

## **HARBOUR COMMITTEE**

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

**Monday, 17 September 2012**

commencing at **5.30 pm**

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

### **Members of the Committee**

Councillor Amil	Councillor McPhail
Councillor Baldrey	Councillor James
Councillor Ellery	Mayor Oliver
Councillor Faulkner (J)	Councillor Richards
Councillor Hytche	

### **External Advisors**

Mr Buckpitt, Mr Butcher, Capt. Curtis, Ms Hayes and Mr Jennings

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**Working for a healthy, prosperous and happy Bay**

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

**Kay Heywood, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207026**

Email: [governance.support@torbay.gov.uk](mailto:governance.support@torbay.gov.uk)

# HARBOUR COMMITTEE AGENDA

1. **Apologies**  
To receive apologies for absence, including notifications of any changes to the membership of the Committee.
2. **Minutes** (Pages 1 - 2)  
To confirm as a correct record the Minutes of the meeting of the Committee held on 23 July 2012.
3. **Declarations of interest**
  - (a) To receive declarations of non pecuniary interests in respect of items on this agenda  
**For reference:** Having declared their non pecuniary interest members may remain in the meeting and speak and, vote on the matter in question. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of disclosable pecuniary interests in respect of items on this agenda  
**For reference:** Where a Member has a disclosable pecuniary interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Governance Support or Legal Services prior to the meeting.)
4. **Urgent items**  
To consider any other items that the Chairman decides are urgent.
5. **Appointment of External Advisor to Harbour Committee** Verbal  
A verbal review on the Harbour Committee's Appointment of External Advisors as undertaken by the Harbour Appointments Sub-committee.
6. **Torquay/Paignton and Brixham Harbour Liaison Forums** To Follow  
To note the minutes of the above Harbour Liaison Forums.
7. **Harbour Authority Business Risk Register** (Pages 3 - 5)  
To review the Harbour Authority Business Risk Register.
8. **Harbour Asset Review Working Party** (Pages 6 - 7)  
To receive recommendations from the Harbour Asset Review Working Party.

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|------------|---|--------------------|
| <b>9.</b>  | <b>Tor Bay Harbour Authority Budget Monitoring</b><br>To consider the quarterly Budget Monitoring Report.                                 | (Pages 8 -<br>18)  |
| <b>10.</b> | <b>Tor Bay Performance Monitoring</b><br>To monitor the Performance of the Tor Bay Harbour Authority Business Unit (SPAR.Net).            | To Follow          |
| <b>11.</b> | <b>Tor Bay Harbour Environmental Policy Statement</b><br>To approve the Tor Bay Harbour Environmental Policy Statement (biennial – 2012). | (Pages 19 -<br>23) |
| <b>12.</b> | <b>Artificial Reef in Tor Bay Harbour</b><br>To consider the creation of an Artificial Reef in Tor Bay Harbour.                           | (Pages 24 -<br>46) |



## Minutes of the Harbour Committee

23 July 2012

-: Present :-

Councillor Ellery (Chairman)

Councillors Amil, Faulkner (J), Hytche, McPhail, James and Richards  
and Mayor Oliver

External Advisors: Mr Buckpitt, Mr Butcher and Capt. Curtis

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### 24. Apologies

Apologies for absence were received from Councillor Baldrey, Ms Hayes and Mr Gordon Jennings.

### 25. Minutes

The Minutes of the meeting of the Harbour Committee held on 11 June 2012 were confirmed as a correct record and signed by the Chairman.

### 26. Harbour Liaison Forum Minutes

The Committee noted the Minutes of the Brixham Harbour Liaison Forum meeting on 11 July 2012 and the Minutes of the Torquay and Paignton Harbour Liaison Forum meeting on 10 July 2012.

### 27. Passenger Ferry Infrastructure

The Committee considered a report regarding the introduction of a ferry service between Torquay and Brixham. In particular, the installation of new pontoon and passenger access infrastructure at Brixham Harbour and Torquay Harbour.

The Chairman agreed for the Clerk to circulate two documents prior to the Committee.

The Committee was advised that the recommendations related to indicative plans for new pontoon and passenger access infrastructure and the principle of agreeing the infrastructure to unlock the £2.75m funding from the successful Local Sustainable Transport Fund bid – the Travel Torbay Regeneration Project. Should the Committee be unable to support the recommendations then the funding could be withdrawn as the service has to be running from March 2013.

Plans of the indicative layout of the pontoons and access ramps at Brixham and Torquay enclosed harbours, which were needed for the procurement of the new pontoon infrastructure, were circulated to the Committee at the meeting.

The Harbour Master reported that at the recent Harbour Liaison Forum meetings, stakeholders were able to give their views and the Torquay and Paignton Meeting was well attended by stakeholders and current ferry operators. The Brixham Liaison Forum Meeting was not well attended and no existing ferry operators were in attendance.

Work was being undertaken to procure specialist legal advice to draw up a strong contract with appropriate control measures to protect the revenue funding provided by the Department for Transport.

A Habitats Regulation Assessment (HRA) was undertaken as part of the Local Transport Plan 3 in conjunction with Natural England and the Environment Agency who have given specific advice related to pollution prevention plans and the 'fast ferry' service. As the new ferry service will not be a 'fast ferry', many of the concerns over speed and wash have been addressed. As a comparative the vessel would not be as powerful as the one previously trialled by Stagecoach where the speed and wash did not impact on the high quality of the marine environment.

Resolved:

- (i) that the locations and indicative layout of the pontoons and access ramps at Brixham and Torquay enclosed harbours to enable procurement of the new pontoon infrastructure, as set out in the plans submitted at the meeting, be approved;
- (ii) that the Executive Head of Tor Bay Harbour Authority in consultation with the Chairman and Vice-Chairman of the Harbour Committee be given delegated authority to approve the final pontoon designs at Brixham and Torquay enclosed harbours, following the appointments of the successful contractor and;
- (iii) that the Executive Head of Tor Bay Harbour Authority be requested to form a working group consisting of relevant officers, Councillors and harbour stakeholders, to consider a long-term location for passenger ferry infrastructure at Torquay harbour and report back to the Harbour Committee.

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Chairman

# Agenda Item 7



Briefing Report No: **2012**

Public Agenda Item: **Yes**

Title: **Review of Tor Bay Harbour Business Risks 2012/13**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee**      On: **17<sup>th</sup> September 2012**

Contact Officer: **Kevin Mowat**

☎ Telephone: **292429**

✉ E.mail: [Kevin.mowat@torbay.gov.uk](mailto:Kevin.mowat@torbay.gov.uk)

## **1. Key points and Summary**

- 1.1 This report provides Members with the opportunity to consider and review the Tor Bay Harbour Business Risk Register for 2012/13.
- 1.2 It is accepted that in order for risk management to be truly successful it must be integrated into the culture of an organisation, supported and led by its senior management and communicated effectively at all levels. Consequently it is appropriate that as Tor Bay Harbour's governing body, the Harbour Committee formally reviews its business risks on a regular basis.
- 1.3 The Committee is asked to note the Tor Bay Harbour Business Risk Register attached as Appendix 1.

## **2. Introduction**

- 2.1 Risk management is a fundamental part of any harbour's strategic management; the focus of which is the identification, analysis and treatment of risk in order to add maximum sustainable value to all of the harbour's activities. Risk Management increases the probability of success, and reduces both the probability of failure and the uncertainty of achieving the harbour's overall objectives.
- 2.2 As part of the requirements for corporate governance and internal control an organisation must 'embed' risk management into its culture. This is not simply having an internal audit function reviewing risk management procedures; it means, for the harbour authority, that the Harbour Committee needs to look forward, be dynamic, respond effectively to change and maximise opportunities.
- 2.3 The benefits gained in managing risk are improved strategic, operational and financial management, continuity of knowledge and information management processes, improved compliance and, most importantly, improved customer service delivery. Sound management of business risks will also promote a positive external image of Tor Bay Harbour for all stakeholders.

- 2.4 A harbour authority, in common with any commercial undertaking, requires effective strategic leadership based on a complete understanding of the direction being taken and its associated opportunities and risks.
- 2.5 Making informed and transparent decisions which are subject to effective scrutiny and managing risk is a core principle of good governance.
- 2.6 Risk management is a key contributor to business planning and therefore integral to continuous improvement and sustainability. The Risk Register is used as a management tool to support the Tor Bay Harbour Business Plan.
- 2.7 The harbour authority understands the importance of risk taking and acknowledges that some amount of risk taking is inevitable if the harbour is to achieve its objectives. As a harbour authority we should aim to take risks which enable improvement and seek to avoid risks which could affect core business.
- 2.8 Risk registers are living documents and therefore must be regularly reviewed and amended. The reason for monitoring key risks is to create an early warning system for any movement in risk. The Council's risk management strategy requires that registers are monitored every six months. It is anticipated that the Harbour Committee will include a formal review of the Tor Bay Harbour Risk Register within its annual work programme. However, high scoring risks will be monitored more frequently by the Executive Head of Tor Bay Harbour Authority and referred to the Harbour Committee for further review as required. Currently there are no high scoring risks.
- 2.9 The Tor Bay Harbour Business Risk Register 2012/13 is attached at Appendix 1. In 2011, with the help of the Council's Corporate Risk Management team, the Risk Register was consolidated from 39 individual risks to 9 entries linked to the performance objectives of the harbour authority. This revised layout has recently been reviewed with feedback from staff and members/advisors on the Harbour Committee. A number of risks have consequently been updated and the risk register can also be found within the Council's performance management software (SPAR.net).

**Kevin Mowat**  
**Executive Head of Tor Bay Harbour Authority**  
**Tor Bay Harbour Master**

## **Appendices**

Appendix 1 Tor Bay Harbour Business Risk Register 2012/13

## **Documents available in members' rooms**

None

## **Background Papers:**

Torbay Council - Risk Management Strategy 2011

### Appendix 1 - Tor Bay Harbour Authority Risk Register 2012/13

Risk No	Spar Code	Scorecard Objective	Risk Title	Risk Description, Threat: What could happen to affect this, Cause: How could it happen	Probability and Proximity Description (How likely is it to happen? When is it likely to happen?)	Impact description, what could the impact be?	Control measures (SPAR Projects & PIs)	Current Risk Score				Risk Owner	Accountable Body
								Probability Score	Impact Score	Risk Score	Risk Rating 1-4=L 6-9=M 12-16=H		
1	HMS RR 01	1. Encourage local prosperity	Encourage Local Prosperity	If we fail to capitalise on Torbay's maritime setting or implement a robust sustainable maritime industry - Then we will not have the revenue to support the local maritime economy or regenerate our built infrastructure - So this may have a negative impact on tourism revenues, loss of maritime services and damage to our reputation.	Unlikely	Reduced number of maritime events. Significant medium term impact on tourism. Loss of reputation - bad PR. Reduced economic benefit. Poorer built environment. No new infrastructure. Missed investment opportunities. Lower fish toll income. Inability for the harbour account to service prudential borrowing. Premises unsafe/unusable for extended period. Loss of reputation.	1. Produce a schedule of Maritime Events 2. Maintain an Oil Spill Response and Contingency Plan (OPRC) and undertake an oil pollution response exercise - ensure we have suitable trained staff to respond. 3. Provide visitor moorings and maintain a competitive charging regime. 4. Maximise the benefits from the new Brixham Fish Market - Monitor the fish tolls income and the impact of the Common Fisheries Policy. 5. Maintain a Harbour Business Continuity Plan 6. To keep existing businesses and attract new activities. 7. Explore marketing opportunities.	2	3	6	M	Executive Head of Tor Bay Harbour Authority	Harbour Committee
2	HMS RR 02	2. To engage with the community and harbour users	To engage with the community and harbour stakeholders	If we fail to consult and engage appropriately with all relevant harbour users, groups and stakeholders - Then we will be unable to provide accountable and transparent management of the Tor Bay Harbour Authority - So we may be accused of failing to accurately meet the needs of our customers and stakeholders resulting in a loss of revenue streams and damage to our reputation.	Possible	The services provided do not reflect the needs of customers. Wrong activity is delivered, weak outcomes not wanted by partners. Loss of reputation.	1. To hold quarterly meetings with harbour users and stakeholders. 2. Use established user groups and Community Partnerships to consult on specific issues. 3. To continue to work with relevant voluntary and community organisations. 4. To support and engage with the local Coastal Partnership - SeaTorbay. 5. Undertake an Annual Users Survey. Monitor the Visitor Feedback forms.	2	3	6	M	Executive Head of Tor Bay Harbour Authority	Harbour Committee
3	HMS RR 03	3. To maintain a stewardship of the harbours built and natural environment	To maintain a stewardship of the harbours built and natural environment	If we fail to implement a sustainable approach to harbour management in respect to present and future climatic, environmental and economic changes - Then we will be unable to increase public awareness of the maritime environment as a valuable social and economic asset - So the impact of harbour activities may degrade the natural environment resulting in possible prosecution, loss of revenues and damage to our reputation.	Possible/ Likely	Possible environmental, economic and social damage. Unprepared for sea level rise. Potential for serious damage to our infrastructure which would impede our ability to meet budget and may also have capital implications. Insufficient staff to fulfil obligations. Public misunderstanding of the significance of the Bay and Tor Bay Harbour. Loss of reputation. Requirement to reduce or cease commercial fishing in designated areas. Loss of jobs and reduced fish toll income. Increased waste costs if not properly managed. Risk of corporate prosecution. Ineffective strategic direction based on an incomplete understanding of the direction being taken by the Harbour Authority. Inability for the Harbour Committee and Council to respond effectively to change and maximise opportunities. Poor coherence between the Port Master Plan, marine planning and terrestrial planning. Loss of reputation.	1. Work closely with the Environment Agency and make reference to the Shoreline Management Plan when taking key decisions. 2. Support and engage with the local Coastal Partnership - SeaTorbay. 3. Assist in the collection of spatial mapping data. 4. To replace chain moorings with pontoon berths in Torquay's inner harbour. 5. Maintain competitive charging regime. 6. Review harbour charges annually and maintain strong rental streams. 7. Maintain a specific and strong Environmental Policy. 8. Produce an Environmental Management Plan. 9. Improve corporate management of environmental risks and the harbour's overall environmental performance. 10. Identify internal and/or external funding to resource the delivery of a Coastal Zone Management Plan. 11. Achieve a high status for the Port Master Plan i.e. adopted as a supplementary planning document under the Local Development Framework. 12. Observe management measures for the Special Area of Conservation (SAC)	2	3	6	M	Executive Head of Tor Bay Harbour Authority	Harbour Committee

