



Friday, 21 June 2019

HARBOUR COMMITTEE (REVISED AGENDA)

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

Monday, 1 July 2019

commencing at **5.30 pm**

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

Members of the Committee

Councillor Amil
Councillor Barrand
Councillor Bye
Councillor Carter
Councillor Dart

Councillor Dudley
Councillor O'Dwyer
Councillor Ellery
Councillor Mills

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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HARBOUR COMMITTEE AGENDA

1. **Election of Chairman/woman**
To elect a Chairman/woman for the 2019/2020 Municipal Year.
2. **Appointment of Vice-Chairman/woman**
To appoint a Vice-Chairman/woman for the 2019/2020 Municipal Year.
3. **Apologies**
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
4. **Minutes** (Pages 4 - 6)
To confirm as a correct record the Minutes of the meeting of the Committee held on 18 March 2019.
5. **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.)
6. **Urgent items**
To consider any other items that the Chairman decides are urgent.
7. **Harbour Committee Terms of Reference** (Pages 7 - 8)
To note the Harbour Committee's Terms of Reference as approved at the Adjourned Annual Council meeting on 28 May 2019 and set out in the Council's Constitution.

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|-----|---|--------------------|
| 8. | Harbour Appointment Sub-Committee
To appoint a Harbour Appointments Sub-Committee for 2018/2019. | (Page 9) |
| 9. | Harbour Asset Review Working Party
To appoint two External Advisors to the Harbour Asset Review Working Party. | (Page 10) |
| 10. | Harbour Budget Review Working Party
To appoint two External Advisors to the Harbour Budget Review Working Party. | (Page 11) |
| 11. | Pilotage Review Working Party
To appoint the Pilotage Review Working Party. | (Page 12) |
| 12. | Port Masterplan - Addendum 2019-2020
To consider the Port Masterplan – Addendum 2019-2020. | (Pages 13 -
33) |
| 13. | Request for allocation of reserves to progress Brixham Improvement Scheme
To consider a report on the above. | (Pages 34 -
35) |
| 14. | To Bay Harbour Authority Budget Monitoring 2019/20
To note a report that provides Members with projections of income and expenditure for the year 2019/20 compared with approved budgets. | (Pages 36 -
41) |
| 15. | Tor Bay Harbour Authority Revenue Outturn 2018/19
To note a report that provides Members with the details of the Tor Bay Harbour Authority final expenditure and income figures against budget targets for 2018/19. | (Pages 42 -
46) |
| 16. | Review of Harbour Pilotage Directions
To consider the above. | (Pages 47 -
57) |
| 17. | Port Marine Safety Code
For Members to note the latest accident statistics for the Harbour Authority's operational area. | (Page 58) |
| 18. | Torquay/Paignton and Brixham Harbour Liaison Forums
To note the minutes of the above Harbour Liaison Forums. | (Pages 59 -
64) |



Minutes of the Harbour Committee

18 March 2019

-: Present :-

Councillor Bye (Chairman)

Councillors Amil, Carter, Haddock, Hill (Vice-Chair), O'Dwyer and Robson

External Advisors: Mr Buckpitt and Mr Day

38. Apologies

Apologies for absence were received from Councillor Ellery, External Advisors Mr Blazeby, Mr Stewart and Mr Ellis.

39. Minutes

The Minutes of the meeting of the Harbour Committee held on 5 February 2019 were confirmed as a correct record and signed by the Chairman.

40. Review of the Tor Bay Harbour Authority Asset Management Plan

Members considered a report that set out the Tor Bay Harbour Authority Asset Management Plan. Members were informed that the Asset Management Plan is the means by which the Harbour Committee meets its obligations to provide strategic direction for those assets within the harbour estate.

Resolved:

That subject to the inclusion of Brixham Breakwater and Mooring Chains being listed as an asset for in-year review, the Tor Bay Harbour Authority Asset Management Plan as set out in Appendix 1 to the submitted report be approved.

41. Tor Bay Harbour Business Plan 2019/20

Members considered a report that sought approval of the Tor Bay Harbour Business Plan for 2019/20. The Interim Director of Place informed Members that the business plan was based upon the approved budget and would help ensure the harbour's continued success.

Resolved:

That subject to the SWOT Analysis including 'changing fishing patterns and unpredictable fish tolls' as a threat, the Tor Bay Harbour Business Plan for 2019/20 as set out in Appendix 1 to the submitted report be approved.

(Note 1: Councillor Haddock declared a non-pecuniary interest as his land is used as a transfer station linked to mussel farming.)

42. Tor Bay Harbour - Operational Moorings and Facilities Policy

To consider a report that seeks approval of changes to the Operational Moorings and Facilities Policy. The Interim Director of Place informed Members that the policy ensures a consistent, fair and equitable approach is applied to new, existing and potential facility users.

Resolved:

That the Operational Moorings and Facilities Policy version 14 be adopted subject to the 'Torquay Town Dock and Inner Dock pontoons Priority' in Appendix 2 being amended to read '...waiting lists are closed when 20 30 names are registered...'.

43. Request for Allocation of Reserves to Progress Brixham Improvement scheme

The Committee considered a report that sought approval to earmark £25,000 of the Harbour Reserve to progress the detailed business case for the proposed Brixham Harbour improvement scheme.

Resolved:

That the Tor Bay Harbour Master be authorised to exercise his delegated powers and allocate £25,000 of Harbour Reserves for the purposes of developing a detailed business case for the Brixham Harbour Improvement Scheme.

44. Water Metering Brixham Harbour

Members considered a report that proposed to extend the metered 'pay as you use' system which is currently employed to supply electricity to also include the provision of water.

Resolved:

- i) That the Harbour Committee supports the allocation of £110,000 from Harbour Reserves to undertake capital works to extend the MeterMACS system to introduce water metering at Brixham Harbour; and

- ii) That the Council be recommended to vary the Council's Capital Plan in support of this decision.

45. Tor Bay Harbour Authority Budget Monitoring 2018/19

The Harbour Committee noted a report that provided an update on income and expenditure projections in 2018/19. The report identified the overall budgetary position for Tor Bay Harbour Authority as at the end of February 2019 to enable appropriate action to contain expenditure and maintain reserves at sufficient levels.

46. Enforcement and Prosecution Policy

The Committee considered a report that set out the Harbour Enforcement and Prosecution Policy. The policy was first published in 2004 and periodically reviewed thereafter, such a policy enhances the Council's reputation for transparency and accountability in respect of its delivery of its harbour authority function.

Resolved:

That the Enforcement and Prosecution Policy as set out in Appendix 1 to the submitted report be approved.

47. Risk Register

Members noted the risk register in particular the addition of Brexit and Climate Change.

48. MARNIS

Members noted the report that set out the accident/incidents recorded across Tor Bay Harbour and harbour estate. The Interim Director of Place informed the Committee, as the Duty Holders, of a dangerous incident that had been recorded and placed on YouTube. He advised that a full investigation was underway and the Committee would be kept informed of subsequent action.

49. Harbour Committee Work Programme 2019/2020

The report was noted.

50. Torquay/Paignton and Brixham Harbour Liaison Forums

The Minutes of the Torquay/Paignton and Brixham Harbour Liaison Forum were noted.

Chairman

Name and Terms of Reference	Membership
<p>Harbour Committee</p> <p>To determine all matters relating to the strategic management of the Council’s function as a Harbour Authority, in line with the Tor Bay Harbour Port Masterplan, the Council’s Policy Framework. Specifically the Committee will:-</p> <ol style="list-style-type: none"> 1. manage all of the Harbour’s financial matters in accordance with approved financial procedures and the Council’s aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited to): <ol style="list-style-type: none"> (a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums; (b) approving the annual revenue budgets within the ring-fenced harbour accounts; (c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and (d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing; <p>providing that no decision by the Harbour Committee shall impact adversely on the Council’s general fund or capital budget.</p> 2. to act as Duty Holder for the purposes of the Port Marine Safety Code; 3. approve and monitor a business plan for Tor Bay Harbour, in line with the 	<p>9 members of the Council in accordance with the political balance requirements, plus up to five external non-voting advisors appointed by the Committee on a four year term.</p> <p>(Group Leaders will be asked to take account of the geographical spread of members in making appointments to the Committee)</p> <p>Conservative (4)</p> <p>Liberal Democrat (3)</p> <p>Independent Group (2)</p>

<p>Council's policy framework, and address any issues relating to performance;</p> <ol style="list-style-type: none">4. review these terms of reference annually and request the Council to make any necessary amendments and/or additions;5. review annually the powers delegated to the Head of Tor Bay Harbour Authority and refer any proposed changes to the Council for determination. The Committee itself shall not authorise any changes;6. consider any other matters referred to the Committee by the Head of Tor Bay Harbour Authority;7. establish any sub-committee or working parties as the Committee sees fit, in particular a Harbour Appointments Sub-Committee for the recruitment of advisors;8. recommend the format, composition and governance of the Harbour Liaison Forums and keep the arrangements under review;9. to provide strategic direction to the Head of Tor Bay Harbour Authority and the Leader of the Council in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.; and10. appoint advisors following receipt of recommendations from the Harbour Appointments Sub-Committee. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee.	
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Appointment of Harbour Appointments Sub Committee

The Terms of Reference for the Harbour Committee state that the Committee membership will be:-

“9 members of the Council plus up to five external non-voting advisors appointed by the Committee on a four year term. Appointments will be merit based and be in accordance with the Local Protocol for members of the Harbour Committee”

The Committee is asked to consider appointments to the Harbour Appointments Sub Committee (a minimum of three Councillors). In June 2018, it was resolved that a Harbour Appointments Sub-Committee, comprising of five members of the Harbour Committee (The Chair, Vice-Chair and Councillors Bye, Carter and Pentney), be appointed with the following Terms of Reference:-

“to consider ad hoc applications for external advisor positions on the Harbour Committee and recommend to the Harbour Committee the persons who should be appointed to those posts as and when vacancies arise. And to determine the rolling programme for advisors tenure”

Although not specifically stated in the Terms of Reference for the Harbour Committee it is a Harbour Committee recommendation that External Advisers should be limited to two 4-year terms, which is in line with good governance best practice. The table below shows the current position in respect of External Advisers :-

Advisor	Appointing Body	Date when first appointed	Current 4-year term ends
David Buckpitt	Harbour Committee	5 Dec 2011	End of Dec 2019
Michael Stewart	Harbour Committee	17 Dec 2012	End of Dec 2020
Michael Ellis	Harbour Committee	16 Dec 2013	End of Dec 2021
Nigel Blazeby	Harbour Committee	19 March 2017	End of March 2022
Mark Day	Harbour Committee	19 March 2017	End of March 2022

May 2019

Harbour Asset Review Working Party

The Terms of Reference for the Harbour Committee state that the Committee should:-

“determine all matters relating to the strategic management of the Council's function as a Harbour Authority..... and provide strategic direction to the Executive Head of Business Services and the Mayor in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority”

The elected Members of the Harbour Committee were appointed to the Harbour Asset Review Working Party by Council on 28 May 2019. The Committee is asked to consider appointing two of the Harbour Committee External Advisors to the Harbour Asset Review Working Party. The External Advisors appointed to the Harbour Asset Review Working Party for the 2018/2019 Municipal Year were Mr Stewart and Capt. Lloyd.

June 2019

Harbour Budget Review Working Party

The Terms of Reference for the Harbour Committee state that the Committee should:-

“manage all of the Harbour’s financial matters in accordance with approved financial procedures and the Council’s aspirations for the harbour to be self financing as outlined in the Tor Bay Harbour Port Masterplan and including (but not limited to):

- (a) the setting of harbour charges from time to time (including in-year changes to the schedule) normally following consultation with the relevant Harbour Liaison Forums;*
- (b) approving the annual revenue budgets within the ring-fenced harbour accounts;*
- (c) receiving quarterly budget monitoring reports and to approve variances as appropriate; and*
- (d) monitoring the harbour reserve funds and to seek to ensure that the funds are kept above an appropriate minimum contingency level and ensure the harbour remains self-financing”*

The elected Members of the Harbour Committee were appointed to the Harbour Budget Review Working Party by Council on 28 May 2019. The Committee is asked to consider appointing two of the Harbour Committee External Advisors to the Harbour Budget Review Working Party. The External Advisors appointed to the Harbour Budget Review Working Party for the 2018/2019 Municipal Year were Mr Stewart and Mr Blazeby.

