="325 259 874 300">Risk Description</th> <th data-bbox="874 259 1425 300">Risk Mitigation</th> </tr> </thead> <tbody> <tr> <td data-bbox="325 300 874 378">Obtaining MMO licence</td> <td data-bbox="874 300 1425 378">Take environmental issues into account ab initio</td> </tr> <tr> <td data-bbox="325 378 874 499">Expected occupancy rates of pontoon system not met</td> <td data-bbox="874 378 1425 499">Review pricing structure to attract users; accept lower annual profit returns</td> </tr> </tbody> </table>	Risk Description	Risk Mitigation	Obtaining MMO licence	Take environmental issues into account ab initio	Expected occupancy rates of pontoon system not met	Review pricing structure to attract users; accept lower annual profit returns
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13.	<p>Public Services Value (Social Value) Act 2012</p> <p>If approval for this scheme is granted then the purchase of goods and services will strictly adhere to the Council's procurement policy.</p> <p>As part of this process, applicants will be required to show how their involvement will improve the economic, social and environmental well-being to Torbay, <i>inter alia</i> the use of local suppliers and materials where appropriate, the provision of educational/informative site visits to residents and harbour users etc. Advice and guidance will be sought from the Council's Procurement team as to how best to take this forward.</p>						
14.	<p>What evidence / data / research have you gathered in relation to this proposal?</p> <ul style="list-style-type: none"> • Analysis of historic meteorological and hydrographic records of Tor Bay to understand wave height, period and direction. • Documentary review of previous wave modelling data for Brixham harbour. • Review of previous Environmental Impact Assessments carried out for Oxen Cove to understand the environmental impacts of further land reclamation. • Review of previous sea-bed sediment core sample analyses to consider likely contaminant mitigation measures required during construction and use of reclaimed land and pontoon system. • Discussions with pontoon and floating breakwater designers to understand environmental parameters and limitations of use. • Site surveys with construction industry representatives. • Stakeholder meetings with commercial fishing industry and environmental representatives. • Review of dive survey records to identify material state of existing mooring infrastructure. • Soft market testing amongst breakwater design and construction companies. • Consultation with harbour users to confirm support for this scheme and to identify potential issues from the outset. 						
15.	<p>What are key findings from the consultation you have carried out?</p>						

	<p>There is a high level of support in principal for this project, evidenced from:</p> <ul style="list-style-type: none"> • A public workshop to update the Port Masterplan took place in Brixham which took place in May 2018. Attendees included representatives of the Council, Town Council, the yachting, sailing and rowing, local residents, commercial and recreational fishermen, and local businesses. There was universal support for a northern breakwater arm, land reclamation to permit expansion of the commercial fishing industry and walk-ashore berths. • A meeting with Dr Sarah Wollaston MP (at her request) during the Fishstock weekend in September 2018 at which she offered to support the scheme if taken forward. • An informal meeting with representatives of Natural England (a statutory consultee on the scheme) indicated that there would be no objections to such a scheme on environmental grounds, subject to the findings of a comprehensive Environmental Impact Assessment and the application of any identified mitigating strategies.
<p>16.</p>	<p>Amendments to Proposal / Mitigating Actions</p> <p>Ideas and issues raised during the consultation to date (outlined above) have been incorporated into the design of this scheme. Examples include:</p> <ul style="list-style-type: none"> • The size and location of the proposed land reclamation area to ensure sufficient distance from the closest residential buildings. • The location and length of the proposed floating breakwater. • The choice of materials for the pontoon walkways to minimise the shadow on the seabed. <p>Further proposals arising from future consultative events will similarly be considered for inclusion.</p>

Equality Impacts

17.	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	Replacement of swinging moorings with walk-ashore pontoons will facilitate access to vessels, making recreational sailing more accessible younger people, ensure older people can continue their sport longer into old age and make sailing safer for all		
	People with caring Responsibilities			There are no differential impacts
	People with a disability	Replacement of swinging moorings with walk-ashore pontoons will facilitate access to vessels, thereby making sailing more accessible to those with a disability		
	Women or men	Fishers have historically been male however increasing numbers of women are becoming commercial fishers. The additional job opportunities should drive further diversity		The generation of up to 100 direct and 150 indirect FTE roles will have a positive impact on both women and men in terms of employment opportunities
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	The demographic of commercial fishers is increasingly diverse: where historically fishers have come from the local community, more are recruited from europe and further afield. The increase in		

	job opportunities should drive further diversity.		
Religion or belief (including lack of belief)			There are no differential impacts
People who are lesbian, gay or bisexual			There are no differential impacts
People who are transgendered			There are no differential impacts
People who are in a marriage or civil partnership			There are no differential impacts
Women who are pregnant / on maternity leave			There are no differential impacts
Socio-economic impacts (Including impact on child poverty issues and deprivation)	This scheme could deliver up to £14.8m GVA pa to the local economy which would have a significantly positive socio-economic impact and directly address deprivation		
Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	Public health (both physical and mental) is positively impacted by the number of well-paid jobs, active lifestyles, increased access to sport and increased GVA. This scheme delivers all of these.		
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	The additional fish toll revenues will provide additional financial resource to the Council	

17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	None identified at present
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WAVE DISSIPATION
STRUCTURE

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PONTOON FACILITY

BOAT HOIST AND COMMERCIAL
FACILITY ON RECLAMATION



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