Monetary Focused		Current Risk Score												
Risk No	Spar Code	Scorecard Objective	Risk Title	Risk Description, Threat: What could happen to affect this, Cause: How could it happen	Probability and Proximity Description (How likely is it to happen? When is it likely to happen?)	Impact description, what could the impact be?	Control measures (SPAR Projects & PIs)	Probability Score	Impact Score	Risk Score	Risk Rating. 1-4=L 6-9=M 12-16=H	Control Owner	Risk Owner	Accountable Body
4	HMS RR 04	4. To achieve financial strength and effectively manage the Harbour Authorities assets	Effectively manage the Harbour Authority's assets	If we fail to effectively manage all of the Harbour Authority's financial and built assets - Then we may fail to secure competitive rental stream revenue and our built infrastructure will deteriorate - So this So this may leave us with unsafe infrastructure, failing to meet government guidelines on best practice, forced cessation of some discretionary services and damage to our reputation.	Possible	Ineffective strategic direction, cessation of business activities; loss of staff, loss of revenue, damage to reputation and failing to meet best practice guidelines. Inability for the harbour account to service prudential borrowing. Premises unsafe/unusable for extended period.	1. Produce an Asset Management Plan for the Harbour Authority. 2. Harbour Estate lettings occupancy rate. 3. Target 0% variance from budget. 4. To keep existing business and attract new activities. 5. Implement the safety management improvement plan. 6. Maintain a Harbour Emergency Response Plan and Business Continuity Plan. 7. Financial Regulations and audit controls. 8. Review harbour charges annually and maintain strong rental streams. 9. Maintain competitive charging regime. 10. To produce and review a Risk Register for the Harbour Authority. 11. Maintain a Harbour Authority Audit Plan. 12. To keep existing businesses and attract new activities. 13. Explore marketing opportunities.	2	3	6	M	Adam FitzPatrick Kevin Mowat Paul Labisour Dave Bartlett John Turner	Executive Head of Tor Bay Harbour Authority	Harbour Committee

Risk No	Spar Code	Scorecard Objective	Risk Title	Risk Description, Threat: What could happen to affect this, Cause: How could it happen	Probability and Proximity Description (How likely is it to happen? When is it likely to happen?)	Impact description, what could the impact be?	Control measures (SPAR Projects & PIs)	Current Risk Score				Risk Rating 1-4=L 6-9=M 12-16=H	Control Owner	Risk Owner	Accountable Body
								Probability Score	Impact Score	Risk Score	Impact Score				
5	HMS RR 05	Effective risk management and health and safety in place	Effective risk management and health and safety	If we do not have a robust culture for managing our risks, our projects, as well as our information governance and operational Health and Safety - Then we may suffer failings in the overall management of the Harbour Authority - So this may result in injury to stakeholders, loss of revenue, lost information, legal action and damage to our reputation.	Unlikely	Insufficient staff to fulfil obligations. Staff health & safety compromised. Legal action against the Council. Weak project governance leading to poor delivery & inadequate control measures. Projects run late and/or over budget. Outcomes not achieved. Information or financial loss. Time wasted looking for information. Risk not meeting FOI/customer requests correctly. Loss of reputation.	1.Help provide appropriate sea and flood defences. (RIDDOR). 2.Reduce the number of reportable accidents 3.Test and review a Business Continuity Plan. 4.Review harbour charges annually and maintain strong rental streams. 5.Ensure staff are properly trained to Prince2. 6.Employ properly trained Project Managers. 7.Monitor project performance using SPAR.net. 8.Data Protection Act - staff given necessary training. 9.Customer database kept updated and backed-up to Council's server. 10.Document and file retention schedule drawn up and observed. 11.Commercial shredding contractor used for document disposal.	2	4	8	M	Adam FitzPatrick Kevin Mowat Paul Labistour Dave Bartlett John Turner	Executive Head of Tor Bay Harbour Authority	Harbour Committee	
6	HMS RR 06	Ensuring equality and diversity in service delivery - together with equality of opportunity	Ensure quality and diversity of service delivery and provision	If we fail to provide a service that ensures equality and diversity - Then we may unknowingly discriminate against staff and/or stakeholders - So this may result in legal action, insufficient staff levels, drop in service delivery and damage to our reputation.	Unlikely	Discrimination, legal effects. Insufficient staff to fulfil obligations. Legal action against the Council. Loss of reputation.	1.Complete equality impact assessments and produce an improvement action plan.	1	2	2	L	John Turner	Executive Head of Tor Bay Harbour Authority	Harbour Committee	
7	HMS RR 07	Improve and maintain the customer experience	Maintain or improve the customer experience	If we do not provide a high quality harbour service that accurately meets the needs of our customers - Then we will not be providing a professional and equitable service - So this may result in loss of demand for harbour services, loss of revenue streams and damage to our reputation.	Unlikely	Insufficient staff to fulfil obligations, facilities provided at a loss, income stream lost, unfair allocation of harbour facilities, legal action against the authority, high level of complaints and damage to our reputation.	1.Review visitor feedback forms and Annual Harbour Users Survey. 2.Review harbour charges annually and maintain strong rental streams. 3.Complete equality impact assessments and produce an improvement action plan. 4.Maintain competitive charging regime. 5.Withdraw or do not supply certain discretionary facilities. 6.Retain membership of appropriate Trade and Professional Associations (British Ports Association, UK Harbour Masters Association). 7.Hold, maintain and review our Harbour & Maritime Strategy. 8.Keep and review the Harbour Operational Moorings Policy.	2	2	4	L	Adam FitzPatrick Kevin Mowat Paul Labistour Dave Bartlett John Turner	Executive Head of Tor Bay Harbour Authority	Harbour Committee	
8	HMS RR 08	Maintain safety	Maintain safety	If we fail to fulfil our obligation to provide a competent Harbour Authority, by not enforcing all applicable statutes, byelaws and legislation - Then we will not be providing a safe haven for vessels or a safe Harbour estate for users and visitors - So we may fail to accurately respond to legislative changes resulting in a financial penalty and we may face deterioration of our built infrastructure, a major emergency and severe damage to our reputation.	Unlikely	Statutory duty may not be met. Safety may be prejudiced. Government intervention. Stakeholder dissatisfaction. Insufficient staff to fulfil obligations. Legal action against the Council. Harbour cannot achieve objectives in context of government policy. Premises unsafe/unusable for extended period. Cessation of business activities. Loss of reputation.	1.Renew the bilateral agreement with the UKHO. 2.Annual Audit & Inspection from Trinity House. 3.PANAR - Navigation Lights availability. 4.Implement the safety management improvement plan. 5.Maintain a Harbour Emergency Response Plan and Business Continuity Plan. 6.External contract for the provision of pilotage services. 7.Membership of appropriate Trade and Professional Associations (British Ports Association, UK Harbour Masters Association & Port Skills and Safety). 8.Review harbour charges annually and maintain strong rental streams. 9.Periodic review of Harbour legislation.	2	4	8	M	Adam FitzPatrick Kevin Mowat Paul Labistour Dave Bartlett John Turner	Executive Head of Tor Bay Harbour Authority	Harbour Committee	

Employee Focused

Risk No	Spar Code	Scorecard Objective	Risk Title	Risk Description, Threat: What could happen to affect this, Cause: How could it happen	Probability and Proximity Description (How likely is it to happen? When is it likely to happen?)	Impact description, what could the impact be?	Control measures (SPAR Projects & PIs)	Current Risk Score				Risk Rating: 1-4=L 6-9=M 12-16=H	Control Owner	Risk Owner	Accountable Body
								Probability Score	Impact Score	Risk Score	Risk Rating				
9	HIMS RR 09	9. Effective workforce planning	Effective workforce planning	If we lack effective workforce planning - Then we may fail to offer appropriate learning and development to all staff - So this may lead to insufficient staff to fulfil obligations, incompetent staff, deterioration of safety standards which has the potential to lead to personal injury and damage to our reputation.	Possible	Insufficient staff to fulfil obligations. Legal action against the Council. Incompetent staff, deterioration of safety standards. Failure to update skills could lead to a poor service. Unsettled staff. Loss of productivity. Personnel leaving. Insufficient budget to meet the cost of an appropriate grading structure. Staff redundancies or reduced working hours. Loss of reputation.	1.To encourage Harbour Masters to fully complete CPD records. 2.To monitor and support staff through induction and appraisal reviews. 3.To reduce staff absence. 4.Review harbour charges annually and maintain strong rental streams. 5.Take professional advice from Human Resources. 6.Liaise with staff on a regular basis and ensure that information is promulgated. 7.Membership of appropriate Trade and Professional Associations (British Ports Association, UK Harbour Masters Association & Port Skills and Safety).	Adam FitzPatrick Kevin Mowat Paul Labistour Dave Bartlett John Turner	Executive Head of Tor Bay Harbour Authority	Harbour Committee	2	2	4	L	

Adam Fitzpatrick, Kevin  
 Mowat, Paul Labadie,  
 Charles Batten, John Turner

Score	Probability	Description
4	Very Likely	Has occurred in the organisation in recent months OR It is almost certain that it will occur at some time in the future
3	Likely	Has occurred in the organisation in recent years OR There is a strong probability that it will occur at some time in the future
2	Unlikely	Has occurred in the organisation in the past OR There is a possibility it will occur at some time in the future
1	Very Unlikely	Has not occurred in the organisation before OR Will only occur in exceptional circumstances

Impact Scoring Guidance - Risks					
Impact Level	Financial	Reputational	Human Welfare	Organisational	Natural & Built Environment
<b>4 - Catastrophic</b> (Crisis with potential to cause severe disruption)	Loss of 50% or more of budget or funding	<ul style="list-style-type: none"> <li>Negative national and local media attention for over 6 months</li> <li>Service change to the public</li> <li>Severe reputational damage to the team</li> <li>Government intervention and investigation</li> <li>Outrage amongst the local community</li> </ul>	<ul style="list-style-type: none"> <li>Over 1000 people negatively affected</li> <li>Multiple fatalities, disabilities, long-term hospitalisation of 10 or more people</li> </ul>	<ul style="list-style-type: none"> <li>Interruption lasts over 6 months</li> <li>Negatively affects entire commission and multiple business units</li> <li>Major impact on strategic objectives</li> <li>Challenge to accounts</li> <li>Investigation</li> <li>Legal claims and/or proceedings brought by multiple individuals, groups and/or organisations</li> </ul>	<ul style="list-style-type: none"> <li>Negative effects last over 1 year</li> <li>Widespread damage to human infrastructure and damage to the natural environment</li> <li>Multiple wards affected</li> </ul>
<b>3 - Major</b> (Critical Event)	Loss of between 25 and 50% of budget or funding	<ul style="list-style-type: none"> <li>Negative local media coverage for up to 6 months</li> <li>Investigation by Ombudsman</li> <li>Serious damage to organisation's reputation</li> </ul>	<ul style="list-style-type: none"> <li>100 – 1000 people negatively affected</li> <li>Long-term hospitalisation and rehabilitation of up to 10 people</li> </ul>	<ul style="list-style-type: none"> <li>Service delivery interrupted for between 1 and 6 months</li> <li>Legal claims and/or proceedings brought by multiple business units</li> <li>Major impact on business unit objectives</li> <li>Challenge by Ombudsman</li> <li>Potential for legal proceedings and large claims for multiple individuals/groups</li> </ul>	<ul style="list-style-type: none"> <li>Negative effects last between 6 months and 1 year</li> <li>Significant damage to human infrastructure</li> <li>Significant pollution and damage to the natural environment</li> <li>Single ward affected</li> </ul>
<b>2 - Moderate</b> (Event with moderate level of resource and input)	Loss of between 10 and 25% of budget or funding	<ul style="list-style-type: none"> <li>Negative local media coverage for up to 1 month</li> <li>Investigation by all number of complaints</li> <li>Local community aware of statutory prosecution of a non-serious nature</li> </ul>	<ul style="list-style-type: none"> <li>10 – 100 people negatively affected</li> <li>Long-term hospitalisation of several individuals</li> </ul>	<ul style="list-style-type: none"> <li>Service delivery interrupted for between 1 week and 1 month</li> <li>Negatively affects 1 business unit</li> <li>Potential for claims from several individuals</li> </ul>	<ul style="list-style-type: none"> <li>Negative effects last up to 1 month</li> <li>Significant damage to human infrastructure</li> <li>Minor pollution and damage to the natural environment</li> </ul>
<b>1 - Minor</b> (Effect minimal)	Loss of up to 10% of budget or funding	<ul style="list-style-type: none"> <li>Negative local media coverage for less than 1 month</li> <li>Complaint from single individual or small group</li> </ul>	<ul style="list-style-type: none"> <li>1 – 10 people negatively affected</li> <li>Long-term hospitalisation or discomfort to an individual</li> </ul>	<ul style="list-style-type: none"> <li>Service delivery interrupted for up to 1 week</li> <li>Negatively affects multiple service areas</li> <li>Very low possibility of litigation</li> </ul>	<ul style="list-style-type: none"> <li>Negative effects last up to 1 week</li> <li>Building or piece of infrastructure negatively affected</li> <li>Limited negative effect on natural and/or human infrastructure</li> </ul>