June 2019

Pilotage Review Working Party

The Terms of Reference for the Harbour Committee state that the Committee should:-

1. Establish any sub-committee or working parties as the Committee sees fit and;
2. To act as Duty Holder for the purposes of the Port Marine Safety Code

Tor Bay Harbour Authority is a *Competent Harbour Authority* within the meaning of the Pilotage Act 1987 which states that

“Each Competent Harbour Authority shall keep under consideration ...whether any, and if so, what pilotage services need to be provided to secure the safety of the ships navigating in or in the approaches to its harbour”

It is therefore appropriate for the Harbour Committee to establish a Pilotage Review Working Party.

In June 2018 it was resolved that a Pilotage Review Working Party, comprising of two of the External Advisors (Mr Buckpitt and Mr Stewart) be appointed to work alongside Officers to review the Pilotage arrangements for Tor Bay Harbour and to recommend to the Harbour Committee any amendments to the Pilotage Directions as and when appropriate.

May 2019



PORT MASTERPLAN ADDENDUM 2019-2024



EXECUTIVE SUMMARY

In 2013 The Tor Bay Harbour Authority published its Port Masterplan which set out, for the first time, a practical and realistic long-term strategy for the future of Tor Bay Harbour over the following 20-25 years. The Masterplan was designed as a 'living document' and the subject of periodic updates to remain aligned with the evolving needs and wishes of Harbour users, reinforce and build on achieved successes, and to identify and react to new challenges and opportunities.

In the 5 years since its publication much has changed. Operationally, the Bay's popularity as a working and recreational harbour has increased with greater number of marine events held every year. The fishing industry based primarily in Brixham has expanded, and the Bay remains a regular destination anchorage for cruise ships and other merchant vessels.

Many of the projects identified to improve

the Bay and its 3 enclosed ports of Brixham, Paignton and Torquay have been successfully delivered, including improvements to Princess Pier and Beacon Quay in Torquay, improved fendering and other infrastructure for the fishing and shell-fishing industry in Paignton and Brixham. Inevitably a lot of the Port Masterplan has yet to be delivered but this is only to be expected: we are only 5 years into a 25-year programme.

There have been many changes to the operating environment, too: reductions to central government funding of Local Authorities, combined with increased demands upon its services, have left Torbay Council (among many others) facing severe financial pressures. The consequences of the 2016 Brexit vote have yet to crystallise but could present challenges for tourism, and the marine and environmental sectors which will have to be addressed quickly if business continuity is to be maintained. It might also result in greater opportunities eg for the fishing industry. It is probable that the administrative burden will increase eg as a result of increased customs checks of non-UK vessels landing to Torquay or Brixham, and proactive steps are being taken to mitigate this.

As part of ongoing efforts to minimise the impact of human activity on Tor Bay's natural environment – while also allowing, where possible, for those activities to take place - the Harbour Authority have been closely involved in several Bay-wide initiatives to improve sustainability. These have included monitoring the recently introduced Torbay inshore Marine Conservation Zone; working alongside Living Coasts and others by contributing to the design and installation of experimental eco-moorings to hopefully reduce scouring of the seabed caused by mooring and anchor chains; and working with the Community Seagrass Initiative and Fishing for Litter projects, among others.



INTRODUCTION

In 2012 the Tor Bay Harbour Authority commissioned Royal Haskoning DHV to consult on and draft a strategic Port Masterplan for Tor Bay and the three enclosed ports of Torquay, Paignton and Brixham. This document was published in 2013 by the Harbour Authority to set out, for the first time, a practical and realistic long-term strategy for the future of Tor Bay Harbour over the following 20-25 years.

The Port Masterplan was unashamedly ambitious in its reach and undoubtedly

comprehensive in its breadth: it considered not only the physical infrastructure requirements of the Harbour's ports and the wishes of its users, but it also encompassed the wider environmental and socio-economic aspects including tourism, transport links, employment opportunities, and its contribution to the health and wellbeing of residents and visitors.

When the Port Masterplan was published, the Torbay Local Plan and the towns' Neighbourhood Plans were still being developed, and thus a key purpose of the Port Masterplan was to inform, influence and assist their development by explaining to local communities and the marine industry how they could expect to see the Harbour and its

ports develop over time.

Pleasingly, the Port Masterplan has stood the test of time: although much has changed over the intervening period, it remains a valid and actionable document, requiring only a minor update – the purpose of this Addendum, which is designed to be read in conjunction with the original publication. Objectives and projects which have already been achieved are identified; those that are ongoing are critically reviewed against the current and foreseeable operating environment and modified as necessary to ensure that they can be delivered. New opportunities are identified and incorporated into the Addendum. Similarly, those objectives described in the 2013 publication which are either undeliverable or no longer pertinent are also categorised along with an explanation of why they will no longer be pursued.

This document has been developed after extensive consultation with stakeholders and the public to reflect their evolving aspirations and requirements. Consultation events were held on a number of throughout the summer of 2018 at each of the enclosed ports to ensure that as many views as possible could be captured and considered.

THE BAY AND ITS THREE PORTS

Tor Bay

Tor Bay Harbour, the waterfront, the three enclosed ports and the coastline all form the central part of Torbay's built and natural environment. The focal point is the wide and open bay which provides substantial protection from the prevailing south-westerly weather. It is truly a community resource. It is a 'working' harbour in which cruise ships and merchant vessels frequently anchor to land passengers, change crews or undertake at-sea hull inspections. In poor weather it is a 'port of refuge' for vessels seeking shelter. The Bay accommodates inshore passenger ferries to connecting the towns of Torquay, Paignton and Brixham to Teignmouth and Dartmouth.

The absence of strong tidal currents, rip-tides or eddies, as well as its gently shelving seabed make it an ideal and popular destination for recreational and leisure vessels and hosts

many maritime races and events each year. It is a regionally-significant tourist destination and also supports a fishing industry of national importance.

Tor Bay is also visited by cruise ships which anchor off Torquay Harbour both because of its location - it neatly links the destinations of Hamburg or Southampton in the east, to Cork or Dublin in the west, and the Iberian Peninsula to the south. It is also the ideal 'gateway' to Exeter, Dartmoor and many South Devon attractions as well as a popular destination in its own right. It is also the diversionary harbour of choice for cruise vessels which cannot safely make Plymouth or Dartmouth in poor weather.

A number of merchant vessels make use of Tor Bay's sheltered deep water anchorages to temporarily lay-over, to swap crews or to conduct under-water hull inspections. Historically they also used to conduct hull cleans and propeller polishing activities but these stopped several years ago due to concerns over the potential to introduce environmental pollutants into the Bay. A number of technological advances have addressed these reservations and it is hoped that these will recommence in the near future,

hopefully increasing the number of visiting merchant vessels.

Connectivity

Since the 2013 publication of the Port Masterplan the Bay has become increasingly well connected to the South Devon hinterland and beyond: recent large-scale road network improvement projects including the A380 South Devon Expressway have reduced journey times for the 30,000 vehicles which daily travel between Torbay and Newton Abbott by up to 40 minutes. This will be further improved if the Torquay Gateway Scheme is progressed.

Ongoing road widening works along the 'western corridor' are also improving Brixham's connectivity to Paignton, Torquay and beyond. However, immediate road connectivity to each of the three ports remains single-carriageway only, and there are competing pressures between resident, tourist and commercial traffic, all of which continue to increase in volume.

Intra-port connectivity has similarly improved with regular seasonal foot-passenger ferries which operate between the three ports of Tor Bay and also to Teignmouth and Dartmouth.

However the fast ferry service which commenced in 2015 was scrapped in 2017 due to lack of customer demand.

Rail connectivity for the Bay has similarly stalled despite the line at Dawlish being rebuilt after it was washed away in 2014, as the rail improvements outlined in the Local Transport Plan have been indefinitely delayed due to funding considerations.

Brixham

Brixham remains the 4th largest fishing port in the UK and the largest in England and Wales by value of catch landed; this is illustrated in the table below:

Type	Quantity (thousand tonnes)		Value (£m)	
	2012	2017	2012	2017
Demersal	4.2	4.7	11.9	15.6
Pelagic	2.1	1.6	0.7	0.5
Shellfish	7.4	8.7	13.5	24.6
total	13.7	15	26.1	40.7

Since the Port Masterplan was published in 2013 both the quantity and value of fish and

shell-fish product have increased and the fishing port is approaching capacity in terms of vessels that it can accommodate. Similarly, the fish market is reaching capacity shore-side regarding the number and size of lorries that it can safely accommodate. An objective of this Addendum is to address these capacity issues to ensure that the fishing industry can continue to grow and evolve into the future.

Brixham’s heritage fishing fleet continues to be an active and visible presence in and around the Bay and, along with the commercial fishing fleet described above, remains a key element of Brixham’s attraction as a tourist destination particularly during the main summer season when the town can become congested with both people and traffic. Parking within the town remains at a premium and the plans within this Addendum are, where practicable, cognisant of their impact on the availability of parking.

In addition to the MDL-operated marina, Brixham also hosts approximately 200 swinging moorings in the outer harbour. There is an aspiration to replace these with a piled ‘walk ashore’ pontoon system which would reduce their footprint and enable further development of the harbour; however the 2013 Masterplan

noted that this could not be undertaken without the further environmental protection provided by a northern breakwater arm.

Paignton

Paignton Harbour is a compact and enclosed working harbour which completely dries out at low tide. It has the character and ‘feel’ of a north Cornish fishing port, and is situated within an urban, mostly residential area of Paignton. It has a strong community feel by virtue of its active dinghy sailing, rowing and Sea Scout groups, and is surrounded by several historic buildings, restaurants and cafes as well as some small commercial marine units, particularly on South Quay, including crab vivier tanks. It is however spatially dislocated from the town centre and suffers from reduced footfall and vehicle traffic as a result, which constrains its commercial appeal.

The congested East and North Quays are used to store many dinghy-sized craft and canoes, some fishing-related stores and seasonal passenger-ferry boarding stations. Ample car parking behind the buildings on South Quay exists but is under-used except for a few days during the high season, and the harbour’s two slipways are popular launching

and recovering sites.

The harbour walls are aging but sound, however many of the buildings on South Quay require refurbishment. Many of the businesses and clubs wish to expand but are prohibited from doing so due to lack of space or inefficient building's design or layout. In particular the demand for storage outstrips supply due to spatial constraints.

The 2013 Port Masterplan noted the need to raise, and potentially to extend, the East Quay wall to improve environmental protection as well as the possibility of building a new slipway and quay wall on its outer (seaward) side. These have not yet commenced due to cost, but remain high priorities, however other Masterplan projects are being taken forward, particularly the redevelopment of the Harbour Light building and the redevelopment of South Quay.

Torquay

Torquay Harbour is a modern enclosed harbour from which a small but significant commercial fishing industry as well as a number of passenger ferry companies operate. Visually the harbour is dominated by pontoon-style berths for recreational vessels,

split approximately evenly between MDL and Local Authority ownership, and the harbour has almost reached capacity: there is very little room afloat for further berths.

The harbour is protected by the twin arms of Haldon Pier and Princess Pier, the latter being recently refurbished (2018) when the derelict landing stage was removed. Haldon Pier was historically a popular berth for small to medium sized coasters but is unlikely to ever operate in this capacity again for several reasons: rock armouring prohibits berthing along the outer face and the harbour entrance is too narrow to allow such vessels to manoeuvre safely alongside the inner face. Furthermore Haldon Pier requires substantial refurbishment if the current vehicle weight restriction is to be revoked, which presently curtails the volume of cargo that can be discharged alongside. Instead, the visitors' pontoon is moored alongside the inner face and provides walk-ashore access to the toilets, showers, shops and cafes situated along Beacon Quay on the harbour's northern side.

The Beacon Quay slipway is an extremely popular launching point for small vessels and in summer often requires active management to prevent congestion. Further west along

Beacon Quay are the historically significant, but despite their listed status are sadly dilapidated, WWII landing craft ramps from which some of the armed forces which participated in D-Day departed. Between the ramps and slipway is the Town Dock which is used by passenger ferries and cruise vessel tenders to land and pick up passengers.