Impact Scoring Guidance – Opportunities					
Impact Level	Financial	Reputational	Human Welfare	Organisational	Natural & Built Environment
<b>4 - Triumph</b> (Effect: major)	Gain of 50% or more of budget or funding	<ul style="list-style-type: none"> <li>Positive national and local media attention for over 6 months</li> <li>Possible national commendation for a member of the Senior Leadership Team</li> <li>National award or recognition of elevated status by national government</li> </ul>	<ul style="list-style-type: none"> <li>Improved safety and welfare of over 1000 people</li> <li>Major improvements in welfare, health and safety of multiple people, groups and organisations</li> </ul>	<ul style="list-style-type: none"> <li>Positive effects last over 6 months</li> <li>Positively affects service delivery in multiple business units</li> <li>Excellent performance against corporate / community plan</li> <li>Potential for national award for excellence</li> <li>Increase in funding streams due to service innovation and/or excellence</li> </ul>	<ul style="list-style-type: none"> <li>Positive effects last over 1 year and is adopted in other business units</li> <li>Widespread positive change to natural environment</li> <li>Widespread positive change to human infrastructure</li> <li>Multiple wards affected</li> </ul>
<b>3 - Major</b> (Effect: moderate)	Gain of between 25% and 50% of budget or funding	<ul style="list-style-type: none"> <li>Positive local media coverage for up to 6 months</li> <li>Possible commendation for employee</li> <li>Serious boost to organisation's reputation</li> </ul>	<ul style="list-style-type: none"> <li>Improved safety and welfare of up to 1000 people</li> <li>Major improvements in safety of multiple groups and/or organisations</li> </ul>	<ul style="list-style-type: none"> <li>Noticeable improvement in service delivery for between 1 and 6 months</li> <li>Positively affects service delivery in multiple business units</li> <li>Major step towards achieving priority in corporate / community plan</li> <li>Potential for regional award or recognition for excellence</li> <li>Potential for increased regional funding for service innovation and/or excellence</li> </ul>	<ul style="list-style-type: none"> <li>Positive effects last between 6 months and 1 year and can be easily replicated in other business units</li> <li>Significant positive change to natural environment</li> <li>Significant positive change to human infrastructure</li> <li>Single ward affected</li> </ul>
<b>2 - Moderate</b> (Effect: moderate)	Gain of between 10% and 25% of budget or funding	<ul style="list-style-type: none"> <li>Positive local media coverage for up to 1 month</li> <li>Generates a small number of local compliments</li> <li>Local community aware of service innovation and/or excellence</li> </ul>	<ul style="list-style-type: none"> <li>10 – 1000 people positively affected</li> <li>Major improvements in welfare of up to 100 people and/or some small groups /organisations</li> </ul>	<ul style="list-style-type: none"> <li>Noticeable improvement in service delivery for up to 1 month</li> <li>Positively affects service delivery in multiple business units</li> <li>Recommended for a professional excellence award</li> <li>Move towards achieving an objective on time and within budget</li> </ul>	<ul style="list-style-type: none"> <li>Positive effects last up to 6 months</li> <li>Minor positive change to natural environment</li> <li>Minor positive change to human infrastructure</li> </ul>
<b>1 - Minor</b> (Effect: minimal)	Gain of up to 10% of budget or funding	<ul style="list-style-type: none"> <li>Positive local media coverage lasts less than 1 month</li> <li>Compliment on service from single individual or small group</li> </ul>	<ul style="list-style-type: none"> <li>Improved safety and welfare to an individual or a few people positively affected</li> </ul>	<ul style="list-style-type: none"> <li>Potential for an individual being recommended for a professional acknowledgement of excellence</li> </ul>	<ul style="list-style-type: none"> <li>Positive effects last up to 1 week</li> <li>Minor positive effect on natural environment and/or human infrastructure</li> </ul>



# Agenda Item 8



Briefing Report No: **2012**

Public Agenda Item: **Yes**

Title: **Harbour Assets Review**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee** On: **17<sup>th</sup> September 2012**

Contact Officer: **Kevin Mowat**

☎ Telephone: **292429**

✉ E.mail: [Kevin.mowat@torbay.gov.uk](mailto:Kevin.mowat@torbay.gov.uk)

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## 1. Key points and Summary

1.1 This report provides Members with the outcome of the work of the Harbour Asset Review Working Party.

1.2 The Harbour Committee's Terms of Reference include the following statement :-

***“to provide strategic direction in relation to the Executive Head of Tor Bay Harbour Authority and the Mayor in relation to those assets within Tor Bay Harbour and the harbour estate that are managed by Tor Bay Harbour Authority.”***

1.3 On the 11<sup>th</sup> June 2012 the Harbour Committee resolved that a Harbour Asset Review Working Party, comprising three members of the Harbour Committee (Councillors Faulkner (J), Richards and McPhail) and two of the External Advisors to the Committee (Captain Bob Curtis and Mr Gordon Jennings), be appointed with the following terms of reference:

- a) to review all assets within Tor Bay Harbour and the Harbour Estate;
- b) to establish how each asset is performing; and
- c) to identify any assets that are surplus.

1.4 The Committee is asked to note the outcome of the work of the Harbour Asset Review Working Party set out in section 3 below.

## 2. Introduction

2.1 The Harbour Asset Review Working Party met on the 23<sup>rd</sup> August 2012 to review all assets within Tor Bay Harbour and the Harbour Estate. Officer support to the Working Party was provided by the Harbour Masters with support from the Torbay Development Agency.

2.2 Harbour estate asset lists were circulated for Brixham, Torquay and Paignton. Where possible each asset was considered against the following performance criteria :-

- corporate asset number (Torbay Online Asset Database System (TOADS))
- operational status
- leased or vacant
- tenure of lease & rental income
- size of premises
- expected repair & maintenance costs for the next 5 years
- condition category (A to D)
- date of last condition survey
- repairing priority (urgent to long term)
- asset valuation
- alternative use

### **3. Outcome of the Harbour Asset Review**

- 3.1 All assets within Tor Bay Harbour and the harbour estate were successfully reviewed.
- 3.2 The Working Party was satisfied that they could broadly establish how each asset is currently performing.
- 3.3 Only one asset was identified as being surplus to the requirements of the Harbour Authority and this was the steel workboat based at Brixham harbour. This craft will be sold and a separate report to the Harbour Committee will cover the procurement of a replacement vessel.

**Kevin Mowat**  
**Executive Head of Tor Bay Harbour Authority**  
**Torbay Harbour Master**  
**On behalf of the Harbour Asset Review Working Party**

#### **Appendices**

None

#### **Documents available in members' rooms**

None

#### **Background Papers:**

Harbour Asset Review Lists  
Torbay Online Asset Database System (TOADS)

# Agenda Item 9



Title: **Tor Bay Harbour Authority Budget Monitoring 2012/13**

Wards Affected: **All Wards in Torbay**

To: **Harbour Committee**                      On: **17<sup>th</sup> September 2012**

Contact Officer: **Kevin Mowat**                      **Pete Truman**  
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E.mail: **[Kevin.mowat@torbay.gov.uk](mailto:Kevin.mowat@torbay.gov.uk)**                      **[Pete.Truman@torbay.gov.uk](mailto:Pete.Truman@torbay.gov.uk)**

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## **1. Key points and Summary**

- 1.1 This report provides Members with projections of income and expenditure for the year 2012/13 compared with approved budgets.
- 1.2 This report identifies the overall budgetary position for Tor Bay Harbour Authority as at end of August 2012 to enable appropriate action to contain expenditure and maintain reserves at appropriate levels.
- 1.3 The Committee is asked to note any amended outturn positions of the two harbour accounts and the resulting change in reserve movements.
- 1.4 The Committee is asked to note the Executive Head of Harbour Tor Bay Harbour Authority's use of delegated powers to make decisions in relation to the budget allocated to Tor Bay Harbour.
- 1.5 Both Harbour accounts have benefitted from lower Capital Charges following a partial repayment of borrowing. Although reductions are expected in Marina and rental income at Brixham Harbour, the account is now showing a surplus due to the higher than expected income from Fish Tolls. Additional operational income over target level has reduced the projected deficit for Torquay & Paignton harbours.
- 1.6 The Committee is asked to note the Harbour Master's use of delegated powers to waive certain harbour charges, which this financial year amounts to £1700.51 (ex VAT) and which have been spread across both harbour accounts. No additional charges have been levied.

## **2. Introduction**

- 2.1 The Tor Bay Harbour Authority budget was approved by the Harbour Committee on 5<sup>th</sup> December 2011.
- 2.2 This is the second budget monitoring report presented to the Harbour Committee for the financial year 2012/13.

2.3 The projected outturn at Appendix 1 reflects amendments to the budget made within the Executive Head of Tor Bay Harbour Authority's delegated powers. Details of each amendment can be found in the associated note.

2.4 The performance against budget is summarised below:

	<b>Original Budget 2012/13 £000</b>	<b>Current Budget 2012/13 £000</b>	<b>Projected Outturn 2012/13 £000</b>
Torquay and Paignton Harbours Surplus/(Deficit)	(35)	(28)	(15)
Brixham Harbour Surplus/(Deficit)	(34)	(39)	30

2.5 The current progress of Harbour capital schemes is detailed below:

	<b>Total Budget £000</b>	<b>Actual to Date (including prior years) £000</b>	<b>Projected Outturn £000</b>	<b>Notes</b>
Environment Agency grant funding for Torquay Harbour – Haldon & Princess Piers	1,300	198	1,300	(i)
Brixham Harbour – Various Repairs	640	647	649	(ii)
Brixham Breakwater Repairs	150	0	150	(iii)
Fish Market Roof – PV Panels	48	0	48	(v)

- (i) An initial application for external funding from the Environment Agency was successful and the grant of approximately £1.3m is currently being used for Phase 2 which commenced in the autumn of 2011 and further work will follow this autumn/winter. Work towards a further bid of approximately £7m of external funding from the Environment Agency is now underway and is expected to be submitted later this year.
- (ii) Further repair work is required to the ladders and fenders. Funding for this spend has been approved from the Brixham Harbour reserve but is not currently reflected in the Capital Plan.
- (iii) The Environment Agency approved a grant of £40,000 to produce a more detailed structural report of the breakwater. Officers have now evaluated this new report and work has started on a bid for further Environment Agency funding from their medium-term capital plan. Unfortunately, the additional wave modelling results and economic appraisal has been delayed by new modelling data. A bid for external funding from the Environment Agency is now expected to be submitted later this year. In the meantime the approved £150k capital work has been postponed.

- (iv) Approximately £48k has been earmarked from the Brixham Harbour reserve to fund a 10kw Photovoltaic solar energy system on the new Fish Market roof. This capital spend has already been approved by Torbay Council but the recent announcement regarding a significant reduction in the feed-in tariff rate has meant that the scheme may no longer be viable. Further evaluation is now required to determine a clear business case.

2.7 The Harbour's liability for prudential borrowing is detailed in the following table

<b>Capital Scheme</b>	<b>Amount Borrowed</b>	<b>Start of Repayments</b>	<b>Principal outstanding at 1<sup>st</sup> April 2012</b>
Haldon Pier (Torquay Harbour)	£1,200,000	2010/11	£1,144,601
Town Dock (Torquay Harbour)	£1,140,000	2008/09	£920,515
Brixham Harbour New Fish Quay Development	£4,750,000	2011/12	£4,526,876

2.8 The Tor Bay harbour Authority debt position at the end of August 2012 is set out in the table below:-

	<b>Corporate Debtor System</b>		<b>HMS</b>	
	Unpaid by up to 60 days	Unpaid over 60 days	Unpaid by up to 60 days	Unpaid over 60 days
Debt at 3 <sup>rd</sup> September 2012	£22k	£18k	£21k	£45k
Bad Debt Provision	£17k		N/A	N/A

The Harbour Management System (HMS) debt does not have a separate bad debt provision because the income is not credited until it is received. However, following the recent internal audit report the Executive Head of Torbay Harbour Authority has determined that the overall debt position should be shown to the Harbour Committee on each budget monitoring report. As expected the HMS debt figure has reduced from £264k at the end of April to £66k at the end of August.

2.9 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 1.6).

2.10 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 harbours related capital projects.”*

Consequently the Executive Head of Tor Bay Harbour Authority, in consultation with the Chairman of the Harbour Committee, has produced a list of Harbour Reserve Fund projects attached as Appendix 2. The Committee is asked to note this list and the obvious ongoing need for a healthy Harbour Reserve Fund.

**Kevin Mowat**  
**Executive Head of Tor Bay Harbour Authority**

**Pete Truman**  
**Principal Accountant**

### **Appendices**

Appendix 1 Harbour Revenue Accounts 2012/13  
Appendix 2 Harbour Reserve Fund Project List

### **Documents available in members’ rooms**

None

### **Background Papers:**

None

# Agenda Item 9

## Appendix 1

Appendix 1

HARBOUR REVENUE ACCOUNTS 2012/13

### TORQUAY and PAIGNTON HARBOURS

Expenditure	2012/13 Original Budget £ ,000	2012/13 Current Budget £ ,000	2012/13 Profiled Budget £ ,000	2012/13 Actual to Date £ ,000	2012/13 Projected Outturn £ ,000	Notes
<b>Operations and Maintenance :-</b>						
Harbour Attendants Salaries and Wages	136	136	47	47	136	1
Repairs and Maintenance	153	153	48	69	153	
Rent Concessions	2	1	0	0	2	
Other Operating Costs	117	117	59	61	117	
Town Dock Costs	10	10	3	0	10	
<b>Management and Administration :-</b>						
Salaries	178	178	59	59	178	1
Internal Support Services	119	100	42	42	100	2
External Support Services	0	19	0	0	19	2
Other Administration Costs	46	46	15	33	73	3
Capital Charges	184	178	0	0	178	4
Contribution to Patrol Boat Operation	3	3	0	0	3	
Dividend to General Fund (based on 2.5% of total income)	23	23	0	0	23	
	<b>971</b>	<b>964</b>	<b>273</b>	<b>311</b>	<b>992</b>	
<b>Income</b>						
<b>Rents and Rights :-</b>						
Property and Other Rents/Rights	246	246	114	125	246	
Marina Rental	222	222	40	40	222	
<b>Operating Income :-</b>						
Harbour Dues	61	61	49	49	61	
Visitor and Slipway	41	41	21	21	41	
Mooring fees	68	68	57	51	68	
Town Dock	241	241	240	248	248	5
Boat and Trailer parking	34	34	33	36	36	
Other Income	23	23	20	28	28	6
Contribution from Reserve	0	0	0	0	27	7
	<b>936</b>	<b>936</b>	<b>574</b>	<b>598</b>	<b>977</b>	
<b>Operating Surplus /(Deficit)</b>	<b>(35)</b>	<b>(28)</b>	<b>301</b>	<b>287</b>	<b>(15)</b>	

<b>RESERVE FUND</b>	
Opening Balance as at 1st April	621
Interest Receivable	8
Net Surplus / (Deficit) from Revenue Account	(15)
Withdrawals - Capital financing	(24)
Contributions to Revenue Account	(27)
Expected Closing Balance as at 31st March	<b>563</b>

Note: In line with Harbour Committee minute 398 (5) the minimum Reserve level is **£187k** 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 2012/13

### NOTES

#### TORQUAY & PAIGNTON HARBOURS

- 1 It is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees. However, this has not been reflected in the projected outturn at this stage as employees are entitled to join the scheme at any time.
- 2 Estates Management and Property Services are now provided by the Torbay Economic Development Company.
- 3 The Projected Outturn includes the cost of preparing the Port Master Plan to be funded from the Reserve (see notes 7 & 9).
- 4 Capital borrowing charges have reduced following early repayment of £63k of principal from the 2011/12 operational surplus.
- 5 The Town Dock income has exceeded the budget forecast.
- 6 Additional income has been generated over various headings.
- 7 Contributions from the Reserve to fund the Port Master Plan (see notes 3 & 9).
- 8 Approved funding of the capital purchase of a new forklift truck.
- 9 Approved withdrawal from the Reserve to fund the Port Master Plan (see notes 3 & 7).

HARBOUR REVENUE ACCOUNTS 2012/13

**BRIXHAM HARBOUR**

Expenditure	2012/13	2012/13	2012/13	2012/13	2012/13 Projected Outturn £ ,000	Notes
	Original Budget £ ,000	Current Budget £ ,000	Profiled Budget £ ,000	Actual to Date £ ,000		
Operations and Maintenance :-						
Harbour Attendants Salaries and Wages	209	209	88	69	204	1/2
Repairs and Maintenance	120	120	50	87	180	3
Rent Concessions	4	4	0	0	4	
Other Operating Costs	260	279	122	180	284	2/4
Management and Administration :-						
Salaries	144	144	60	57	144	1
Internal Support Services	107	88	37	19	88	5
External Support Services	0	19	0	0	19	5
Other Administration Costs	44	44	15	31	95	6
Capital Charges	300	291	0	0	291	7
Contribution to Patrol Boat Operation	3	3	0	0	3	
Dividend to General Fund (based on 2.5% of total income)	29	29	0	0	31	8
	<b>1,220</b>	<b>1,230</b>	<b>372</b>	<b>443</b>	<b>1,343</b>	
<b>Income</b>						
Rents and Rights :-						
Rents and Rights	213	204	92	115	204	9
Marina Income	167	162	40	40	162	10
Operating Income :-						
Harbour Dues	84	84	84	69	84	
Visitor and Slipway	13	13	10	7	9	11
Mooring fees	134	134	126	116	134	
Fish Tolls income	525	525	168	229	600	12
Other Income	50	69	33	69	69	13
Contribution from Reserve	0	0	0	0	111	14
	<b>1,186</b>	<b>1,191</b>	<b>553</b>	<b>645</b>	<b>1,373</b>	
<b>Operating Surplus /(Deficit)</b>	<b>(34)</b>	<b>(39)</b>	<b>181</b>	<b>202</b>	<b>30</b>	

RESERVE FUND			
Opening Balance as at 1st April		543	
Interest Receivable		7	
Net Surplus / (Deficit) from Revenue Account		30	
Withdrawals - Capital financing		(26)	15
Contributions to Revenue Account		(111)	16
Closing Balance as at 31st March		<b>443</b>	

Note: In line with Harbour Committee minute 398 (5) the minimum Reserve level is £237k 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 2012/13

### NOTES

#### BRIXHAM HARBOUR

- 1 It is anticipated that there will be a reduction in employee costs due to the waiving of superannuation contributions by some employees. However, this has not been reflected in the projected outturn at this stage as employees are entitled to join the scheme at any time.
- 2 Savings have occurred through a vacancy in one of the Dockmaster posts. The saving is offset by an increase in external security costs.
- 3 An approved new electricity recharge system for the fishing vessel basin has been installed to be funded from the Reserve (see note 14).
- 4 Fish market activities have significantly increased water and sewerage charges. It is anticipated that the additional cost will be recovered (see note 13).
- 5 Estates Management and Property Services are now provided by the Torbay Economic Development Company.
- 6 The Projected Outturn includes the cost of preparing the Port Master Plan and the Northern Arm Business Case to be funded from the Reserve (see note 14).
- 7 Capital borrowing charges have reduced following early repayment of £145k of principal from the 2011/12 operational surplus.
- 8 The dividend has increased in line with revised income projections.
- 9 The Projected Outturn has been adjusted to reflect more realistic income levels from new facilities.
- 10 Income at Brixham Marina continued to fall in 2011/12 due to the difficult economic conditions. As a prudent measure the projected rental for 2012/13 has been reduced.
- 11 Visitor numbers were down during the summer.
- 12 Projections for fish toll income have been raised based on volumes achieved for the year to date.
- 13 Recovery of increased water and sewerage charges (see note 4).
- 14 Contributions from the Reserve to fund installation of an electricity recharge meter system (£60k - see note 3) and the Port Master Plan (£27k - see note 6) and the Northern Arm Business Case (£24k see note 6).

- 15 Approved funding of the capital purchase of a new forklift truck.
- 16 Approved withdrawal from the Reserve to fund the electricity recharge meter system, the Port Master Plan and the Northern Arm Business Case (see notes 3, 6 & 14).

### Appendix 2 - Tor Bay Harbour Authority - Reserve Funds Project List

Harbour Committee Minute 398 (5) - December 2011

*“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 harbours related capital projects.”*

	<b>Brixham</b>	<b>Torquay &amp; Paignton</b>
	<b>£</b>	<b>£</b>
Reserve Balance at 31st March 2012	544,000	621,000
Planned withdrawals in year	(136,920)	(50,920)
Projected Surplus/(Deficit) for year	30,000	(15,000)
Revised Reserve Balance	437,080	555,080
less: 20% of Budgeted Turnover	237,200	187,200
<b>= Balance for Projects</b>	<b>199,880</b>	<b>367,880</b>
<b>Total costs of proposed Projects (as listed below).</b>	<b>530,700</b>	<b>610,300</b>
<i>Shortfall in Reserve funding available</i>	<i>(330,820)</i>	<i>(242,420)</i>

<b>Projects</b>	<b>Brixham</b>	<b>Torquay &amp; Paignton</b>	<b>Timeframe</b>
Tor Bay Harbour - PMSC software upgrade	£5,000	£5,000	2012-13
Tor Bay Harbour - HMS software upgrade	£15,000	£15,000	2012-13
Torquay harbour - Haldon Pier brow		£45,000	2012-13
Torquay harbour - Princess Pier underwater urgent repairs		£50,000	2012-13
Torquay harbour - Beacon Quay Wi-Fi		£7,000	Short
Torquay harbour - Old Fish Quay full structural survey		£10,000	Short
Brixham harbour – capping, fenders & ladder repairs	£170,000		Short

Passenger ferry real-time signage & new shelters *	£18,500	£18,500	Short
Brixham harbour - new work boat	£45,000		Short
Brixham harbour – photo-voltaic solar panels on roof *	£48,000		Medium
Torquay harbour - fishermen’s pontoons		£24,900	Medium
Torquay harbour – office/welfare improvements		£24,900	Medium
Torquay harbour - Inner Harbour Slipway repairs		£75,000	Medium
Torquay harbour - South Pier cathodic protection		£30,000	Medium
Tor Bay Harbour Patrol Boat replacement	£25,000	£25,000	Medium
Brixham harbour - Maritime E training programme *	£54,200		Medium
Torquay harbour - new dinghy park & seaward slipway feasibility study		£30,000	Medium
Torquay harbour - Haldon Pier crane		£50,000	Long
Brixham Breakwater	£150,000		Long
Torquay harbour - Fuel Station refurbishment		£100,000	Long
Torquay harbour - New Drying Grid		£100,000	Long
<b>TOTALS</b>	<b>£530,700</b>	<b>£610,300</b>	

Capital Projects over £25k to be listed on the Council’s Capital Plan and be approved by full Council.

\* Interreg funding opportunity (FLIP)

KEY

Capital  
Revenue



Current financial year  
0 to 12 months  
12 to 24 months  
24 to 60 months

2012-13  
Short  
Medium  
Long



Report No: **2012** Public Agenda Item: **Yes**

Title: **Tor Bay Harbour - Environmental Policy Statement**

Wards Affected: **All wards in Torbay**

To: **Harbour Committee** On: **17<sup>th</sup> September 2012**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Kevin Mowat**  
Telephone: **01803 292429**  
E.mail: **Kevin.Mowat@torbay.gov.uk**

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## **1. What we are trying to achieve and the impact on our customers**

- 1.1 Tor Bay Harbour Authority has an existing Environmental Policy Statement and the Harbour Committee is asked to review and endorse a revised Environmental Policy Statement. Our customers and employees will benefit from a clear and concise Environmental Policy Statement that is regularly reviewed by the Harbour Committee.

## **2. Recommendation(s) for decision**

- 2.1 That the Environmental Policy Statement shown in Appendix 1 to this report is approved.**

## **3. Key points and reasons for recommendations**

- 3.1 In addition to their operational activities ports and harbours have extensive environmental responsibilities. The designation of more new areas – both land and marine sites – requiring special protection has now resulted in the creation of new management structures for the open coast as well as for estuaries. A harbour's commercial and recreational activity must co-exist with sound environmental practice.
- 3.2 Torbay Council as the Harbour Authority is bound by law to conserve the Harbour of Tor Bay to a reasonable state for use as a port and in a fit condition for a vessel to resort to. Within the Council's Harbour and Maritime Strategy it is specifically stated that we will fulfil a duty of care to the environment and as such produce and keep under review an Environmental Policy Statement.

- 3.3 Tor Bay Harbour Authority also has a general duty to exercise its functions with regard to nature conservation and other related environmental considerations. There is an obligation, where a Special Protection Area for Birds or a Special Area of Conservation has been designated under the Wild Birds or Habitats Directives, to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. A significant inshore area of Tor Bay Harbour is now a candidate Special Area of Conservation in respect of reefs and submerged or partially submerged sea caves. It is therefore increasingly important that the Harbour Committee demonstrates 'accountability' for environmental matters.
- 3.4 Marine Protected Areas (MPAs) are zones of the seas and coasts where wildlife is protected from damage and disturbance. The Government is committed to establishing a well-managed ecologically coherent network of marine protected areas (MPAs) in our seas by 2012. The Marine and Coastal Access Act (2009) created a new type of Marine Protected Area (MPA), called a Marine Conservation Zone (MCZ). MCZs will protect nationally important marine wildlife, habitats, geology and geomorphology. A Marine Conservation Zone has been recommended for most of the inshore area within the limits of Tor Bay Harbour. Public consultation on this recommendation is expected to commence by the end of 2012.
- 3.5 It is therefore essential that Tor Bay Harbour Authority has a fit for purpose Environmental Policy Statement. Keeping such a policy under regular review reflects national best practice.
- 3.6 An Environmental Policy Statement is the first step towards the development of an Environmental Management System. It is important that the Harbour Authority helps to maintain a healthy and safe environment for harbour users, employees and the local community alike.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Kevin Mowat  
Executive Head of Tor Bay Harbour Authority  
Tor Bay Harbour Master**

## **Supporting information to Report**

### **A1. Introduction and history**

A1.1 The Council first approved a specific Environmental Policy Statement for Tor Bay Harbour in March 2000.

A1.2 The statement was considered again as part of the Council's Harbour and Maritime Strategy which was approved in 2007. In the strategy it makes it clear that we should undertake responsible stewardship of the marine environment and deliver sustainable development of our coast, which allows both the use and protection of our marine resources.

A1.3 At present the following environmental designations exist within or adjacent to Tor Bay Harbour limits:-

- Area of Outstanding Natural Beauty (AONB)
- Sites of Special Scientific Interest (SSSI)
- Local Nature Reserve (LNR)
- National Nature Reserve (NNR)
- Marine Nature Reserve (MNR)
- Special Protection Area (SPA)
- Special Area of Conservation (SAC)
- County Wildlife Sites

A1.4 A policy statement is the start of a process which will look at and identify all operations affecting the environment. These will include:-

- Sewage discharges from pleasure craft
- Anchoring and mooring policy
- Litter control
- Dredging and spoil disposal
- Oil/fuel contamination into the harbour
- Control of fish waste into the harbour
- Use of biocides
- Screening of suppliers
- Recycling
- Recreational disturbance of wildlife
- Management of sub-contractor or lessee activities
- Energy consumption
- Water consumption

A1.5 Statutory plans already exist covering waste reception facilities as well as oil spill response and contingency planning for the Tor Bay Harbour area. In addition, as a resort destination the English Riviera places considerable importance on bathing water quality.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

A2.2 There are no key risks associated with taking this decision.