There is a fuel berth on South Pier which vends both petrol and marine diesel but this needs substantial renovation before it can be permitted to recommence trading. This Pier, along with the adjoining bridge and cill, provides further protection for vessels moored in the Inner Harbour which dovetails into the lower part of the town and is surrounded by commercial premises as a consequence.

The route from the Town Dock to the town centre has been the focus of improvements in Torquay to reflect its 'gateway' status into and out of the town from the water. The focus in this Addendum will be the less conspicuous but equally important quay walls around other parts of the harbour as part of an ongoing programme of future-proofing and renovations.

THE NEED FOR PORT MASTER- PLANNING

The Harbour Authority is continuously responsible for improvements to the harbour facilities to accommodate changes in the needs and demands of port customers, port users, stakeholders and legislation in order to ensure continuing success.

Published in 2013, the main purpose of the Port Masterplan was to provide a practical and realistic long-term strategy for the future of Tor Bay Harbour over the following 20-25 years. It was designed as a 'living document' and is the subject of periodic updates (of which this document is the first) to remain aligned with the evolving needs and wishes of Harbour users, reinforce and build on achieved successes, and to identify and react to new challenges and opportunities.

This Port Masterplan is a high level framework document that provides overall strategic

spatial development guidance on the most sustainable future for Tor Bay Harbour and its three enclosed ports. It is not meant to include detailed plans of developments for implantation but instead provides flexibility for development over the longer term.

It is also designed to communicate the Harbour Authority's aspirations to the wider community and other planning bodies to ensure that future harbour development remains coherent with change delivered through the Torbay Local Plan, Neighbourhood Plans and other regional and local strategies.



THE APPROACH FOR THIS ADDENDUM

Designed to remain relevant for up to 20 years, much of the Port Masterplan remains permanent as a 'capstone' document which articulates the broader strategic setting. This Addendum, and each of those which follow will serve to update the contextual and other changes which have occurred since the 2013 publication and to provide greater levels of clarity and detail regarding priorities, proposed developments and a proposed delivery plan for the forthcoming 5-10 year timeframe.

Like the Port Masterplan, this and future Addendums are deliberately ambitious and, to a certain extent, aspirational: many of the plans are not currently funded and it may prove impossible to deliver these capabilities within the desired timeframe (or indeed at all if circumstances so dictate). However it is important to describe future plans and



projects in sufficient detail that future growth, however piecemeal, remains coherent. Each delivery plan should thus not be viewed as stand-alone project but instead a piece within a wider holistic 'jigsaw'.

The development of this Addendum followed closely to that employed for the original Port Masterplan. Stakeholder workshops were undertaken during the summer in each of the three harbours to understand what had changed since publication of the Port Masterplan and to identify future requirements and priorities. These workshops focused on 4 questions:

- What changes have taken place since publication of the Port Masterplan?

- What are the future requirements of Tor Bay Harbour that we must address?
- What are your ideas for the development of the harbour?
- What is your order of priority for future development?

Each workshop concluded with a plenary session to gauge areas of collective agreement. These were incorporated into a draft version of this document which was circulated amongst consultation attendees for feedback prior to its being presented to the Harbour Committee for endorsement and subsequent Council adoption.

THE STRATEGY FOR TOR BAY HARBOUR AUTHORITY

The overarching strategy for Tor Bay Harbour Authority remains unchanged from that published in the Port Masterplan:

‘to provide a high quality service that is committed to improve Tor Bay Harbour and provide a cleaner and safer environment by addressing the following objectives:

- Maintain Tor Bay Harbour and the three enclosed ports under the management of one Harbour Authority
- Review and use the statutory powers of the Harbour Authority to fulfil its statutory duties in a timely manner for the purpose of improving, maintaining and managing

the harbour while continuing to contribute, where possible, to the finances of the owning authority – Torbay Council;

- Develop robust partnerships with key maritime stakeholders to attract and deliver commercial port businesses, contributing to job creation and the local economy;
- Manage the harbour in a sustainable manner by supporting a variety of marine activities including fishing, shipping, marine-related businesses, heritage, eco-tourism and marine recreational activities;
- Balance the responsible stewardship of the marine environment with appropriate socio-economic development and use of Tor Bay;
- Measure and monitor the needs and wishes of harbour users, the local community and visitors through appropriate research; and,
- Improve connectivity between the enclosed ports by upgrading facilities for marine transport.’

These objectives remain unchanged from the original Port Masterplan because they were

designed with longevity in mind, and despite changes to the operating context they remain valid. That notwithstanding their priorities have undoubtedly changed: issues surrounding port governance have diminished in relative terms compared to the protection of the marine environment for example.

The plans and projects detailed later in this document each contribute towards one or more of these objectives.

WHAT HAVE WE ACHIEVED SINCE THE LAST PLAN?

Page 22

Much has been achieved since the original plan was published in 2013. These include:

The Bay

- The establishment of an inshore Marine Conservation Zone (MCZ) around the Bay in 2013 has enhanced the protection of the Bay's natural environment;
- The number of our beaches which have been granted the prestigious Blue Flag award standard has risen despite the threshold criteria for water quality having been substantially raised in 2015. This reflects the continuing improvement in our natural environment and also the facilities offered at the waterfront;
- New seasonal passenger ferry links to Teignmouth have reinforced the Bay's attractiveness as a tourist destination;

- The continuing use of the Bay as a place of refuge in inclement weather and also as a destination for cruise vessels provides an economic boost to the area.

Torquay

- The replacement of the swinging moorings in the Torquay inner harbour with walk-ashore pontoons. This has considerably improved safe access for harbour users to and from their vessels and enhanced the security of the vessels while berthed in the harbour;
- Permanent pontoons have been installed at the foot of Princess Parade for the commercial fishing fleet in Torquay, which has both increased the number of vessels which can be accommodated in the harbour and improved safe access for the fishermen;
- Seasonal pontoons have been installed along the inner face of Haldon Pier for visitors to improve the amenity and appeal of the port;
- The provision of improved pontoons and access brow for cruise ship passengers inside Haldon Pier;

- The obsolete landing stage on Princess Pier has been removed and the walkway refurbished to improve pedestrian access, particularly disabled access;

- The decking along Beacon Quay has been replaced with a composite surface, making it substantially safer especially in wet weather by improving its non-slip properties;

- The Harbour Authority has recently re-acquired the marine fuel station and investigating how best to refurbish it to ensure a future fuelling capability remains in Torquay;

- The wave screen in the outer harbour has been upgraded and is designed to better withstand any wave action during storms.

Paignton

- Refurbishment of the Harbour Light building is expected to commence in early 2019.

Brixham

- Repairs to the Victoria breakwater following storm damage, the emplacement of more robust rock armouring along part



of its seaward face as well as raising the breakwater's height by 50cm is expected to substantially improve its utility as a breakwater and future-proof it against rises in sea level due to climate change for up to 50 years.

- Better fendering of the Fish Quay's northern face will ensure that the more exposed landing berths remain operational in a wider range of inclement weather than at present;
- The expected installation of a shell-fish landing jetty in Oxen Cove will raise the harbour's capacity will meet the growing demand by an increasing number of

vessels to land a greater volume of stock.

Perhaps unsurprisingly (since we are only 5 years into a 25 year plan) a number of plans outlined in the Port Masterplan have yet to be delivered. While a few are no longer relevant, most are still needed although perhaps a few require modifying to reflect the changing operating environment, while other, new, requirements have emerged.

Those that will not be taken forward include:

- The extension to Haldon Pier to provide a deep water berth. This is not considered viable due to cost, the disruption to the inshore Tor Bay MCZ and also the lack of suitably deep water to attract sufficient

vessels alongside to justify the cost of construction. Moreover the fragile material state of the existing Haldon Pier would require costly and extensive maintenance works to bear the likely vehicular traffic and plant needed to make the pier a useful loading and unloading berth.

- Additional slipway on the seaward side of Paignton's East Quay and on the seaward side of Haldon Pier. Although these will be kept under review, there is sufficient launching capacity around the Bay to offset the need for the construction of additional slipways. Moreover the cost of construction is unlikely to ever be recouped from the launching fees they could generate and they would both be vulnerable to surge or flood damage in an easterly storm.
- A half-tide cill and lift bridge in Brixham. Experience from Torquay has shown that this would be very costly to build and require an increased number of harbour staff to manually lift and lower the bridge. Even if a pontoon berthing system similar to that in Torquay's inner harbour were built it is unlikely that the cost of the cill and bridge could ever be recouped.

SWOT ANALYSIS

The SWOT (strengths, weaknesses, opportunities and threats) analysis published in the Port Masterplan has been updated here to reflect the changes which have taken place over the intervening 5 years.

Strengths	Weaknesses
<p>Tor Bay Harbour is well protected with good anchorages for ships</p> <p>Significant Harbour Estate that makes the harbour sustainable</p> <p>English Riviera is a strong marketing and tourism brand</p> <p>Unique character of the individual ports</p> <p>Good provision of leisure and recreational boating facilities, including a number of active yacht clubs</p> <p>4th largest fishing port in UK with excellent reputation for quality</p> <p>Tor Bay is recognised as a port of refuge</p> <p>Attractive area for living and working</p> <p>All ports come under one governing Authority</p> <p>Outstanding natural environment with variety of designations eg MCZ</p> <p>Excellent water quality</p> <p>Safe road network which is continually improving</p> <p>Paignton and Torquay connected to national rail network</p>	<p>Some unused and derelict harbour facilities</p> <p>Aging critical harbour infrastructure eg piers, quays and harbour walls</p> <p>Lack of waterfront space to expand harbour businesses, particularly fishing industry</p> <p>Congested road networks, particularly in high season</p> <p>Lack of lift out/repair facilities for vessels eg MFVs</p> <p>Shortage of onshore marine leisure facilities</p> <p>Lack of cargo handling facilities</p> <p>Lack of cold storage and fish processing facilities</p> <p>No rail connections to the enclosed ports</p> <p>Tor Bay anchorages exposed to easterly weather</p> <p>Infrastructure & water depth are insufficient to accept cargo/ cruise vessels alongside</p> <p>Vulnerability to effects of climate change, particularly Paignton</p> <p>Paucity of car parking</p> <p>Shortage of maritime skills</p>

Opportunities	Threats
<p>Growth in 'green' tourism, investment and research</p> <p>Potential to run Tor Bay Harbour as an 'arm's length' company of the council similar to TDA</p> <p>Space for development in Brixham harbour</p> <p>Improvement potential for transport links</p> <p>Installation of climate change defences could enhance built environment</p> <p>Potential for further growth in visiting cruise and fishing vessel numbers</p> <p>Brexit may provide opportunities eg additional landing quota/TAC</p> <p>Introduction of electronic fish auction could increase volume/value of product landed</p> <p>Installation of a floating breakwater in Brixham would attract cargo and passenger vessels to the Bay</p> <p>Introduction of a hull-cleaning service would attract additional vessels into the Bay</p> <p>Potential for multi-storey parking</p> <p>Links to regional Higher and Further Education establishments</p> <p>External development funding opportunities</p>	<p>Climate change and coastal erosion</p> <p>Unknown consequences of Brexit on fishing and tourism industries (eg access to markets, loss of grant aid, disruption etc)</p> <p>Lack of finance to fund harbour infrastructure developments /size of financial contribution to the Council</p> <p>Risk of piecemeal development without a coherent overarching vision (eg like this document)</p> <p>Increasingly onerous legislative and regulatory environment could stifle development</p> <p>Competition from other harbours/ fishing ports/ cruise destinations</p> <p>Introduction of electronic fish market auction could result in product landed to other ports instead of Brixham</p> <p>Very lean staffing levels at each of the enclosed ports</p>

DEVELOPMENT PLANNING POLICY

This document, and the Port Masterplan which preceded it, have been developed with regard to the wider policy frameworks such as the National Planning Policy Framework (updated 2018), the National Policy Statement for Ports (2012), the Torbay Local Plan (2015) and the more recent Neighbourhood Plans. This document has also been written with reference to the DEFRA publications Coastal Concordat and the separate South Inshore and South Offshore Plan.

National Policy Statement for Ports

The Government policy for ports seeks to encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea in order to (amongst other things):

- Contribute to local employment, regeneration and development;

- Preserve, protect and where possible improve marine and terrestrial biodiversity;
- Be adapted to climate change;
- Minimise use of greenfield land;
- Enhance access to port and the jobs, services and social networks they create, including for the most disadvantaged;
- Being an engine for economic growth.