A2.3 The adoption of a clear Environmental Policy Statement will enhance the Council's reputation for transparency and accountability in respect of its function as Tor Bay Harbour Authority.

#### **A2.4 Remaining risks**

A2.5 There are no remaining risks.

#### **A3. Other Options**

A3.1 To take no action and continue using the existing Environmental Policy Statement, approved in September 2010, without any further review.

#### **A4. Summary of resource implications**

A4.1 There are no resource implications to approve an Environmental Policy Statement. Additional resources would be required to develop an Environmental Management System.

#### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 Adoption of a clear Environmental Policy Statement should help our community to understand our approach to environmental management within the limits of the harbour. The environmental and sustainability implications are self evident within the body of the report.

#### **A6. Consultation and Customer Focus**

A6.1 The Environmental Policy Statement is a well-established policy that has been available to the public for many years. It has also been considered by the Harbour Liaison Forums. As the latest amendments are mainly of a clerical nature no further consultation has been undertaken.

#### **A7. Are there any implications for other Business Units?**

A7.1 This policy should have no impact on other Business Units.

### **Appendices**

Appendix 1            Environmental Policy Statement – September 2012

#### **Documents available in members' rooms**

None

#### **Background Papers:**

The following documents/files were used to compile this report:

Minutes of the Harbour Sub-Committee – 30<sup>th</sup> March 2000

Environmental Policy Statement – September 2010

A Tor Bay Harbour and Maritime Strategy 2007 – 2017 ~ 'Catching the Wave'

## **TOR BAY HARBOUR AUTHORITY**

### **TOR BAY HARBOUR – ENVIRONMENTAL POLICY STATEMENT**

Torbay Council, as the Harbour Authority for Tor Bay Harbour, is committed to maintaining the balance in the harbour between commercial, recreational and environmental interests, at the same time maintaining a sustainable and commercially viable municipal port.

Tor Bay Harbour Authority will seek to maintain and improve, wherever possible, a high level of environmental quality through the strict adherence of U.K. environmental legislation and internationally agreed conventions, directives and resolutions intended to protect the environment.

In pursuance of these policy objectives the Harbour Authority will :-

- Seek opportunities to apply innovative technology to reduce emissions and energy consumption.
- Continually assess recycling, re-use and waste minimisation opportunities.
- Ensure that contingency plans and controls are in place and regularly reviewed and tested, to endeavour to prevent spills of oil, chemicals or potentially contaminating materials.

It is the Harbour Authority's policy for the 'polluter' to pay for the cost of clean up and disposal following land and marine based incidents.

The Harbour Authority recognises the need to conserve the natural environment of the Bay through sound environmental management. Environmental policies for the Harbours will ensure, wherever possible, that duties carried out by Tor Bay Harbour Authority staff as well as recreational and commercial activities within harbour limits, will take place without any adverse effects on the quality of the environment.

The waters of Tor Bay include and are adjacent to Sites of Special Scientific Interest, an Area of Outstanding Natural Beauty, Special Areas of Conservation and other sites with an environmental designation. Tor Bay Harbour Authority will work closely with environmental agencies to ensure that, where possible, the quality of the environment is improved upon, thereby enhancing the natural resources for future generations.

Tor Bay Harbour Authority will encourage users of the Bay and suppliers of services to the harbours to adopt practices compatible with the aims of an evolving environmental management system.

The Council consider that educating and training employees, as well as the public, on the importance of conserving and enhancing the Bay will contribute to achieving environmental goals.

Tor Bay Harbour Authority is pledged to work towards a cleaner environment through implementation of effective management strategies, co-operation with relevant authorities and consultation with users and other interest groups.

This policy will be reviewed from time to time to embrace changes in the Harbour Authority's activities and will be endorsed by the Torbay Council's Harbour Committee.

September 2012

# Agenda Item 12



Report No: **2012** Public Agenda Item: **Yes**

Title: **The Creation of an Artificial Reef in Tor Bay Harbour**

Wards Affected: **All Wards**

To: **Harbour Committee** On: **17<sup>th</sup> September 2012**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

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## **1. What we are trying to achieve and the impact on our customers**

1.1 To consider whether to facilitate the creation of an artificial reef, by the laying of man-made reef balls, inside Tor Bay Harbour limits, involving an agreement to take a new lease of the seabed from the Crown Estate (or amend the existing lease) and then granting a sublease to a local charitable organisation called 'The Torbay Reef Restoration Project'. This is expected to lead to environmental benefits and potentially economic benefits in the future.

## **2. Recommendation for decision**

**2.1 Subject to item 2.2. below that the Committee considers whether to recommend to the Mayor that he authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of the Torbay Development Agency, to accept a new lease, or amend the existing lease, for part of the seabed from the Crown Estate on acceptable terms, and that, in determining the acceptable terms, the Mayor is recommended to seek further legal advice as to the level of the Council's risk exposure at the end of any subsequent sub-lease.**

**2.2 That, the Committee considers whether the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of the Torbay Development Agency, to grant a sub-lease (and if considered appropriate an agreement for that lease) for part of the seabed to a local charitable organisation on acceptable terms.**

- 2.3 That, the Committee considers whether the Mayor be recommended to authorise the Head of Commercial Services, in consultation with the Executive Head of Tor Bay Harbour Authority and the Chief Executive of Torbay Development Agency, to enter into such other legal documentation on acceptable terms as deemed necessary.**
- 2.4 That the exact position of the artificial reef within Tor Bay Harbour limits will be determined by the Executive Head of Tor Bay Harbour Authority in his capacity as Harbour Master, following consultation with harbour users and the Harbour Committee.**
- 3. Key points and reasons for recommendations**
- 3.1 The Harbour Authority has been in discussions with a local businessman for a number of years regarding the concept of building an artificial reef within the limits of Tor Bay Harbour. The Crown Estate will need to grant a new lease or amend the existing lease of part of the seabed and they have previously indicated that they will not lease the seabed directly to a charitable organisation.
- 3.2 It is the intention that a local charitable organisation (The Torbay Reef Restoration Project) is formed and the Council is being asked to take a new lease from the Crown Estate, or amend the existing lease and then grant a sub-lease to the Torbay Reef Restoration Project.
- 3.3 The Torbay Reef Restoration Project will also need to obtain a marine licence from the Marine Management Organisation (MMO). Depending upon their requirements the Harbour Authority/Local Authority may also need to be party to any conditions attached to the MMO consent, if granted.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Kevin Mowat  
Executive Head of Tor Bay Harbour Authority  
Torbay Harbour Master**

## Supporting information to Report

### A1. Introduction and history

A1.1 In September 2011 the Harbour Committee and the Mayor (via a full Council meeting) agreed, in principle, to accept a 125-year lease for part of the seabed from the Crown Estate to facilitate the sinking of HMS Ark Royal. A number of conditions were attached to this decision including the recommendation that the lease should be on acceptable terms, and that, in determining the acceptable terms, the Mayor was advised to seek further legal advice as to the level of the Council's risk exposure. From a landlord and tenant perspective this report and its recommendations are in many ways very similar.

A1.2 The Torbay Reef Restoration Project has submitted a proposal to create an artificial reef (see Appendix 1). The project will deploy and monitor an artificial reef within the limits of Tor Bay Harbour with the intention to create a new, high quality marine habitat for resident reef species. It is expected that the reef will be created out of concrete structures using a tried and tested design. Once the structures are deployed it is hoped that the site might be considered as a marine sanctuary, and initially the site would only be visited for scientific monitoring purposes. The proposal is that the site would be monitored for a short period, after which it would be handed over to the marine community of Torbay who would be responsible for its future stewardship. Details on this aspect of the proposal clearly need further exploration.

A1.3 The proposition is based on the belief that the end product will be a restored and resilient reef which will benefit marine life in the Tor Bay area. It is expected that the reef will protect rare and important reef species, with anglers, divers and commercial fishermen benefitting from the eventual spill over effects.

A1.4 Appendix 1 outlines the 'Torbay Reef Restoration Project' proposal and in particular it provides information on the following :-

- Project Outline
- The problem
- Artificial reefs
- Case studies
- Developing the plan
- The reef design
- Reef Location
- Project Management aims and objectives
- Behind the project
- A partnership approach
- Monitoring
- Key Milestones
- Intended impact
- Legal consents
- Publicity
- Supporters of the project

- A1.5 It is understood that countries such as China, Japan and Korea have been constructing and installing artificial reefs for more than 100 years. The proposal states that they have been shown to have up to 12 times the abundance of a natural reef. Also, that in North America, artificial habitats have been used to support recreational fishing and diving and in Hong Kong they have been used as a way of reversing the effects of overfishing. Whereas in Europe it is said that artificial reefs are seen as a management tool for sustaining coastal fisheries and compensating for the effects of stock depletion.
- A1.6 Natural reefs provide habitat for many different species of algae, sponge, crustacean, fish and mollusc. The hard surface and array of nooks and crannies provides protection for many of these species, which are in turn sought out by predators. Charter boats and professional fishermen operating nets, lines and pots will seek out reefs and wrecks since they are known to harbour fish and crustacean species. However, many reef areas have now become too degraded to hold healthy populations and the inshore wrecks are too accessible to cope with such a high level of human activity.
- A1.7 The main focus of the Torbay Reef Restoration Project is to create new reef habitat that is man-made and monitor its progress as new species colonise and grow in and around it. Specially designed concrete structures will be deployed on the seabed and the area will be voluntarily designated and self-enforced as a marine sanctuary for the first four years of its existence. This will allow scientists to monitor its progress as reef animals colonise, grow, breed and establish new communities. At the end of this trial period the reef could be handed over to the community to decide whether it should remain a sanctuary or have part or all of the area opened up for some recreational and commercial use.
- A1.8 The Torbay Reef Restoration Project has chosen the Reef Ball structures. They are licensed by the Reef Ball Foundation, an international NGO that has deployed over 500,000 Reef Balls in over 70 countries. The project proposes to use a patented mould design to create over 1000 units for the reef in Tor Bay. Reef balls are shaped to optimise protective void spaces for fish and include features such as rough surface textures to enhance invertebrate settlement. Holes designed to create turbulent vortices help bring nutrients to organisms living on the Reef Ball surface.

The Goliath unit has the following dimensions :-

Width at base	1.83m (6 ft)
Height	1.52m (5 ft)
Weight	1,818 - 2,727 kg
Concrete volume	1.19m <sup>3</sup>
Surface area	21.4m <sup>2</sup> (230ft <sup>2</sup> )
Number of holes	25 – 40



Although it is suggested that a thousand units will be deployed on the site, the exact number will be dependent on the size of site that is ultimately selected and whether the reef is developed in phases. If the area of one unit occupies 4m<sup>2</sup>, 1000 units will equate to 4.004km<sup>2</sup> or 1.166nm<sup>2</sup>.

A1.9 The proposal in Appendix 1 suggests 4 options for the size and location of an artificial reef. All of these options can be found in the area immediately north and east of Hope's Nose, Anstey's Cove, Long Quarry Point, Babbacombe Bay and Oddicombe Beach. Each of the options occupies different sized areas as set out below :-

- Option 1                      approximately 2.714 km<sup>2</sup> - 671 acres      (272 hectares)
- Option 2                      approximately 3.202 km<sup>2</sup> - 791 acres      (320 hectares)
- Option 3                      approximately 3.689 km<sup>2</sup> - 912 acres      (369 hectares)
- Option 4                      approximately 4.177 km<sup>2</sup> - 1,032 acres    (418 hectares)

A1.10 Option 4 would accommodate all of the proposed 1000 units but this represents a significant size of site. The Loch Linnhe Artificial Reef example used in Appendix 1 is less than half the size of option 2 and option 3 is nearly ten times the size of the Protection Reef in Portugal. The eventual size of any reef site will need further discussion and the MMO consent will be a controlling factor.

A1.11 The locations have been chosen carefully by the Torbay Reef Restoration Project, with consideration given to the potential impact to navigation, tourism, recreation, fishing, aquaculture, nature conservation and port activities. However, the suggested sites will clearly have a negative impact on the current activity of some local fishermen. Although any future reef will never be used for commercial fishing, it is believed that the extra life it homes will spill out into other areas and create a more productive fishery in the adjacent area.

A1.12 There are no real concerns regarding hazards to navigation in the proposed area.

A1.13 Although the project hopes to deliver a vibrant new marine habitat that will eventually attract divers, it is clearly not a proposal to sink a ship and therefore it is not expected to generate the same level of interest and immediate economic benefit as has been seen with HMS Scylla which was sunk near Plymouth.

A1.14 The creation of the reef has the potential to improve angling success around the area through the effects of overspill.

A1.15 In the Council's policy document ***A Tor Bay Harbour and Maritime Strategy (2007 – 2017) ~ 'Catching the Wave'*** it states "we will consider the possibilities of developing facilities for recreational diving to ensure that Tor Bay has the widest offer for all water based recreation. Options could include the strategic placement of man-made wrecks and/or artificial reefs". This proposal fits in with this aspiration and with the other approved strategies which seek to improve the breadth of experiences that Torbay offers to visitors.

A1.16 If the proposed artificial reef area extended outside of Tor Bay Harbour limits, the Council has the power to acquire land outside its area by virtue of s120 of the Local Government Act 1972. This states that, for any of their functions under this or any other enactment or for the benefit, improvement or development of their area, a Council may acquire by agreement any land, whether situated inside or outside their area.