South Inshore and South Offshore Marine Plan (known as the South Marine Plan)

This DEFRA-authored document was published in 2018 to introduce a strategic approach to planning within the inshore and offshore waters between Folkstone and the River Dart. It provides an evidence-based framework for marine users and regulators to shape and inform decisions over how the area's waters are developed, protected and improved over the next 20 years. It sits alongside other regional marine plans that are (or will be) published to encompass the whole of the UK coastline.

The South Marine Plan contains a number of

objectives and policies of which those below are the most relevant.

Objective 1: To encourage effective use of space to support existing and future sustainable economic activity through co-existence, mitigation of conflicts and minimisation of development footprints

S-CO-1: Proposals will minimise their use of space and consider opportunities for co-existence

Policy aim: Enables plans to be spatially planned to maximise use of limited space

S-PS-1: Proposals that have adverse impact on current activity and future port expansion should be avoided or minimised

Policy aim: Ensures proposals do not restrict current port activity or future growth

S-AQ-1: Sustainable aquaculture ... will be supported

Policy aim: Recognises importance of aquaculture industry

Objective 2: To manage existing, and aid the provision of new, infrastructure supporting marine and terrestrial activity

S-INF-1: Support to appropriate land-based infrastructure which facilitates marine activity

Policy aim: Supports integration between marine and land-use plans

S-AQ-2: Support for proposals that enable the provision of infrastructure for sustainable fisheries & aquaculture & related industries

Policy aim: Encourages supporting infrastructure for marine industries

Objective 3: To support diversification of activities which improve socio-economic conditions in coastal communities

S-FISH-1: Proposals that support diversification of sustainable fishing industry, or enhance its resilience to climate change should be supported

Policy aim: Enables fishing industry to manage climate change risks & maximise sustainable use of marine resources

S-TR-1: Proposals supporting tourism & recreation activities...should be supported

Policy aim: Enables greater range of employment opportunities and minimises economic risks

Objective 4: To support marine activities that increase or enhance employment opportunities

S-EMP-1: Development of marine related activities will be supported

Policy aim: Enables maximum sustainable activity, prosperity and opportunities for all

Objective 5: To avoid, minimise, mitigate displacement of marine activities, particularly where of importance to marine communities

S-SOC-1: Support to proposals that promote social benefits

Policy aim: Protects against displacement of activities which provide a social benefit

S-FISH-3: Proposals that enhance access to sustainable fishing or aquaculture sites should be supported

Policy aim: Enables support for sustainable fishing and aquaculture

Objective 7: to support the reduction of environmental, social and economic impacts of climate change

S-CC-2: Proposals should demonstrate resilience to climate change throughout lifetime of proposal

Policy aim: Enables climate change resilience of developments & activities

Coastal Concordat

The Coastal Concordat is one of a suite of actions the Government and regulatory bodies (eg DEFRA, DfT, DCLG, MMO, EA, NE) are taking to achieve more efficient and coordinated regulation to enable sustainable growth in the coastal zone. Although Torbay Council is not currently a signatory to the Concordat it nevertheless benefits from the application of its principles when applying for regulatory and other permissions to undertake maintenance or development activities.

The Torbay Local Plan: a landscape for success

The Torbay Local Plan recognises the importance of the harbours and commits to investment and regeneration of harbours and harboursides, including infrastructure for the fishing industry which it identifies as “vital to success”. In particular it articulates several ‘area’ policies thus:

SDB1 (Brixham)

Mixed use harbourside development with a focus on marine related employment uses.

SDB2 (Brixham)

The provision of a northern arm breakwater is

proposed to enable the creation of additional employment and leisure opportunities.

SDP1 (Paignton)

Mixed use schemes as part of harbourside, waterfront and town centre regeneration of Paignton.

SDT1 (Torquay)

Mixed use schemes as part of harbourside, waterfront and town centre regeneration of Torquay.

Neighbourhood plans

Although the Torquay Neighbourhood Plan identifies its seafront and harbour as the primary ‘core tourist investment area’ for Torquay which “should be the main focus for investment” it also seeks to “integrate water based sports and activities into the tourism offer” through:

- Easier access to the water for all users, including the storage and launching/recovery of small craft from beaches and harbours;
- Ensuring infrastructure investment to support Blue Flag/Quality awards for beaches;

- Linking the ports along the south west coast with coastal ferry services.

The Paignton Neighbourhood Plan seeks improvements to the harbour frontage (PNP3) which retains the ‘quaintness’ of the harbour, attracts more tourists and enables more use of the harbour for water sports.

The Brixham Peninsula Neighbourhood Plan seeks to sustain a vibrant harbour-side economy (J5) by further developing it as a working harbour, utilising the land in Freshwater Quarry and Oxen Cove for marine related employment (J7) including engineering and boat repair facilities, boat storage and shellfish processing and a multi-level car park along with access to a northern arm breakwater.

IMPLEMENTATION AND DELIVERY

Tor Bay Harbour

A large number of ideas were collected during the consultation events and augmented those already captured in the Port Masterplan. Over the next 5 years the Harbour Authority will consolidate our recent achievements and also lay the foundations for future success through the delivery of three broad themes: improving visibility and access to the water; reinforcing the Bay as a safe, vibrant and attractive destination; and environmental stewardship. The activities which support their delivery are listed below:

Improving visibility and access to the water

- The use of enhanced signage of the enclosed harbours, and proposals to improve their footfall will raise their visibility from landward. In tandem the Authority will champion the retention of adequate nearby car parking.

- Outside of the enclosed ports the Authority will advocate the retention and maintenance of launching sites (eg slipways) around the Bay if the Shoreline Management Plan and their importance to the local marine community would make it appropriate to so.

Reinforcing the Bay as a safe, vibrant and attractive destination

- The number of maritime events that take place annually in the Bay is increasing annually and we will continue to support and facilitate these wherever possible.
- As the popularity of open water swimming grows there are an increasing number of swimmers who throughout the year are venturing further into the Bay where swimmers have not previously been encountered. A swimmers code of practice and an education campaign to encourage vessels to keep a better lookout will be introduced to ensure everyone's safety.
- Numbers of visiting cruise vessels have halved over the previous 5 years and the Authority will seek to reverse this decline by re-launching Tor Bay as a destination in its own right and also a gateway into the

heart of the south west. We will attempt to build a stronger regional profile by collaborating with other local ports which also accommodate cruise vessels.

Environmental stewardship

- We will work proactively with other agencies to identify where future climate change adaptations may be required, for example additional or augmented sea defences, and support efforts to attract external funding for such projects.
- The introduction of an Environmental Management Plan will enable the protection of the Bay's nationally acclaimed natural environment to be sensibly balanced against the growth of the Bay's tourist, fishing and other industries.

Brixham Harbour

The outcome of a very well attended and energetic stakeholder workshop was broad agreement with the ideas set out in the Port Masterplan albeit with some important refinements. There was universal agreement that the recent and welcome growth of the fishing industry required further port

expansion to allow the increased spatial demands of the fish market, equipment storage and MFV berths to be met; improved marine engineering support, with a boat hoist/lift-out facility for at least the majority of the MFVs; the replacement of the swinging moorings with 'walk-ashore' pontoon facilities; more space to host resident and visiting maritime event activities as well as winter boat storage; and perhaps most importantly better environmental protection in the form of a northern arm floating breakwater. This last item was seen as the sine qua non to ensure the future sustainability of Brixham harbour and lower town particularly given the forecast impact of future climate change as evidenced by the damage wrought by Storm Emma earlier in 2018. The importance of tourism generally, and the heritage fishing fleet in particular, was also reaffirmed.

The following projects are those which will be prioritised over the next 5-10 years:

Improving sea defences

- Grant funding will be sought to continue the improvements to Victoria Breakwater which have already commenced with the placement of additional rock armour on

the external face and raising the height of the wall to compensate for expected sea-level rises due to climate change.

- Funding and other approvals will be sought for a northern arm floating breakwater to enhance the environmental protection to Brixham harbour. This is a significant departure from previous plans which have sought the construction of a stone breakwater. While the latter undoubtedly has greater longevity and provides even better protection it has always been prohibitively expensive (approximately 6 times the expense of a floating breakwater) and has a very large 'footprint' on the fundus (seabed) and is thus environmentally very intrusive. Consideration of a floating solution has several advantages in that it provides the necessary environmental protection at significantly reduced cost, has a much reduced environmental footprint, allows medium sized vessels (and even small cruise liners!) to berth alongside and can accommodate vehicular traffic.

Enabling commercial growth

- Further land reclamation between the Fish

Quay and Oxen Cove to provide additional MFV landing berths and to allow road access between the two sites. It would also enable further fish cold/freezer storage, offices and fish market hall, and equipment storage spaces to be built, and reduce the traffic volume along Blackball Lane and Overgang Road and thus away from the closest residential areas neighbouring the western side of the harbour.

- Development of the derelict tanker berth at the end of Victoria breakwater into a marine engineering facility, possibly with a boat hoist capability, will be investigated and if cost-effective will be pursued.
- A limited dredging campaign to deepen the fairway, and landing and fuel berths, is seen as essential to keep Brixham harbour open for the deeper-draught vessels.
- Replacement of the existing swinging moorings in the outer harbour with walk-ashore pontoon berths, including dedicated visitor berths. This will require the northern arm floating breakwater to be installed first as otherwise the pontoons would be too environmentally exposed.

Recognising Brixham's heritage

- In the inner harbour an increased focus on heritage, including the Brixham heritage trawlers and the 'Golden Hind' with better berthing facilities.
- Installation of a boardwalk along the south western side of the inner harbour to support maritime events.
- Support efforts to increase the profile of the south-eastern part of the harbour, particularly that adjacent the MDL marina and breakwater slipway, as being predominantly recreational in nature. This may include further infrastructure for dinghies, gigs and other small vessels, and supporting those who wish to move out of Oxen Cove to do so.

Progressing these projects will have the effect of creating distinct 'zones' of differing character around the harbour: the inner harbour would be focussed on heritage and tourism; the western side of the outer harbour being the most 'industrial' and the south eastern side being focussed on recreation. Such deconfliction will ensure that safety of navigation remains paramount and avoids congestion as the harbour becomes busier.

Paignton Harbour

The consultation revealed a number of issues which the stakeholders wanted to address: the port is set away from the town centre and as a result its visibility within the community is lower than that of the other two harbours. Anecdotally some visitors remain unaware that Paignton has a harbour and even some residents rarely or never visit. Commercial activity around the harbour has reduced as a result of the low foot-fall and even though the harbour is flanked by a multi-storey car park this is rarely more than half full except in the high season.

The harbour stakeholders are proud of the harbour's continuing commercial nature and while landings from its small but locally important fishing fleet has increased, crab processing no longer takes place on site. Commercial vehicular traffic has also reduced. There was some concern that the imminent (in 2018) redevelopment of the Harbour Light building could presage a dilution of the harbour's distinct working character and which could instead become centred more on retail and restaurants, but many felt that if this

could be achieved without detriment to the existing commercial activities then it would be welcomed.

During the consultation concerns were raised about the reduced foot-fall, the lack of space generally but specifically the availability of storage for equipment, boats and trailers and greater environmental protection especially from easterly storms. Refurbishment of South Quay was also considered, particularly if such redevelopment could address some of these issues, and while all agreed that there was now a much reduced requirement for a second slipway off East Quay, there was strong demand to infill part of the western side of the harbour to generate more space around the harbour which most wished to see converted from swinging moorings to a walk-ashore pontoon-based system if the environmental protection along East Quay was improved and potentially extended. During the period of this Addendum the following deliverables will be sought:

Improving sea defences

- Subject to obtaining the appropriate planning and other regulatory clearances and identifying funding (including grant

funding) the Authority would seek to improve environmental protection from wind and wave damage by enhancing the sea defences.

- Installing rock armour along the East Quay's outer face to absorb some of the wave energy, thereby reducing the frequency that water 'over tops' the quay wall;
- Countering future sea-level rise brought about as a result of climate change by raising the height of the East and North Quay walls by up to 50cm;
- Conducting a feasibility study of extending East Quay northwards by up to 40m to provide greater protection of the harbour mouth and reduce the swell experienced in the harbour during poor weather.