## **A2. Risk Assessment**

### **A2.1 Outline of significant key risks**

A2.1.1 The Crown Estate, if agreeable, would wish to grant the main (head) lease of the seabed to the Local Authority so that, when the Torbay Reef Restoration Project ceased to operate/exist, then there is an accountable body that will be liable under the terms of that lease. i.e. the Council.

A2.1.2 (a) The Harbour Authority/Council should also be aware that, even with the sub-lease in place, if there is an accident / incident / fatality, then the Council could have a claim made against it especially if the claimant considers that the organisation or any visitor to the site has insufficient financial resources to settle the claim. To be successful the claimant would need to show that the Harbour Authority/Council had been negligent. Whilst the sub-lease is in place this risk is considered to be manageable and the Council could also be exposed to a claim if the organisation's insurance arrangements fail for some reason or the limit of indemnity for any one event is exhausted.

(b) The risks set out at (a) above are lower than that for a wreck.

(c) The above risks can be reduced and controlled through; the provisions of the sub-lease; ensuring that the Reef Ball structures are installed safely and properly; and monitoring of the sub-tenant's operation once the sub-lease is in place.

A2.1.3 When the sub-lease comes to an end the Council will be regarded as occupier of the area leased from the Crown Estate and become responsible for that area (and potentially liable for accidents, incidents or fatalities in that area where caused by the Council's negligence). The Council would need to put in place such measures / procedures to minimise this risk and such could have cost implications. This particular risk is higher for a wreck than for a man-made reef.

A2.1.4 The location of the artificial reef is not likely to present any significant risk to navigation but this matter will be dealt with via the consent process associated with the marine licence issued by MMO. As part of the licence application process the MMO will need to consult with a number of bodies (see A6.2 below) and organisations such as the Maritime and Coastguard Agency, Trinity House and the local Harbour Authority will provide significant input into the decision making process. If MMO consent is granted for the artificial reef then the licence conditions will stipulate whether or not there is a need for any navigational marks but in this case this requirement seems unlikely.

A2.1.5 It is expected that the Crown Estate will request that it is indemnified against all costs, claims, or demands, actions, proceedings or liabilities which may arise as a result, or in connection with the placing and retention of an artificial reef on the seabed with the liability being limited to £5 million, linked to RPI. If, for whatever reason, the Council does become liable then its policy is currently for £50 million for any one incident. The Council's liability insurance policy will respond to negligent acts or errors where legal liability exists on the part of the Council.

It is considered that Torbay Council should be more limited than this and only indemnify the Crown in respect of sums which the Council may become legally liable to pay as damages, costs and expenses.

If, however, the Crown insist on the broader wording as they have previously indicated, if the Torbay Reef Restoration Project ceases to exist or fails then any costs/damages etc, that arise and which are not as a result of the Council's legal liability, will not be funded by an insurance policy but would directly fall on the Council's budget.

A2.1.6 The Torbay Reef Restoration Project will be set up to oversee the artificial reef project. It is therefore possible that this charitable organisation may have limited financial resources and, as with any new business, if their income and expenditure is different than their business plan, the venture may fail.

The sub-lease will be to the Torbay Reef Restoration Project and it is currently unclear whether this is an incorporated company. If so, then the Council could require the Directors to act as guarantors. If not, then the sub-lease would be granted to the Trustees of that organisation with them being personally liable. However, it is entirely possible that being a charity the Trustees would prefer not to accept this liability and even if they did then the Council's recourse would be limited to the financial status of those individuals. This type of scenario is not unusual and is often met by asking for a security deposit but the difficulty faced here is ascertaining the level at which this could be set. However, the concept is considered worthy of further investigation.

A2.1.7 The Crown Estate has previously issued the Council with draft heads of the terms for such a lease (HMS Ark Royal proposal 2011). Whilst it is intended that these will be replicated in the sub-lease to the Torbay Reef Restoration Project, if the Council become liable, as well as the insurance issues mentioned above, there are a number of other key risks.

Likewise, there are a number of risks if the Council becomes liable under the terms of any marine licence :-

- a) Rent – This is expected to be a peppercorn for the first five years with a review to market value. Whilst not an immediate risk, if the rent were increased after five years then the Council would need to identify a budget to fund this payment. As the project does not propose to generate a direct income, or go beyond a five year lease, it is unlikely that the rent will ever become a significant figure. However, there clearly is a risk that the Council may become liable to pay whatever rent is payable and the Council would need to identify a financial resource to pay it.
- b) Navigation buoys and signage – It is possible, although unlikely, that the Marine Management Organisation will require that the reef is marked by buoys, which will have cost implications.
- c) Environmental monitoring – It is possible that the Marine Management Organisation will require an environmental monitoring programme, which could have cost implications.

d) Any other licences and inspections which may be required.

A.2.1.8 It will be necessary for the Torbay Reef Restoration Project to undertake various surveys and procure reports before they are granted permission from the MMO to create an artificial reef. This will involve them in the risk of incurring significant expenditure before any documentation is in place and which might cause risks to the Council if it subsequently decided not to enter into the relevant agreements.

This risk could be reduced by a process known as an 'agreement for lease' with the grant of the lease being contingent upon all relevant permissions and consents being obtained. Such a process may also ensure that such permissions are in place before the lease with the Crown is completed. Clearly this process would need to be acceptable to both the Crown and the Torbay Reef Restoration Project but nevertheless it is considered to be worth investigating and pursuing further.

## **A2.2 Remaining risks**

A2.2.1 There is the risk that the artificial reef could sit on an existing environmentally important feature or habitat, or it might be sited in a conservation area. In reality there is zero risk of this happening because of the MMO's thorough licensing process. In any event it is anticipated that after 6-12 months corals, fauna and flora will have adhered to the reef balls, creating a new habitat.

A2.2.2 In the event of a diving related fatality on the artificial reef there might be subsequent Court cases that could result in negative publicity and damage to the Council's reputation. This is considered to be a low risk.

## **A3. Other Options**

A3.1 The Harbour Authority/Council could decide not to support this proposal or defer any decision.

## **A4. Summary of resource implications**

A4.1 The Asset Management team in the Torbay Development Agency, the Executive Head of Tor Bay Harbour Authority and Commercial Services would all be involved with the negotiation and preparation of the legal documentation.

A4.2 The Council will also be required to monitor the sub-lease to ensure that the sub-tenant is complying with the terms. No budget currently exists for this work.

A4.3 When the sub-lease comes to an end then it would appear that the Council will become fully liable and it might then be necessary to put in place such measures / procedures to minimise the risk of diving related incidents/accidents and such would have cost implications with no budget currently available. It might be possible to negotiate with the Crown Estate to avoid any significant residual liability.

A4.4 The costs identified in A2.1.7 above will fall to the Council when the sub-lease ends and no budget currently exists for this work.

**A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 It is not considered that the proposal will have an impact on equalities or crime and disorder.

A5.2 This project is expected to significantly enhance the marine ecology through the creation of a new marine habitat and ecosystem.

**A6. Consultation and Customer Focus**

A6.1 The outline of the artificial reef proposal has been discussed at the recent Harbour Liaison Forum meetings. Also, the proposal at Appendix 1 lists the following supporters :-

- Torbay Coast & Countryside Trust
- English Riviera Tourism Company
- Living Coasts
- Finding Sanctuary
- Marine Energy Matters
- Plymouth University
- Devon & Severn Inshore Fisheries and Conservation Authority

A6.2 The MMO strongly advise that any proposal is, as far as is practical, the subject of extensive consultation locally. Furthermore the MMO suggest that applicants for a marine licence consult with the MMO's standard consultees prior to making the application. The consultees at present are :-

- Natural England
- Environment Agency
- The Crown Estate
- English Heritage
- Maritime and Coastguard Agency
- Trinity House
- Department for Transport
- Centre for Environment, Fisheries and Aquaculture Science (Cefas)
- Highways Agency
- Network Rail
- Local Authorities
- Neighbouring Harbour Authorities

A6.3 The MMO will consult with the bodies listed in A6.2 above, in any event, before

considering the granting of a marine licence.

**A7. Are there any implications for other Business Units?**

A7.1 No

**Appendices** Appendix 1 – Artificial Reef Project Appraisal

**Documents available in members' rooms** None

**Background Papers:**

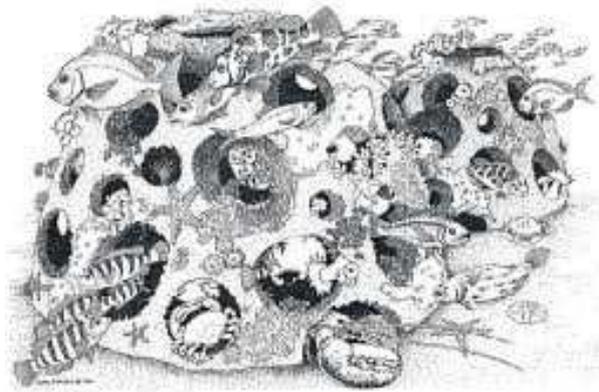
The following documents/files were used to compile this report:

The Creation of an Artificial Reef off Torbay (HMS Ark Royal) – report to the Harbour Committee & Council, September 2011.

# Agenda Item 12

## Appendix 1

### Torbay Reef Creation Project– Draft Plan for discussion (3<sup>rd</sup> Sept 2012)



#### 1. Project Contact Details

**Rick Parker,  
Torbay Reef Restoration Project**

**Mobile**            **07971 276658**

**E-mail:**            [jenniferann@deepsea.co.uk](mailto:jenniferann@deepsea.co.uk)

#### **Project Outline**

This project will deploy and monitor an artificial reef within the Torbay Harbour limits to create a new, high quality marine habitat for our resident reef species. The reef will be created out of concrete structures using a tried and tested design. Once these structures are deployed, the site will be considered as a marine sanctuary, and the site will only be visited for scientific monitoring purposes during an initial monitoring period. The site will be monitored for a period of three years, after which it will be handed over to the marine community of Torbay who will be responsible for its future stewardship.

This project will raise the profile of the marine environment and local efforts that are being championed within Torbay to address loss and damage to habitat and declines in commercial and leisure fish catches. The project is being delivered in partnership with Keo films, producers of 'Hugh's Fish Fight' and will be featured in the new series. This partnership will ensure that the process from installation to the gradual colonisation of marine life will receive national publicity.

#### **The problem**

The seas all around Britain are suffering from the cumulative effects of destructive and intensive human activity, climate change, pollution, development and marine resource extraction. There is increasing evidence that the intensity of these activities has led to the decline of marine species and the degradation and damage of large areas of marine habitats. These changes not only have implications for the UK's marine biodiversity, but also for the damage to economic wealth and social well-being. In the South West there are a number of factors which have led to pressure on marine biodiversity and resources from commercial fishing to climate change, dumping and point-source pollution.

Direct physical impacts on the marine environment are particular issue within the South West region. The quality and structural complexity of marine habitats around the UK have been impacted by the use of heavy mobile fishing gear, reducing the extent of suitable environments for many marine creatures. The disturbance, often repetitive, of naturally stable seabed habitats through the use of mobile fishing gear, such as scallop dredges, otter trawls and beam trawls damages the natural integrity, structure and stratification of seabed habitats. Benthic habitats in environments which would naturally support delicate epifauna, such as pink seafans *Eunicella verrucosa* on hard substrata, or seagrass beds and infaunal communities in stable sediments are particularly vulnerable.

Over hard substrata, bottom towed fishing gears can disturb species' habitat by displacing large objects such as boulders, and destroying rock or biogenic reefs. Hard substrata can actually be eroded to another physical state. The Exeters' reef at the mouth of the Exe in Devon was denuded over many years due to persistent, repeated dredging from an area of gently undulating sandstone reef to an area where the surface is now dominated by sand and mud (Devon Wildlife Trust 2007).

Although the number of boats has declined since the 1980's; developments in gear and technology have allowed fishermen to reach areas that had previously been considered too rough or hard to get to. These formerly un-fished areas would have been, in a sense 'de facto' MPAs.

As a diver, sailor, angler, coastguard officer and charter skipper living and working in Torbay for the last forty nine years, Rick Parker has seen how boats have had to travel further and further to find fish. Boats that would have previously travelled 5-10 miles for a good day's fishing now have to travel 50 miles to the middle of the channel.

Over the last few years, the general public have become more aware of the declining state of our marine environment. Finding solutions to halt the decline are more challenging, since there the problems emanate from so many different sources and there are many different competing interests. Marine space is now being much more carefully controlled to ensure that uses are not conflicting; and that the marine environment is used sustainably and does not continue to deteriorate. Marine Spatial Planning, Marine Protected Areas and proactive enforcement are all important measures in ensuring that our marine environment can be restored. However, damage to hard reef structures over the past 50 years is irreversible. The use of artificial reefs have the potential to help restore some of this important habitat and regenerate species that live on them.

### **Artificial reefs**

Artificial reefs are structures that are placed in the sea to serve a variety of functions from replacing habitats to mariculture and coastal protection. A wide variety of substrates have been used as artificial reefs ranging from dedicated concrete structures to more opportunistic redundant materials such as tyres, ships and stabilised ash. More than 30 countries have deployed artificial reefs within their territorial waters with a stated primary purpose that is in some way related to fisheries (Jensen, 2002). When used in combination with MPAs, artificial reefs demonstrate an enhanced potential to restore depleted fish stocks (Pitcher et al, 2002). Several studies have

reported positive impacts of increasing the complexity of available habitat on fish abundance and species richness and species diversity (e.g. Fujita et al 1996; Charbonnel et al 2002).

Countries such as China, Japan and Korea have been constructing and installing artificial reefs for more than 100 years. They have been shown to have up to 12 times the abundance of a natural reef. In North America, artificial habitats have been used in particular for supporting recreational fishing and diving; in Hong Kong they have been used in conjunction with MPAs as a way of reversing the effects of overfishing. In Europe artificial reefs are seen as a management tool for sustaining coastal fisheries and compensating for the effects of stock depletion.

Reefs provide habitat for many different species of algae, sponge, crustacean, fish and mollusc. The hard surface and array of nooks and crannies provides protection for many of these species, which are in turn sought out by predators. Charter boats and professional fishermen operating nets, lines and pots will seek out reefs and wrecks since they are known to harbour fish and crustacean species. However, reef areas have now become too degraded to hold healthy populations and the inshore wrecks are too accessible to cope with such a high level of human activity.

It is important to recognise that installing artificial reefs are only part of the solution for restoring the health of the marine environment. They need to be used alongside robust fisheries management, marine spatial planning and marine protected areas. Torbay is already well protected with a designated Special Area of Conservation that is protecting some of the reefs and sea caves, and a recommended Marine Conservation Zone (MCZ) that will protect the seagrass beds within the bay.

The MCZ process has clearly demonstrated how space at sea is limited and resources and usage is often hotly contested between different groups. Trying to identify and agree on Reference Areas or 'No Take Zones'; proved highly contentious since all reef areas in the region are used and highly valued by recreational and commercial fisheries. Rick Parker was closely involved in the process to identify Marine Conservation Zones within the Finding Sanctuary project. In the selection of reference areas he saw how challenging it was to identify areas of reef without impacting on the interests of static gear fishermen or anglers. Creating new, artificial areas of reef would offer a way of protecting these species, whilst avoiding impact to these sectors.

<sup>1</sup> <http://www.fish.wa.gov.au/Fishing-and-Aquaculture/Recreational-Fishing/Pages/Artificial-Reefs.aspx>

The main focus of the Torbay Reef Restoration Project is to create new reef habitat and monitor its progress as new species colonise and grow in and around it. Specially designed concrete structures will be deployed on the seabed and the area will be voluntarily designated and self-enforced as a marine sanctuary for the first four years of its existence. This will allow scientists to monitor its progress as reef animals colonise, grow, breed and establish new communities. At the end of this trial period the reef will be handed over to the community to decide whether it should remain a sanctuary or have part or all of the area opened up for some recreational and commercial use.

## **Case studies**

### *Alaska*

Two types of artificial reef, 'Reef Balls' and 'Fish Havens' were established in Alaska in 2006 as compensatory restoration. They were deployed over a mixed soft sediment and hard bottom with three plots of 30 reefs each. Monitoring took place once a month over two years using two control sites and scuba diving, fish trap, hook and line and drop camera surveys. The surveys found that there were similarities between artificial reef and natural reef community structure. Fish species richness on artificial reefs is comparable to natural reef sites and greater than natural hard bottom sites.

### *Scotland*

The Loch Linnhe Artificial Reef (LLAR) is a multi-modular artificial reef complex constructed over 146ha in Loch Linnhe, on a mixed sand/mud seabed on the west coast of Scotland. Monitoring showed that artificial structures deployed in northern temperate waters can support animal assemblages that are at least equal in terms of abundance and diversity to natural reefs. Increasing the habitat complexity afforded by artificial structures may increase faunal diversity and abundance above levels supported by natural reefs.

### *Portugal*

An artificial reef system was deployed off Faro in 1990 by the Institute of Marine Research consisting of a Protection Reef and an Exploitation Reef. The Protection Reef consists of 735 concrete cubic units (2.7m<sup>3</sup> each), distributed in 21 reef groups, occupying an area of 39ha, at depths that range from 19 to 22m. The Exploitation reef consists of 20 large concrete blocks of two different shapes (130 and 174m<sup>3</sup>) occupying an area of 21 hectares at depths from 21 to 35m. A gill net survey carried out over 4 years established that the fishing yield was between 1.86 and 2.28 times that of control sites.

## **Developing the plan.**

The Torbay Reef Restoration Project has been six years in the planning. Over this time period, negotiations have taken place with many different interests in the bay. Preparation work has also taken place to identify the optimum design for the artificial reef and plan for how the structures are deployed.

## **The reef design**

The Torbay Reef Restoration Project has chosen the Reef Ball structures. They are licensed by the Reef Ball Foundation, an international NGO that has deployed over 500,000 Reef Balls in over 70 countries. The project will use a patented mould design to create over 1000 units for Torbay. Reef balls are shaped to optimise protective void spaces for fish and include features such as rough surface textures to enhance invertebrate settlement. Holes designed to create turbulent vortices help bring nutrients to organisms living on the Reef Ball Surface.

The Goliath unit has the following dimensions:

Width at base	1.83m (6')
Height	1.52m (5')
Weight	1,818-2,727kg (4,000-6,000lbs)
Concrete volume	1.19m <sup>3</sup> (1.3yards <sup>3</sup> )
Surface area	21.4m <sup>2</sup> (230ft <sup>2</sup> )
Number of holes	25 – 40



Approximately one thousand units will be deployed on the site. The exact number will be dependent on the size of site that is ultimately selected and whether the reef is developed in phases. If the area of one unit occupies 4m<sup>2</sup>, 1000 units will equate to 4.004km<sup>2</sup> or 1.166nm<sup>2</sup>.

The Torbay Reef Restoration Project will follow the OSPAR Guidelines on Artificial Reefs In relation to Living Marine Resources (1999-13). In particular, the project will ensure that the proper permissions are in place and that the reefs will be built from inert materials. The reef will be constructed and installed in such a way as to ensure that the structures are not displaced or overturned by force of towed gears, waves, currents or erosion processes. It will also be designed and built in such a way that it can be removed if required.

The reef will be designed to provide maximum variation in depth, tidal flow and exposure and will be guided by expert scientists.

The units will be constructed out of concrete using the Reef ball moulds at a yard in Torbay employing a local workforce. The deployment will be by the Charter vessel Jennifer Ann, with help from the local commercial fishing vessels displaced from the chosen reef area.

### **Reef Location**

Three options have been put forward for further discussion with Torbay Harbour Authority, Torbay Council and local stakeholders. The options are all in the same locality, but with slight variations in size, depth and orientation. Each are presented below. The location has been chosen carefully, with full consideration of the potential impact to navigation, tourism, recreation, fishing, aquaculture, nature conservation and port activities.

The general location of a northern area of the Torbay Harbour limits was chosen for several reasons:

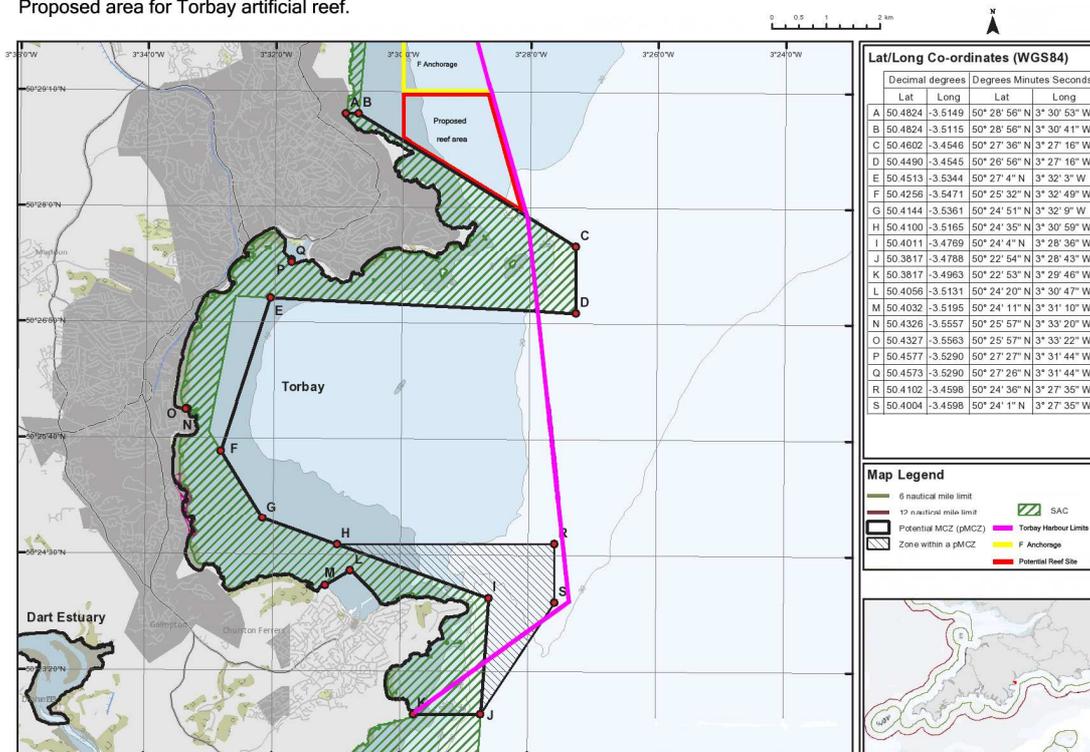
- It was important that the area did not overlap with the SAC or the rMCZ as these zones were chosen to protect several types of feature and marine life. Although there are gaps within the SAC that could be utilised it is hoped that

the rMCZ will cover those gaps to protect other features, habitats and marine life.

- The depth of the water and the protection from Hope's Nose will give the site more protection from storms and reduce the amount of turbulence that would impact on some delicate reef species.
- The amount of fishing activity in this area is known to be low. The primary fishing activities are scalloping, whelking and some general trawling. Mapping work undertaken for Finding Sanctuary and consultation with Devon and Severn IFCA provides further detail of fishing activities here.
- Angling and diving activities do not take place in this area, so there will be no impact to these sectors.
- This area is not part of the northern commercial anchorage zone (F anchorage); although it borders this zone the majority of activity is normally concentrated to the northern end of the area. This has been confirmed by Kevin Mowat Torbay Harbour Master.
- From land, the area offers an excellent opportunity for the public to watch the deployment process.

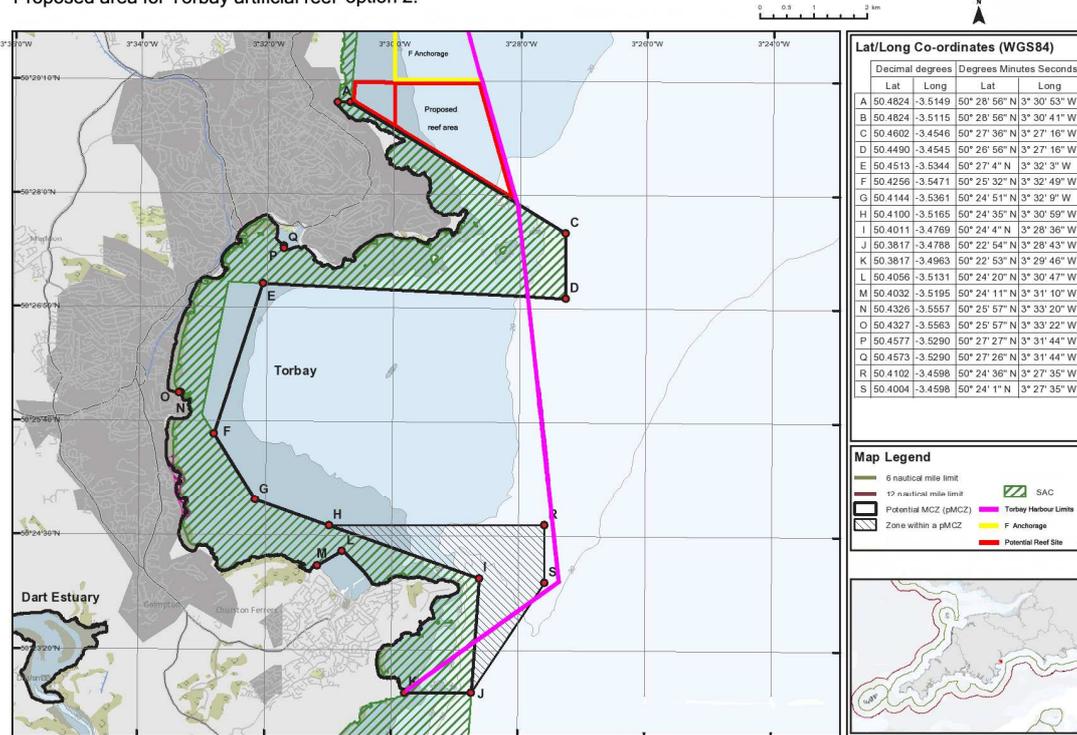
In each map, the site its self is shown on the diagram in red. The green shaded area is the Special Area of Conservation (SAC) and the black line marks the recommended Marine Conservation Zone (rMCZ). The purple line denotes the extent of Torbay Harbour jurisdiction and the yellow box shows the northern most commercial anchorage within the harbour limits.

Proposed area for Torbay artificial reef.