Improving the visibility of the harbour

- Audit the existing signage on vehicular and pedestrian approaches to the harbour. Where necessary, liaise with Highways to improve signage. Fencing and other street furniture will also be studied to ensure that it is not inadvertently discouraging

footfall eg by directing footfall in the wrong direction.

- Many pedestrian visitors approach the harbour through the arch under the Harbour Light building, however their vista through the arch is limited by a number of wooden kiosks. It may be possible to improve this vista through a review of their number, sizing and location.
- There was a strong desire among stakeholders to reclaim land along the western edge of the harbour to connect North and South Quays. The land reclaimed would substantially address the existing (and increasing) demands for usable quayside space in Paignton, would improve connectivity around the harbour and make the best use of an area of currently under-utilised harbourside.
- As identified in the original Port Masterplan the buildings along South Quay require refurbishment and/or redevelopment. A development partner has been sought by the Council to determine the scope of these works and to identify appropriate solutions to ensure that the built environment surrounding the

harbour remains fit-for-purpose, sustains vibrant and financially sustainable marine recreational, commercial and youth communities, and becomes an attractive visitor destination.

Torquay Harbour

All sectors of Torquay's stakeholder community were represented at the consultation event held at the end of a busy summer. It was recognised that spatial constraints precluded large-scale change in Torquay, however there are a number of small but important enhancements to the infrastructure and services which will ensure that the harbour continues to meet the needs of its users to a high standard. The items which will be progressed over the next 5-10 years include:

Improving sea defences

- Seek grant funding for the refurbishment and repair of Haldon pier. This is vital as both a sea defence and a working quay where vessels load and unload. The pier is increasingly being 'over topped' by waves in inclement weather (a situation which is likely to become more frequent as the climate changes) and at present there is a

20 tonne weight bearing restriction which limits the size and types of vehicles that can drive onto the pier.

Enabling commercial growth

- Recommissioning of the marine fuel station, particularly for the sale of petrol: while diesel can be obtained at Brixham, the next closest ports selling petrol are Dartmouth to the west and Portland to the east. Recommissioning is given a high priority because of the safety implications of hand-filling vessels from containers at their berth.
- Refurbishing North Quay: both the quay wall and surface are in a poor state of repair and require upgrading. Reorganising the lay-out to provide further (much-needed) storage space, and the aspiration to facilitate the provision of ice (eg by installing a small ice machine), will support Torquay's small but significant commercial fishing industry.

A better stakeholder experience

- Installation of more recycling bins.
- Install visitor pontoons along the inner face of Princess Pier.

- Investigate the feasibility of recommissioning the inner harbour slipway.
- Where possible, enable the Royal Torbay Yacht Club's aspirations to establish a waterfront presence. Although there is a paucity of operational space, innovative design solutions may create the room for a small waterfront presence.
- Increase the quantity of available dinghy parking space.
- Investigate the feasibility of installing a slipway along the outer face of Haldon Pier.

Improving the visibility of the harbour

- Audit the existing signage on vehicular and pedestrian approaches to the harbour. Where necessary, liaise with Highways to improve signage. Fencing and other street furniture will also be studied to ensure that it is not inadvertently discouraging footfall eg by directing footfall in the wrong direction.



Meeting: Harbour Committee

Date: 01 July 2019

Wards Affected: All

Report Title: Request for allocation of reserves to progress Brixham Improvement Scheme

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 This report seeks the earmarking of up to £40,000 of Harbour Revenue Reserves to progress the proposed Brixham Harbour improvement scheme from the Concept to the Assessment phase.

2. Reason for Proposal and associated financial commitment

2.1 At its 21 February meeting the Council unanimously agreed to support the principle of a capital infrastructure investment scheme, including inter alia a northern arm floating breakwater, and instructed the Interim Director of Place to prepare a detailed business case including all available grant funding opportunities (ref: decision 180/19).

2.2 On 18 March 2019 the Harbour Committee approved the earmarking of up to £25,000 of Harbour revenue reserves to fund the progression of the proposed Brixham Harbour improvement scheme from the Concept to the Assessment phase.

2.3 To date approximately £5,000 has been used to fund initial scoping works and to commission Project Management support and other marine civil engineering expertise from TDA and associated partners. This has led to the identification of the following required deliverables to inform a future detailed business case:

- Bathymetric survey;
- Wave modelling analysis of Brixham harbour;
- Site investigation surveys of the proposed area of reclaimed land; and,
- An Environmental Screening survey.

2.4 With the exception of the wave modelling, it may be possible to fund these deliverables from the £20,000 monies remaining from the initial funds. However additional

funds will be required to fund the wave modelling and – if required – any environmental impact assessment that could follow from the initial environmental scoping report.

2.5 As the latter may not be required, this report seeks the earmarking of an additional £45,000 funds to cover wave modelling only.

3. Recommendation(s) / Proposed Decision

3.1 That the Harbour Committee approve the allocation of a further £45,000 of Harbour revenue reserves for the purposes of undertaking wave modelling to inform a future detailed business case for the Brixham Harbour improvement scheme

Background Documents

Minutes of the Council meeting 18 March 2019

Report Clearance

Report clearance:	Reviewed & approved by:	Date:
Chief Executive	Steve Parrock	
Monitoring Officer	Anne-Marie Bond	
Chief Finance Officer	Martin Phillips	
Interim Director Place	Kevin Mowat	



Meeting: Harbour Committee

Date: 1st July 2019

Wards Affected: All wards in Torbay

Report Title: Tor Bay Harbour Authority Budget Monitoring 2019/20

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Adam Parnell

**Head of Torbay Harbour Authority
Tor Bay Harbour Master**

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Pete Truman

Principal Accountant

 **Telephone: 10803 207302**

 **E.mail: pete.truman@torbay.gov.uk**

1. Purpose

- 1.1 This report provides Members with projections of income and expenditure for the year 2019/20 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of May 2019 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to note that the amended outturn projections of the harbour accounts and adjustments to the Reserve Funds shown in Appendix 1.
- 1.4 The Committee is asked to note the Head of Torbay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour.
- 1.5 The Committee is asked to note the Harbour Master's use of delegated powers to waive certain harbour charges which to date amounts to £4,258.94.

2. Summary

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 17th December 2018
- 2.2 This is the first budget monitoring report presented to the Harbour Committee for

the financial year 2019/20.

- 2.3 A slow start in levels of fish toll income is likely to result in a shortfall to the overall budget target for the year. Further pressure on the Harbour account exist from additional waste costs and proposed increase to security arrangements. Some savings are expected from staff vacancies.

Supporting Information

3. Position

- 3.1 The projected outturn at Appendix 1 reflects amendments to the budget made within the Head of Torbay Harbour Authority's delegated powers. Details of each amendment can be found in the associated note.
- 3.2 The performance against budget is summarised below:

	Original Budget £000	Projected Outturn £000
Operational surplus/(deficit)	67	(58)
Gainshare* – General Fund	(42)	0
Gainshare* – Harbour Reserve	(25)	0
Net Surplus/(Deficit) 2019/20	0	(58)

* see paragraph 3.9

- 3.3 The current progress of Harbour capital schemes is detailed below:

	Total Budget £000	Actual to Date (including prior years) £000	Projected Outturn £000	Notes
Oxen Cove Jetty	1,967	990	1,967	(i)
North Quay Brixham Fendering	300	90	300	(ii)
Victoria Breakwater	3,853	2,782	3,893	(iii)
Harbour Light Restaurant Redevelopment	600	78	600	(iv)

- (i) MMO licence approval has now been obtained and work is under way.
- (ii) Fenders have been delivered and installation location plans are being finalised.
- (iii) Works commenced in the last week of November 2018 and are ongoing.
- (iv) The property is fully vacated and planning application submitted with a decision expected in early July 2019.

3.4 The Harbour's liability for prudential borrowing is detailed in the following table, (the repayment instalment due for 2019/20 will be made later in the year):

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£593,870
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£907,856
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,893,021
Torquay Inner Harbour Pontoons (Inner Dock)	£800,000	2014/15	£702,716
	TOTAL		£6,097,463

3.5 The Tor Bay harbour Authority debt position (at mid-June 2019) is set out in the table below:-

	Corporate Debtor System		Harbour Charges	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£13k	£54k	£84k	£244k
Bad Debt Provision	£23k			

The outstanding Harbour Charges debt largely reflects payment of user charges by instalments and the overall figure will reduce throughout the year.

3.6 Under the Council's Scheme of Delegation the Harbour Master can vary (by addition or waiver (in full or as to part)) the approved Schedule of Harbour Charges in such manner as shall be considered reasonable. However, the Harbour Master shall maintain a proper written record of all variations approved using the delegated powers and shall, at least twice a year, report to the Harbour Committee the total value of the additional charges levied and the total value of the charges waived (see paragraph 1.5).

3.7 Harbour Committee minute 398 (5) from December 2011 states the following:-

“That, as recommended by the Harbour Committee’s Budget Working Party, each harbour reserve fund is split with 20% of budgeted turnover ring-fenced to meet any deficit in the revenue budget or winter storm damage and the balance ring-fenced to fund harbour related capital projects.”

Consequently Committee is asked to note the obvious ongoing need for healthy Harbour Reserve Funds.

3.8 Over recent years the Harbour Committee has agreed to make annual contributions to the Council's General Fund building to a total of £802,000 by 2018/19 with notice by the Council of an additional £50,000 request from 2019/20.

3.9 The Budget Review Working Party expressed concern of the risk in guaranteeing an additional fixed contribution of £50,000 to the General Fund against uncertain income streams and a counter proposal was recommended and approved by Harbour Committee in that, in addition to the base contribution of £802,000 the General Fund would receive a share of any future annual surpluses generated by the Harbour Account by way of the following:

- 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

3.10 If the Council continues to request a significant contribution to the General Fund in the form of a cash dividend and asset rental fee there is a significant risk that the Harbour Authority will be unable to remain self funding. In that situation the Harbour Authority would require a precept from the General Fund and this scenario would be contrary to government best practice for the management of municipal ports.

Appendices

Appendix 1 Harbour Revenue Accounts for 2019/20

Additional Information

None

HARBOUR REVENUE ACCOUNTS 2019/20 - BUDGET MONITORING

Appendix 1

Jun-18

TOR BAY HARBOUR AUTHORITY

Expenditure	2019/20 Original Budget £ ,000	2019/20 Current Budget £ ,000	2019/20 Projected Outturn £ ,000	Notes
Harbour Employee Costs	630	630	613	1
Operations and Maintenance :-				
Repairs and Maintenance	319	319	319	
Rent/User charges Concessions	11	11	11	
Other Operating Costs	585	585	668	2
Management and Administration :-				
Internal Support Services	175	175	181	3
External Support Services	47	47	47	
Other Administration Costs	95	95	95	
Capital Charges	498	498	498	
Contribution to General Fund - EHO	25	25	25	
Contribution to General Fund	171	171	171	
Contribution to General Fund - Asset Rental	631	631	631	
Gain share contribution to General Fund	42	42	0	
Gain share Contribution to Harbour Reserve	25	25	0	
	3,254	3,254	3,259	
Income				
Rents and Rights :-				
Property and Other Rents/Rights	549	549	549	
Marina Rental	442	442	442	
Operating Income :-				
Harbour Dues	151	151	151	
Visitor and Slipway	64	64	64	
Mooring fees	203	203	203	
Town Dock	319	319	319	
Torquay Inner Harbour Pontoons	268	268	268	
Fish Toll Income	978	978	925	4
Boat and Trailer parking	44	44	44	
Recharged Services	103	103	103	
Other Income	133	133	133	
	3,254	3,254	3,201	
Operating Surplus /(Deficit)	(0)	(0)	(58)	
RESERVE FUND				
Opening Balance as at 1st April			746	
Interest Receivable (estimated)			5	
Net Surplus / (Deficit) from Revenue Account			(58)	
Capital Funding			(137)	5
Expected Closing Balance as at 31st March			556	

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2019/20 is **£637k** based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR REVENUE ACCOUNTS 2019/20 - BUDGET MONITORING

NOTES

- 1 Savings are anticipated as a result of a number of staff departures. The Employment Costs position is likely to be volatile while a review of the establishment is under way.
- 2 Additional waste costs from the Fish Market have been incurred. The Head of Torbay Harbour Authority is proposing to increase the level of external security to provide 24 hour cover.
- 3 Central support costs have risen by 2% on the 2018/19 actual.
- 4 The level of fish tolls achieved to date is significantly short on the levels of the same period last year and are unlikely to provide a sufficient platform to reach the budgeted target for the year. The target has therefore been adjusted down to the outturn achieved for 2018/19.



Meeting: Harbour Committee

Date: 1st July 2019

Wards Affected: All Wards in Torbay

Report Title: Tor Bay Harbour Authority Revenue Outturn 2018/19

Executive Lead Contact Details: Non-Executive Function

Supporting Officer Contact Details: Adam Parnell

Head of Tor Bay Harbour Authority

Tor Bay Harbour Master

☎ **Telephone: (01803) 853321/851854**

✉ **E.mail: adam.parnell@torbay.gov.uk**

Pete Truman

Principal Accountant

☎ **Telephone: 01803 207302**

✉ **E.mail: pete.truman@torbay.gov.uk**

1. Purpose and Introduction

1.1 This report provides Members with the details of the Tor Bay Harbour Authority final expenditure and income figures against budget targets for 2018/19.

2. Proposed Decision

2.1 That the report is noted.

Supporting Information

3. Position

3.1 The Tor Bay Harbour Authority budget for 2018/19, based on a 2.0% increase in harbour charges, was approved by Council on 5th December 2017.

3.2 Subsequent amendments to the budget and variation to the Reserve Account have been noted by the Harbour Committee throughout the year.

3.3 The final outturn against the revised budget is summarised below:

	Original Budget 2018/19 £000	Revised Budget 2018/19 £000	Outturn 2018/19 £000
Tor Bay Harbour Authority Surplus/(Deficit)	(22)	0	0

- 3.4 Details of expenditure and income with explanations of material variances are provided at Appendix 1. The outturn figures form part of the Council's Statement of Accounts which has been issued pending Audit later in the summer.
- 3.5 Harbour operations achieved a surplus for the year enhanced by high levels of fish tolls and insurance windfalls. A one-off additional contribution to the value of this surplus was made to the General Fund as agreed at previous meetings of the Committee.
- 3.6 The Committee is asked to note the Harbour Master's use of delegated powers to waive certain harbour charges, which at the end of this financial year amounted to £1,313.40 (excl VAT) and which were spread across both harbour accounts. (A higher figure previously reported included some incorrectly categorised transactions).
- 3.7 The Harbour's liability for prudential borrowing is detailed in the following table:

Capital Scheme	Amount Borrowed	Start of Repayments	Principal outstanding at 31st March 2019
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£593,870
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£907,856
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£3,893,021
Torquay Inner Harbour pontoons (Inner Dock)	£800,000	2014/15	£702,716
	TOTAL		£6,097,463

- 3.8 The Tor Bay Harbour Authority debt position at 31st March 2019 is set out in the table below:-

	Corporate Debtor System		Harbour Debtor System	
	Unpaid by up to 1 year	Unpaid over 1 year	Unpaid by up to 60 days	Unpaid over 60 days
Debt outstanding	£22k	£59k	£38k	£21k
Debt Impairment Provision	£23k			

Charges raised in advance of and due after 1st April 2019 are not included in the above analysis.

Appendices

Appendix 1 – Harbour Revenue Accounts Outturn 2018/19

Additional Information

None

Appendix 1

HARBOUR REVENUE ACCOUNTS 2018/19 - OUTTURN

TOR BAY HARBOUR AUTHORITY

Expenditure	2018/19 Original Budget £ ,000	2018/19 Revised Budget £ ,000	2018/19 Outturn £ ,000	Notes
Harbour Employee Costs	640	619	627	1
Operations and Maintenance :-				
Repairs and Maintenance	216	345	327	2
Rent/User charges Concessions	17	10	10	
Other Operating Costs	580	597	610	3
Management and Administration :-				
Internal Support Services	162	177	177	4
External Support Services	51	45	45	
Other Administration Costs	73	79	72	
Capital Charges	498	498	511	5
Contribution to General Fund - EHO	25	25	25	
Contribution to General Fund - Cash Dividend	171	171	171	
Contribution to General Fund - Asset Rental	631	631	631	
Contribution to General Fund - Additional	0	44	132	6
	3,064	3,241	3,338	
Income				
Rents and Rights :-				
Property and Other Rents/Rights	594	583	572	7
Marina Rental	403	451	455	8
Operating Income :-				
Harbour Dues	152	161	151	9
Visitor and Slipway	55	63	79	10
Mooring fees	216	203	201	9
Town Dock	313	313	311	
Torquay Inner Harbour pontoons	263	263	260	
Fish Toll Income	775	900	925	11
Boat and Trailer parking	43	45	45	
Recharged Services	81	113	107	12
Other Income	147	146	167	13
Other income - insurance reimbursement	0	0	65	14
	3,042	3,241	3,338	
Operating Surplus /(Deficit)	(22)	0	0	
RESERVE FUND				
Opening Balance as at 1st April			812	
Interest Receivable (estimated)			7	
Net Surplus / (Deficit) from Revenue Account			0	
Withdrawals - Harbour Capital Schemes			(73)	15
Expected Closing Balance as at 31st March			746	

Note: In line with Harbour Committee minute 398 (5) December 2011 the minimum Reserve level at year end 2018/19 is **£608k** based on 20% of budgeted turnover to meet any deficit in the revenue budget or winter storm damage. The balance is earmarked for harbour related capital projects.

HARBOUR REVENUE ACCOUNTS 2018/19 - BUDGET MONITORING

NOTES

- 1 Existing career break cover arrangements ended earlier than originally intended and savings resulted from contracts terminating. The Head of Torbay Harbour Authority is seeking to increase the current establishment going forward. Pension costs for the year exceeded forecasts.
- 2 A full maintenance program was carried out on the moorings infrastructure at Brixham Harbour.
- 3 The Projected Outturn includes an increase in waste collection costs at Brixham Harbour. Savings from not providing winter storage at Brixham in 2018/19 have offset the loss of income (see note 7).
- 4 Cost of corporate support services such as Finance, IT and Human Resources.
- 5 In addition to budgeted borrowing recharges a revenue contribution to capital was made to fund residual spend on the Torquay pontoon replacements.
- 6 As per recommendation at Harbour Committee in March 2019, the surplus on the Harbour Revenue Account has been transferred as an additional contribution to the Council's General Fund for 2018/19. The level of contribution was boosted by insurance windfalls received at the end of the year (note 12).
- 7 Tenants have now vacated the Harbour Light building at Paignton ahead of redevelopment. Rent reviews of various properties had limited the shortfall to the original budget but some overcharging occurred in year which has now been adjusted for outturn.
- 8 The marina rents for 2018/19 have yet to be determined but provision has been made based on the audited figure for 2017/18.
- 9 Dues and Mooring income fell short at Brixham through reduced demand.
- 10 Windfarm vessels mooring at Torquay pontoons.
- 11 The target level for fish tolls was increased by the Head of Tor Bay Harbour Authority based on recent operating levels and discussions with the fishing industry. Income levels fell compared to 2017/18 over November, December and January but have exceeded the revised target for the year.
- 12 Target income was increased and achieved for electricity and insurance recharges although actual income from trade waste has fallen short of previous forecasts.
- 13 No winter storage was facilitated at Brixham Harbour during 2018/19. The loss of around £29k income was mitigated by other small miscellaneous income streams and from costs savings (see note 6) and has been reversed by further licensing related income.
- 14 Insurance settlements received in relation to storm damage and pontoon impacts.
- 15 A withdrawal from the Reserve to fund the costs to date of the Harbour Light redevelopment.



TOR BAY HARBOUR AUTHORITY

PILOTAGE DIRECTIONS

Tor Bay Harbour Authority (the Authority) as the Competent Harbour Authority for Tor Bay Harbour pursuant to the Pilotage Act 1987 (the Act) and in exercise of their powers under Section 7 of the Act and in the interests of safety hereby make the following Pilotage Directions :-

1. Coming into Force

1.1 This Pilotage Direction, which comes into force on 1st July 2019, revokes all Pilotage Directions previously made by the Tor Bay Harbour Authority.

2. Purpose

2.1 Tor Bay Harbour Authority is committed to complying with its legal obligations and to complying with the Port Marine Safety Code.

3. Compulsory Pilotage

3.1 Pilotage shall be compulsory within the area described in paragraph 4 of this Direction (the compulsory pilotage area) for all vessels except:

- i) any ship of Her Majesty's Royal Navy or Royal Fleet Auxiliary, subject to paragraph 6.2;
- ii) foreign warships navigating in the harbour for the purpose of taking up or leaving an anchorage, subject to paragraph 6.2;
- iii) any vessel of less than 36m LOA entering or leaving an enclosed harbour and not carrying a cargo of dangerous goods or marine pollutants;
- iv) any vessel of less than 80m LOA providing they do not enter or leave an enclosed harbour;
- v) any vessel engaged in towing where the length of such vessel aggregated with the length of the tow is less than 80m or less than 36m for those entering or leaving an enclosed harbour;
- vi) any fishing vessel less than 47.5m LOA;

Responsible Officer	Date last updated	Version Number
Adam Parnell	21.05.2019	3.0

- vii) any vessel or vessel engaged in towing, proceeding to or departing from a designated anchorage as defined in paragraph 7 provided such vessel or vessel and tow has been forced by stress of weather to seek shelter and subject to the requirements of paragraph 6.1.

- 3.2 Vessels subject to compulsory pilotage shall while under way in the compulsory pilotage area be under the pilotage of a pilot authorised by the Authority or a holder of a valid pilotage exemption certificate issued by the Authority.

4. Compulsory Pilotage Area

- 4.1 The area to which this Direction applies shall be within the entire limits of the harbour as prescribed in section 5 of the Tor Bay Harbour Act 1970 and as shown on the attached chartlet in Appendix 2.

Contact Details

Call: Brixham Pilots

VHF Fx: Channel 09, 16

Telephone: +44 (0) 1803 882214

Fax: +44 (0) 1803 882579

Email: agency@mtsgroupltd.com

Website: www.mtsgroupltd.com

5. Boarding

- 5.1 Pilot will board vessels bound for Tor Bay anchorage, Brixham and Torquay at 50°25'.00N, 003°25'.70W. (for procedure details see Admiralty List of Radio Signals Volume 6(1))

6. Radio communications

- 6.1 Any vessel seeking shelter in the outer harbour in accordance with paragraph 3.1(v) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.
- 6.2 Any vessel navigating within Tor Bay Harbour limits in accordance with paragraph 3.1 (i) or (ii) is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits and again on departing harbour limits.

6.3 Any vessel or fishing vessel regardless of its length that :-

- i) is on fire or has recently been on fire and/or;
- ii) is defective such that the manoeuvring capability or the safe navigation of the vessel is affected and/or;
- iii) has been involved in a collision, grounding or other event that has affected the watertight integrity and/or stability of the vessel and/or;
- iv) creates any risk not normally associated with the safe passage of such vessel;

is directed that it must contact Bay Reporting Services on VHF Channel 09 before entering harbour limits.

7. Designated Anchorages

7.1 For the purposes of paragraph 3.1 (v) the designated anchorages co-ordinates are as follows:-

	Lat	Long
Alpha	50 27.0 N	003 32.0 W
	50 27.0 N	003 30.0 W
	50 26.0 N	003 30.0 W
	50 26.0 N	003 32.0 W
Bravo	50 26.0 N	003 32.5 W
	50 26.0 N	003 30.0 W
	50 25.0 N	003 30.0 W
	50 25.0 N	003 32.5 W
Foxtrot	50 30.2 N	003 30.0 W
	50 29.0 N	003 30.0 W
	50 29.0 N	003 28.7 W
	50 30.2 N	003 29.3 W

In addition to the areas indicated above, there are three anchorage circles, which are 5 cables in diameter centre points being at: -

	Lat	Long
Charlie	50 26.5 N	003 28.5 W
Delta	50 26.0 N	003 28.5 W
Echo	50 25.5 N	003 28.6 W

as shown on the attached chartlet and on appropriate Admiralty Charts.