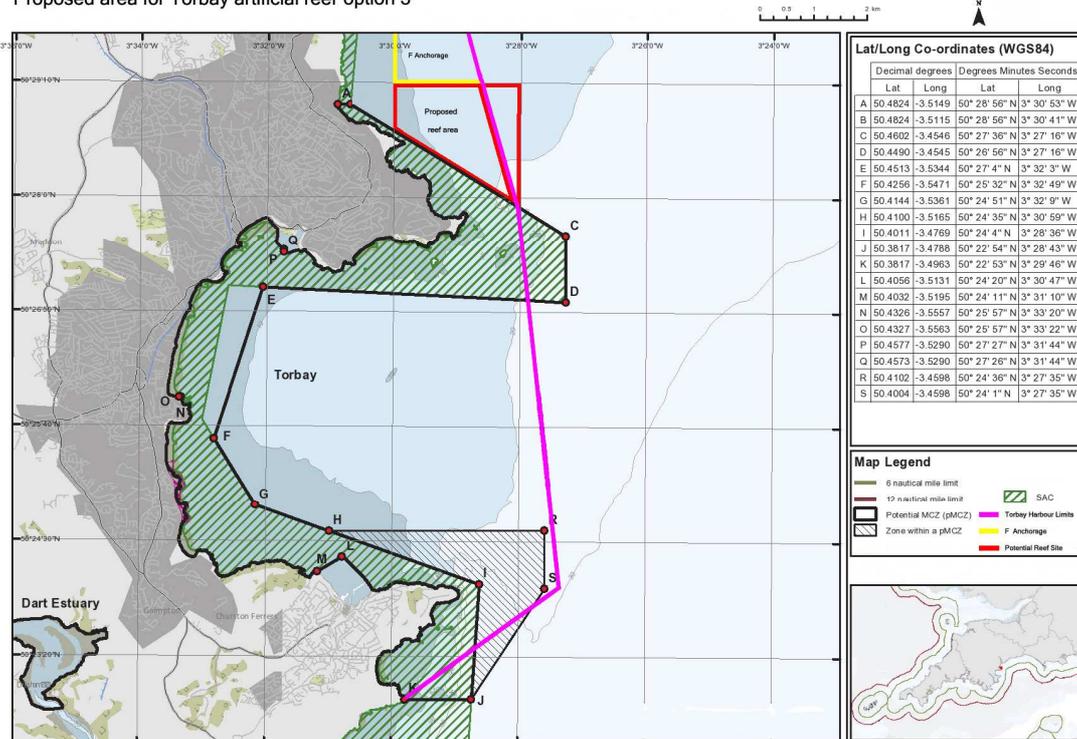
The estimated size of Option 1 is 2.714km<sup>2</sup> or 0.790nm<sup>2</sup>

Proposed area for Torbay artificial reef option 2.



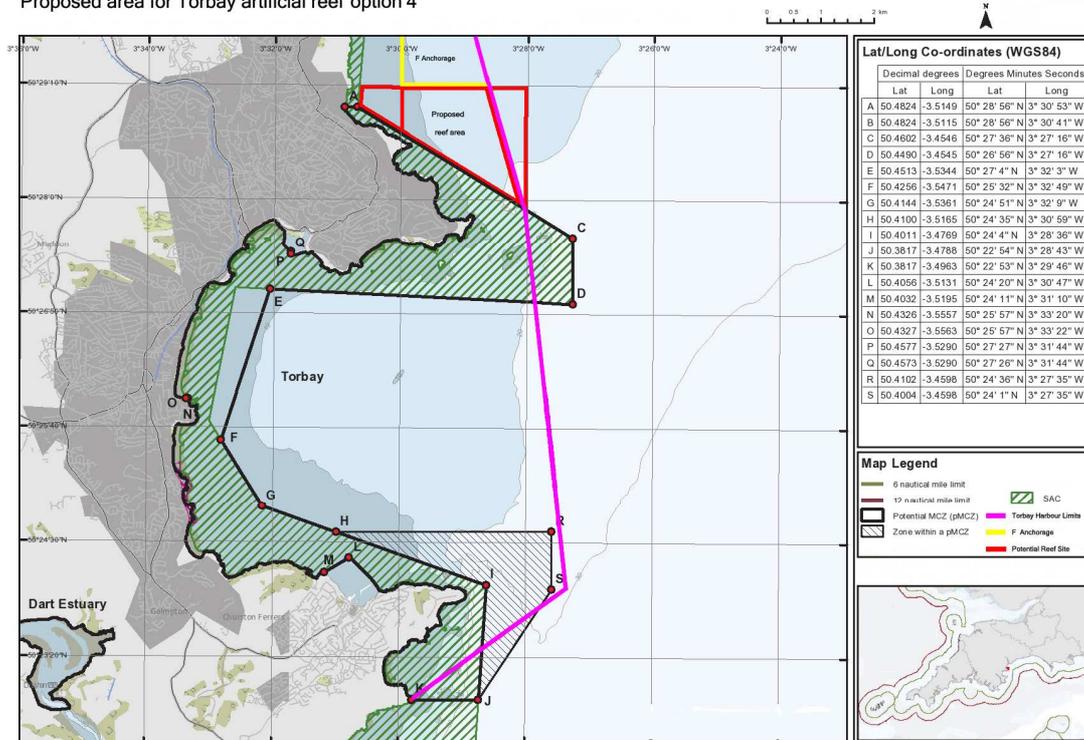
Option 2 is an extension to the west which would obviously increase the original footprint and also give it a shallower section of seabed. This also has the advantage of making the reef working area far more visible from the Babbacombe Downs. Disadvantages are an increased loss of trawling area and possible disruption to existing static gear activity. The estimated size of this site is 3.202km<sup>2</sup> which is 0.932nm<sup>2</sup>.

Proposed area for Torbay artificial reef option 3



Option 3 is an extension to the east which again would increase the size of the original footprint and include a deeper section of seabed. The larger area will provide greater recovery potential for the site. This option again will have the disadvantage of conflicting with some mobile fishing activity. The estimated size of this site is 3.689km<sup>2</sup> or 1.074nm<sup>2</sup>.

Proposed area for Torbay artificial reef option 4



Option 4 is both an east and west extension which would increase the footprint of the site. The larger area will provide greater recovery potential for the site. This option again will have the disadvantage of conflicting with some mobile fishing activity. The estimated size of this site is 4.177km<sup>2</sup> or 1.216nm<sup>2</sup>.

### Project Management aims and objectives

The creation of the Torbay Artificial Reef will be overseen by a Charity, 'The Torbay Reef Restoration Project', which will be overseen by Director Rick Parker. He will be responsible for ensuring that the project delivery is running on time and to budget and for reporting to funders and key stakeholders. Rick will oversee the manufacturing and deployment of each Reef Ball module and ensure that this process is undertaken to the necessary technical standards and requirements.

Charitable Trustees will include members from Torbay Council, Keo films and key stakeholder groups. They will meet on a quarterly basis to monitor progress.

A Working Group will also be set up within the SeaTorbay forum, to create a greater like to the community's marine stakeholders. They will also meet on a quarterly basis to monitor progress.

The selected area has been leased from the Crown Estate to Torbay Council as part of Torbay Harbour and permission is being sought from to change its use to install the Artificial Reefs.

### **Behind the project**

Rick Parker is the skipper of Jennifer Ann, a 10.5 metre dive boat that operates out of Torquay Harbour. Rick has been running dive charters out of Torbay and Dartmouth for the last 30 years and is one of the most knowledgeable skippers in the area. He was also coxswain for Totnes BSAC, the Torbay Coastguard boat and the Torbay Harbour patrol rib. Rick is passionate about the marine environment and his involvement in Finding Sanctuary, Sea Torbay and the Torbay Reef Restoration Project has been driven by his desire to actively stop the decline of our seas. This passion took hold when he learnt to dive 27 years ago reaching BSAC Advanced Diver level, Rick and his wife have dived most of the South Devon coast and wrecks. At present apart from the reef project he is Vice Chair of SeaTorbay, on the board of directors for the Professional Boatman's Association (PBA) and helping to map and monitor the seagrass in Torbay.

### **A partnership approach**

To achieve our goal of an artificial reef that will create an oasis of untouched marine life we need the support and buy-in from as many marine sectors as possible. This will ensure strong compliance and self-enforcement. Each sector has different values and needs, and efforts have been made to address each of these in turn with key representatives.

#### *Diving*

Diving is generally a benign activity, but in divers can cause a small amount of disturbance to marine growth. Some divers also harvest crabs, lobsters and fish. However, the majority of divers are very ecologically minded and are aware of the benefits of reef restoration. Although they would initially be restricted from this area, they would not be losing any diving sites, since the artificial reefs are deployed on a location that is not currently dived.

Discussions have taken place with the following dive clubs within the Torbay area:

#### *Angling*

Angling has the potential to remove fish from the area, damage the reef through anchoring and disrupt the food chain through the use of bait. The creation of the reef has the potential to improve angling success around the area through the effects of overspill.

Discussions have taken place with the following angling clubs within the Torbay area:

#### *Commercial fishing*

Fishing is not compatible with the artificial reefs since it would remove developing populations, and damage the reef structures. The area is currently used on an occasional basis by scallopers, general trawling and whelk pots. Establishing an artificial reef in a 4km<sup>2</sup> area would disrupt these activities, but overall it would have a minimal economic impact on these activities. Although the reef will never be used for commercial fishing, the extra life it homes will spill out into other areas and create a more productive area.

Discussions have taken place with the following commercial fishing organisations:

*Commercial shipping and pleasure boats / yachts*

Anchoring would damage the units and disturb colonisation. The approach to collaboration on the commercial side is relatively easy, as there is an anchorage to the North of the chosen site. With the pleasure boats and yachts, although the RYA states that any vessel has the right to anchor for safety issues, there are no direct dangers close to the reef area. The option to anchor within the reef restoration area would always remain open if a vessel was in danger.

Discussions have taken place with the following port and leisure boating organisations:

**Monitoring**

The monitoring of the reef will start with baseline surveys in August 2012 and will continue on a monthly basis at least until August 2016. Changes in habitat cover and numbers of reef species will be monitored and recorded in partnership with Plymouth University. They will establish robust techniques that will allow us to assess the extent to which the artificial reef is successful in re-colonising reef species. The monitoring will extend to control sites and other reefs in the area. Natural England and Devon & Severn IFCA have shown an interest in getting involved with the project planning and assisting with the monitoring work.

Further experimental scientific work will be assessed by the Working Group.

Seasearch monitoring will also take place with help from Sally Sharrock, which includes a plan to increase Seasearch survey divers within the bay with training.

**Key Milestones**

<b>2007</b>	The initial idea for the project
<b>2008-2010</b>	Research into artificial reef design and development of project plan
<b>2011</b>	Initial discussion with stakeholders
<b>July 2012</b>	Local organisations, businesses and groups etc signed up to support the project. Approached by Keo Films to go into partnership. Recruitment of volunteer divers.

**Sept 2012-Mar 2013** Stakeholder meetings, consents and project initiation.

<b>September 2012</b>	Presentation to Harbour board to request lease of seabed. Proposed site and baseline surveys carried out
<b>November 2012</b>	Majority of licensing agreements in place, Keo Films start filming and fundraising.
<b>December 2012</b>	Manufacturing site chosen and agreed, manufacturing equipment sourced and purchased
<b>February 2013</b>	Manufacturing training completed
<b>July 2013</b>	Reef deployment starts.
<b>August 2013</b>	Monitoring begins
<b>August 2016</b>	Monitoring completed
<b>September 2016</b>	Handover of reef to community and development of future management and legacy plan
<b>October 2016</b>	End of project

### **Intended impact**

The Torbay Reef Restoration Project will leave Torbay with a thriving reef environment that will bring back vibrant marine life to our area.

The end product will be a restored and resilient reef which will benefit marine life in the Torbay area. The reef will protect rare and important reef species. Anglers, divers and commercial fishermen will benefit from spill over effects.

Documenting the story from beginning to end will bring national awareness of the importance of providing better protection for our marine environment and how one motivated stakeholder and a local community have come together to ensure that reefs are left in a better state for future generations.

Setting up a comprehensive monitoring programme from pre-deployment until three years after the reef is deployed will provide valuable data on how artificial reefs can act as havens for marine life and help to restore vibrant marine communities.

### **Legal Consents**

The following consents are required before the deployment of the artificial reef can proceed:

<b>Crown Estates</b>	Lease of seabed
<b>MMO</b>	Licence consent
<b>DEFRA / MACU</b>	FEPA Licence
<b>CEFAS</b>	FEPA
<b>CPA</b>	
<b>EA</b>	
<b>Torbay Harbour Authority</b>	Lease of seabed

## **Publicity**

Publicity for the project will begin once the consents and approvals are in place. Our partnership with Keo films will mean that the project will be given a high profile. However, this agreement also means that they will be granted exclusive rights to document the project.

Although there have been other reef projects in the UK, none have been setup for the specific enhancement of the marine environment. This coupled with the television programme aspect will mean huge amounts of publicity.

The English Riviera Tourism Company (ERTC) has also offered their help with publicity, which in turn will help raise the public profile of Torbay.

Project Supporters will be kept up to date on project progress through update e-mails and newsletters.

## **Supporters of the project to date:**

Torbay Harbour Master	Kevin Mowat
Torbay Coast & Countryside Trust	Dominic Acland
Torbay Coast & Countryside Trust	Alex Scholefield
English Riviera Tourism Company	Caroline Custerson
English Riviera Tourism Company	Lydia Stone
Living Coasts	Elaine Hayes
Finding Sanctuary	Tom Hooper
Marine Energy Matters	Colin Cornish
Plymouth University	Martin Attrill
Devon & Severn IFCA	Tim Robins
Devon & Severn IFCA	Sarah Clark

## **References:**

Charbonnel, E., Serre, C., Ruitton, S., Harmelin, J-G., and Jensen, A. 2002.

Fujita, T., Kitagawa, D., Okuyama Y., Jin Y., Ishito, Y., and Inada T. 1996.  
Comparison of fish assemblages among an artificial reef, a natural reef and a sandy-

mud bottom site on the shelf off Iwate, northern Japan. *Environmental Biology of Fishes*, 46: 351-364

Jensen, A.C., Collins, K.J., and Lockwood, A.P.M. (Eds.) 2000. *Artificial Reefs in European Seas*. Kluwer Academic, Dordrecht. 532 pp.

Pitcher, T.J., Buchary, E.A., and Hutton T. 2002. Forecasting the benefits of no-take human-made reefs using spatial ecosystem simulation. *ICES Journal of Marine Science*, 59: 17-26

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