8. Definitions

- 8.1 For the purposes of this Direction unless the subject or context otherwise requires:

“the Act” means the Pilotage Act 1987;

“the Authority” means the Tor Bay Harbour Authority;

“dangerous goods” means dangerous goods as defined in Regulation 2 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (SI 2367/97);

“fishing vessel” means a fishing vessel as defined in Section 313 of the Merchant Shipping Act 1995;

“LOA” means length overall where length means the overall length from the foreside of the foremost fixed permanent structure to the aftside of the aftermost fixed permanent structure of the vessel.

“enclosed harbour” means at Torquay the area of water enclosed by an imaginary line drawn from the western end of Haldon Pier to the south-eastern end of Princess Pier; at Paignton the area of water enclosed by an imaginary line drawn from the eastern end of North Quay to the northern end of Eastern Quay; and at Brixham the area of water enclosed by the Breakwater, an imaginary line from the northern end of the Breakwater to Battery Point and the shore, which limits are indicated on the map annexed to the Harbour Byelaws (1994);

“length of tow” means the length of the tow measured from the foremost fixed permanent structure of the towing vessel to the aft side of the aftermost fixed permanent structure of the vessel being towed;

“marine pollutants” means marine pollutants as defined in Regulation 2 of the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997 (SI 2367/97);

“Tor Bay Harbour Authority” means Torbay Council acting in its capacity as Tor Bay Harbour Authority, by way of the Harbour Committee;

“underway” means that a vessel is not at anchor, or made fast to the shore, or aground;

“vessel” means every description of vessel, however propelled or moved and includes anything constructed or used to support persons or goods on the water and includes hovercraft, non-displacement craft, floating rigs and platforms and seaplanes.

In these Directions, the singular shall include the plural and vice versa and words importing gender shall include any other gender unless the context otherwise requires.

9. Procedure for Pilotage

- 9.1 The procedure that must be followed by Masters of Vessels requesting pilotage services provided by the Authority are contained in the Admiralty List of Radio Signals Volume 6(1).

10. Pilotage Exemption Certificates

- 10.1 The bona fide Master or Deck Officers of vessels calling regularly at Tor Bay Harbour and subject to compulsory pilotage, may apply for a Pilotage Exemption Certificate (PEC) for the area, or specified parts of the area. Applicants must satisfy the Authority as to their skill, experience, local knowledge, knowledge of the English language and medical fitness. Qualification will be by examination and experience in the appropriate parts of the area. Criteria for the issue of Pilotage Exemption Certificates can be found in Appendix 1.

11. Penalties

- 11.1 Not to comply with any part of this Pilotage Direction is an offence by virtue of Sections 15(2) and 15(3) of the Pilotage Act 1987 and Masters in contravention of this Direction may be prosecuted.

12. Charges for Pilotage

- 12.1 Charges for vessels using an authorised Tor Bay Harbour Pilot are contained within the agreed Schedule of Charges for Tor Bay Harbour, available from the Harbour Offices.

Responsible Officer	Date last updated	Version Number
Adam Parnell	21.05.2019	3.0

Appendix 1

Directions in respect of Pilotage Exemption Certificates

General

1. Masters and Deck Officers of ships who are established, regular and frequent visitors to Tor Bay Harbour may apply for and be issued with Pilotage Exemption Certificates for the area, subject to their being able to satisfy Tor Bay Harbour Authority as to their fitness to hold such a certificate.
2. These certificates will apply within the Tor Bay Harbour limits, as prescribed in Sec. 5 of the Tor Bay Harbour Act 1970.

Application

3. Application for a Pilotage Exemption Certificate should be made on the prescribed form, which is obtainable from the Executive Head of Tor Bay Harbour Authority at the Torquay Harbour Office. It should be accompanied by satisfactory written evidence of medical fitness, including eyesight, by a qualified medical practitioner registered in the United Kingdom or in the country in which the vessel is registered and dated within 2 years of the application. The appropriate fee should also accompany the application.

Examination

4. Examinations will normally be conducted at one of the Harbour Offices and/or on board the vessel. A Tor Bay Harbour Master in company with an authorised Tor Bay Harbour Pilot will conduct the examination. Experience of ship handling, as a Master or Deck Officer, within the Tor Bay Harbour limits, including day and night movements, will be a principal factor in establishing a candidate's suitability to hold the Pilotage Exemption Certificate.
5. A minimum of 8 acts of pilotage must be undertaken with an authorised Tor Bay Harbour Pilot on board before a PEC applicant will be eligible for a PEC examination. At least 2 of these pilotage acts must be in darkness, and at least 2 inbound to Brixham and/or Torquay enclosed harbour, at different states of the tide and all 8 movements must be in a minimum initial period of 6 months.
6. Candidates must also satisfy the Tor Bay Harbour Master as to the following:
 - a) A candidate must be the Master or a Deck Officer of their ship to qualify for certification.
 - b) Candidates must have a satisfactory knowledge of the International Regulations for Preventing Collisions at Sea, Local Regulations, Harbour

Byelaws, Local Notices to Mariners and Marine Emergency Procedures in force with respect to that part of the Area of Jurisdiction for which the applicant desires an Exemption Certificate.

- c) Candidates must possess satisfactory local knowledge of the area including lights, leading marks and buoyage.
 - d) Candidates must have a satisfactory working knowledge of the English Language.
 - e) Candidates must be fully conversant with the Dangerous Substances in Harbour Areas Regulations 1987 (as applicable to the candidate's ship and as they may apply in the Pilotage Area).
 - f) Candidates would normally be expected to hold a valid certificate as a Master Mariner/Class 1, either Foreign Going or Home Trade or STCW equivalent.
7. Successful candidates will be granted a Pilotage Exemption Certificate immediately. A failed candidate will not be re-examined until at least a month after the date of failure; after a second subsequent failure, candidates will not be re-examined until at least three months have elapsed from the date of the last examination.

Certificates

- 8. Certificates will include the name and description of each ship that the certificate holder is authorised to pilot in the Area of Jurisdiction. Certificate holders shall not allow any other person to have possession or to make improper use of the Certificate.
- 9. Certificates are valid for one year from the date of issue. For renewal see paragraphs 17-19 below.

Duties of a Certificate Holder

- 10. When a ship is in the charge of a Master or Deck Officer holding a Pilotage Exemption Certificate and is underway within the Area of Jurisdiction, the Pilotage Flag is to be displayed.
- 11. A Pilotage Exemption Certificate holder who observes any alteration to the charted depths or to the channels, or that any seamarks are out of place or do not conform or show their proper distinctive character, shall immediately report the circumstances verbally to the duty Harbour Master, followed by a report in writing as soon as is practicable.
- 12. When a ship in the charge of a Master or Deck Officer holding a Pilotage Exemption Certificate has touched the ground or has been in collision or in a close quarters situation with any other ship or any fixed or floating object in the water, they shall immediately report the occurrence verbally to the duty

Harbour Master followed by a report in writing on the form prescribed, as soon as is practicable.

13. Pilotage Exemption Certificate holders are required to attend any investigation or inquiry held by the Tor Bay Harbour Authority when they are requested to appear.

Investigation of Incidents

14. Pilotage Exemption Certificate holders shall attend the Harbour Office at the order or summons of the CHA to answer any complaint or charge which may be made against them for the alleged misconduct, or in respect of any marine casualty which may have occurred whilst they were in charge of their vessel in that part of the pilotage area for which they are certificated.
15. The Tor Bay Harbour Master will investigate any serious incident or marine casualty involving the holder of a Pilotage Exemption Certificate. The Harbour Authority's Pilotage Review Working Party may, in cases involving misconduct or lack of professional expertise on the part of the Certificate holder, advise the Tor Bay Harbour Master whether to suspend or revoke a Pilotage Exemption Certificate. In this event, the holder would have a right to appeal to the Competent Harbour Authority (Harbour Committee).
16. The Pilotage Exemption Certificate may be suspended, depending on the nature and seriousness of the incident, to await the outcome of the investigation. Reinstatement, with or without conditions, will be at the discretion of the Tor Bay Harbour Master and be subject to appeal as stated above..

Renewal of Certificates

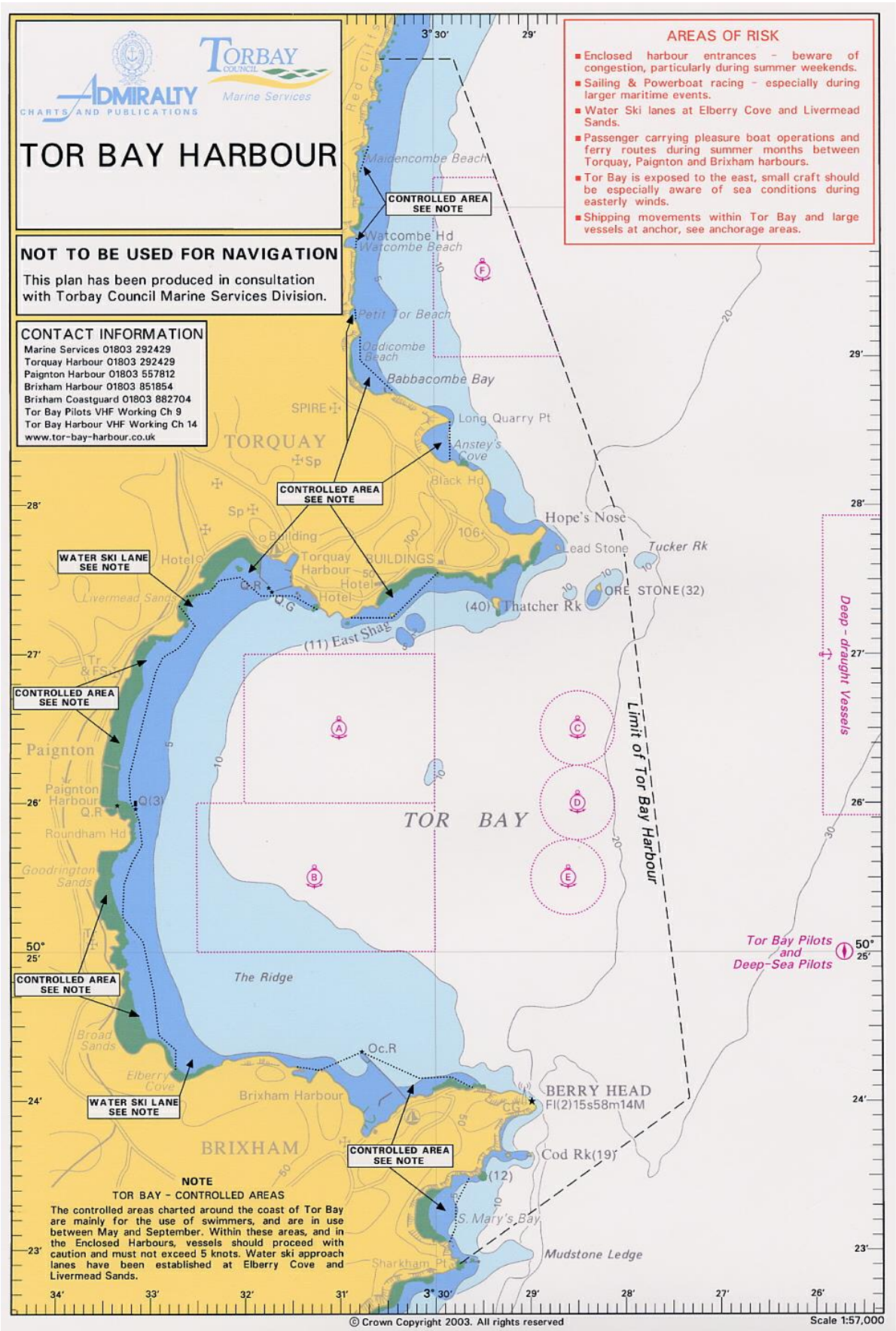
17. Application for the renewal of Pilotage Exemption Certificates must be made at least one month before the expiry date. Application must be made on the prescribed form obtainable from any of the Harbour Offices, and must be accompanied by the appropriate fee.
18. Certificates shall not be renewed unless holders can satisfy the Competent Harbour Authority of their continuing knowledge of pilotage requirements within the area.
19. On application for renewal, candidates must confirm that they are medically fit and produce satisfactory written medical and eyesight examination results that have been made within the preceding two years.

Fees

20. The fees for the issue of a Pilotage Exemption Certificate are detailed in the agreed Schedule of Charges for Tor Bay Harbour.

Charges for Acts of Self Pilotage

21. The holder of a Pilotage Exemption Certificate issued by the Tor Bay Harbour Authority is to submit a monthly return no later than the 15th day of the month following to Torbay Council's Executive Head of Tor Bay Harbour Authority detailing the number of times the vessel or vessels navigated by them has entered in or departed from Tor Bay Harbour limits when an authorised pilot has not been employed.
22. A charge may be levied on a monthly basis (irrespective of the number of voyages) in respect of any ship to which this Direction applies and which navigates within Tor Bay Harbour under the pilotage of a Master or Deck Officer who is the holder of a Pilotage Exemption Certificate. The monthly charges can be negotiated with the Executive Head of Tor Bay Harbour Authority.
23. Invoices for charges for Acts of Self Pilotage will be rendered monthly and should be paid within 30 days of receipt. If charges incurred are not paid within that 30 day period then an additional charge of 5% compounded until payment will be payable for each period of 30 days, or part period, thereafter.





Tor Bay Accident / Incident List

	Date	ID Code	Accident Category	Name		
	15/06/2019	TOR0853INV	Loss of control	MFV Sara Lena adrift		
	11/06/2019	TOR0851REP	Flooding/Foundering	Eva Doe Sunk On Mooring J18		
	11/06/2019	TOR0852REP	Breaking Free of Mooring	Vessel Pint Size Broke Free Mooring		
	10/06/2019	TOR0850REP	Other crisis management	Unexploded Ordnance Eastern Quay		
	02/06/2019	TOR0849INV	Dive incident	Diver off Babbacombe Beach		
	22/05/2019	TOR0848INV	Drowned, asphyxiated or exposed to harmful substance	Body found in water North Quay Torquay		
	17/05/2019	TOR0845CLO	Other crisis management	Cill Failure		
	16/05/2019	TOR0844REP	Flooding/Foundering	Mysha Lucy		
	28/04/2019	TOR0838CLO	Breaking Free of Mooring	Challasis breaking free of mooring		
	27/04/2019	TOR0840CLO	Fall from height	Fall from Haldon Pier Wall		
	21/04/2019	TOR0839CLO	Vessel Wash	Wash from passenger vessel		
	20/04/2019	TOR0841CLO	Near miss	RIB near miss		
	20/04/2019	TOR0842CLO	Near miss	Near-miss between RIB and SUP users		
	20/04/2019	TOR0847CLO	Near miss	Jet Ski & Speedboats / Swimmers at Broadsands		
	19/04/2019	TOR0846CLO	Near miss	Jet Ski / swimmers off Torre Abey		
	19/04/2019	TOR0843CLO	Near miss	Jet Ski Near Miss		
	05/04/2019	TOR0837CLO	Breaking Free of Mooring	Caspa breaking free at Paignton		

Number of Accidents listed = 17

Incident report status as follows;

Reported = 4; Investigating = 3; Investigation Complete = 0; Actioned-Closed = 10

Key	
Symbol showing the record type:	Symbol showing the record status:
- Incident	- Reported
- Potential Incident	- Investigating
- Details not yet completed	- Investigation Complete
	- Actioned-Closed

Meeting Title	Torquay & Paignton Harbour Liaison Forum
Venue	Torquay Harbour Office
Date	25 th June 2019

Present	Capt. A Parnell (AP) Cllr Nick Bye (NBy) Cllr N Amil (NA) Cllr J Mills (JM) Cllr J O'Dwyer(JO'D)	Mr S Pinder (SP) Mr N Burns (NBurns) Mr M Ellis (ME) Mr D Buckpitt (DB) Mr M Stewart (MS)	Mr J Bond (JB) Mr A Rayner (AR) Miss Amy Blackburn (AB)

1. Apologies
2. Welcome
3. Minutes and matters arising from the last meeting – 25th February 2019
 - Update on Harbour Light Restaurant development
 - Torquay Fuel Station update
4. Budget update
5. Capital Works
6. Maritime Events 2019
7. Quarterly Accident & Incident Data
8. Harbour Committee - Upcoming Agenda
9. Any other business

1.	Apologies for Absence	Action
	Apologies were received from C Easterbrook, Tim Morris & Clare Rugg	

2.	Welcome	Action
	AP welcomed everyone to the meeting	

3.	Minutes and matters arising from the last meeting – 25st February 2019	Action
	<p>Harbour Light update - AP reported that plans have been submitted to the planning department; there was a delay because of cost restrictions, which meant that the plans had to be re-designed.</p> <p>Expect works to start in September.</p> <p>MS asked if residents have been updated with developments, AP confirmed that they have been notified and this will continue.</p> <p>JO'D asked that AP look at what is included in the licence for the new restaurant regarding music for outdoor spaces.</p> <p>Torquay Fuel station update – AP advised that the project is behind schedule due to the contracted engineers decommissioning the fuel tanks later than expected, however this</p>	AP to action

	has now been completed, works are set to be finalised by the end of the month and by mid-July they expect to be operational.	
4.	Budget update	Action
	<p>AP shared his concerns regarding the funding required for important Brixham infrastructure works; this is due to the severe degradation of many of the bollards, ladders, steps, handrails and fendering.</p> <p>He reported that fish toll income is slightly down on this time last year; however, he is confident that this will improve as the year goes on.</p>	
5.	Capital works	Action
	<p>NBurns reported that works on Princess pier are finished and the replacement and upgrading of the V pontoons has been completed and they are pleased with the results.</p> <p>There is a plan to systematically upgrade all the pontoons over time, but this has yet to be confirmed.</p> <p>MS asked that we check with the insurers to make sure that the policy remains valid since the changes. – AP to action.</p> <p>Haldon Pier – AP reminded everyone of the 20-tonne weight restriction due to the surface sinking because of voids within the pier. This is proving challenging for fuel tankers and landing fishing vessels. The environmental agency have identified this as a risk and have included it in the next 6-year plan, which will commence in 2021.</p> <p>South Pier – NB reported that electric supplies are being installed, 1 for the new fuel station, 1 for the crane and one for the RTYC davit. The next stage is for the TDA to install new fendering.</p> <p>Brixham Oxen Cove development – AP advised there has been an issue with the ongoing works, additional drilling was required for the piles. However, the project is still running to schedule and the completion date is set for the 2nd October.</p> <p>MS recommended that a Hydrographic survey be carried out on the Torquay harbour seabed, AP informed that he would ensure this is booked in. –AP to action.</p>	<p>AP</p> <p>AP</p>
6.	Maritime Events 2019	Action
	<p>AP reported that there has been an increase in number of cruise ships visiting the bay; this has increased the predicted income.</p> <p>AP advised that Torquay is now the first choice diversion port for Dartmouth and that we are in the process of training 4 new pilots.</p> <p>SP reported that sadly the Paignton Harbour festival would not be going ahead this year due to a lack of sponsors.</p> <p>A full list of events is available on our website under Events section.</p>	All to note

7.	Quarterly Accident & Incident data 2019	Action
	AP gave an overview of the 8 reported Accidents and incidents that have occurred in Torquay over the last quarter; these included 2 deaths, 4 jet ski near misses a sunken vessel and the cill failure. He reminded everyone that all incidents should be reported using an online form, which is available on our website.	All to note

8.	Harbour Committee – Upcoming Agenda	Action
	AP ran through the proposed agenda for the meeting.	

12.	Any Other Business	Action
	AP read out a question from Charles Easterbrook who could not attend the meeting; he asked if there were any plans for extra protection at Paignton Harbour, AP advised that due to the costings this is more of an aspiration at this time. SP advised all that he has launched a new Seafarer safety forum, where all aspects of sea safety will be discussed, and will distribute any minutes to the Liaison forum.	SP

Future meetings

Torquay Harbour Office

Monday 2nd September 2019 10.00 am
Thursday 21st November 2019 10.00 am

Dates of Harbour Committee Meetings

1st July 2019 5.30 pm (Torquay)
24th September 2019 5.30 pm (Torquay)
16th December 2019 5.30pm (Torquay)

Meeting Title	Brixham Harbour Liaison Forum
Venue	Brixham Harbour Office
Date	Tuesday 6 th June 2019 at 10.30am

Present	Mr Adam Parnell (AP) Cllr Vic Ellery (VE) Cllr Nicole Amil Cllr Nick Bye (NB)	Mr Mike Shaw (MS) Mr Dave Saunders (DS) Mrs Amy Blackburn(AB)	
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Agenda Items	<ol style="list-style-type: none"> 1. Apologies 2. Welcome 3. Minutes of the last meeting – 6th December 2018 and matters arising from the previous meeting: <ol style="list-style-type: none"> a) Parking at Brixham Harbour b) Oxen cove Development 4. Capital Works 5. North side fendering 6. Quayside fishing gear clear up 7. Harbour staffing update 8. Maritime Events 2019 9. Health & Safety/Port Marine safety code 10. Budget Review 11. Harbour Committee - Upcoming Agenda
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1.	Apologies for Absence	Action
	Apologies were received from Mike Stewart, Cllr James O'Dwyer, Cllr Christine Carter & Robbie Richardson.	
2.	Welcome	Action
	AP welcomed everyone to the Brixham Liaison Forum.	
3.	Minutes from the last meeting	Action
	Everyone agreed that the minutes were an accurate record of the last meeting.	

	Matters Arising from the Last meeting	Action
	<p>A) Parking at Brixham harbour - the new system is working well, and the H&S issues have abated. There has been extra pressure put upon the Oxen cove car park, but he advised that we will always accommodate if there is a an immediate lack of available spaces. Everybody agreed they have noticed a significant improvement since the new practice has been introduced.</p> <p>B) Oxen Cove development - there has been an issue with the ongoing works, additional drilling was required for the piles. However the project is still running to schedule and the completion date is set for the 2nd October.</p>	NA
4.	Capital works	Action
	<p>Victoria Breakwater - Works are almost complete and despite significant emergent work being identified the project is on time and under budget.</p> <p>Oxen Cove Development – The plan to install a static davit crane has altered as a mobile crane will have greater utility throughout Brixham harbour.</p> <p>Torquay Fuel Station – Unfortunately the decommissioning of the old tanks was delayed, and it will now not open before the main season gets under way.</p>	NA
5.	North side fendering	Action
	<p>Northside Fendering – The fenders have shipped and precursor will begin shortly. Close liaison with BTA should ensure minimal operational disruption to the industry.</p>	AP
6.	Quayside fishing gear clean up	Action
	<p>Unidentified gear has been removed from the harbour and if not claimed will be disposed of. Everyone noted how much clearer and safer the quay looks now.</p> <p>Efforts have been stepped up to increase what we recycle with staff investigating several different ways that we can recycle nets and other fishing equipment.</p>	AP
7.	Harbour staffing updates	Action
	<p>The meeting was updated on recent staffing events and the plan to recruit more personnel into the gapped roles.</p> <p>AP is investigating how to introduce a 24 hour security presence on the gate at Brixham to free up the Dock Masters to have a greater quayside presence</p>	AP
8.	Maritime Events 2019	Action
	<p>AP ran through the main events still to come this year, which include The Trawler race on the 19th June.</p> <p>All events can be found on the Torbay Harbour website.</p>	ALL TO NOTE
9.	Health & Safety/Port Marine safety code	
	<p>AP advised that the Authority have received a Compliance notice from the Health & Safety Executive who are showing an interest in the commercial side of the Brixham</p>	ALL TO NOTE

	port and would like to ensure all tenants from the commercial side are aware and following guidelines.	
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10.	Budget Review	
	Last year was another financially successful year and as a result some additional maintenance will shortly be taking place around the quayside to improve safety. It is too soon in the new financial year to provide an update to the forecast budget	AP

11.	Harbour Committee – Upcoming Agenda	
	The meeting was briefed on the upcoming agenda and this can be found on the Council website	ALL TO NOTE

	Brixham Harbour Office	
Next Meeting	5 th September	10.30 am Brixham
Venue	5 th December	10.30 am Brixham
Future meetings		
Dates of Harbour Committee Meetings	1 st July 2019	5.30 pm (Torquay)
	2 th September	5.30 pm (Torquay)
	16 th December	5.30 pm (Torquay)