

Exeter River & Canal User Group

Minutes of the meeting of the 28 October 2015 held at Haven Banks Outdoor Education Centre

2015-01	<p>Attendance:</p> <p>Cllr Rosie Denham (RD) ECC/ ECQT Sarah Ward (SW) Exeter City Council Asst Director of Public Realm Colin Acton (CA), Exeter City Council Waterways Dept Andy Cousins (AC), Exeter City Council Waterways Dept Jane Evans (JE) Exeter Canoe Club / Exe Water Sports Association Paul Wilson (PW), Exeter Rowing Club & Regatta Roly Palmer (RP), Exeter and District Angling Association Guy Parker (GP) Exeter Boat Owners Association Chris Price (CP), Boat owner Simon Reader (SR), Retreat Boatyard Mike Bunce (MB), Retreat Boatyard Ben Hedden (BH) Haven Banks OEC Stephanie Clark (SC), Exe Estuary Management Partnership Lynn Trout (LT) W.Truet & Son Ltd, Topsham Mike Trout (MT), W.Truet & Son Ltd, Topsham Vivianne Arendal (VA), Topsham Lock Cottage Peter Nickol (PN), Exeter Civic Society Derrick Morrison (DM), 19th Exeter Sea Scouts</p> <p>Apologies</p> <p>Cllr Keith Owen (KO) Exeter City Council Martyn Laxton (ML), Ride On Cycling for All Mitch Bewsey (MB), AS Watersports Ltd Paul Russell, Quay Climbing Centre James Bogue, Active Devon Philip Jeffrey, Exeter Fabrication Adam Golding (AG), Ride On Cycling for All Heather Baker (HB), Saddles & Paddles Nils Mueller (NM), KayakHub Exeter Richie O'Connell (ROC), Exeter Cruises Joe Grayling (JG), Exeter Cruises Sam McClure (SM), Exe Adventures Chris Green (CG), Halcrow Bernard Broadhurst (BB), ExeCalibre Dragon Boat Club Brian Payne (BP), Exeter Sea Cadets Raymond Flack, (RF), Exeter Sea Cadets Mike Holland (MH), Environment Agency Alison Davidson, University of Exeter</p>
2015-02a	<p>Minutes and Agenda</p> <p>The minutes were accepted.</p>
2015-02b	<p>Matters Arising</p> <p>The signage in the Haven Banks car park has been changed to show that cars may park in the coach bays.</p>

	<p>Paul Matravers, Exeter City Council's accountant, had not yet provided information on the income of the Waterways Department. Sarah Ward agreed to chase and make sure it was received by 16.11.15, date of the EWPB. ECQT had approved the grant for a replacement landing stage at Double Locks. Arrangements to acquire and fit the landing stage would now transfer to the Waterways Department. Colin Acton said this was in hand. It was requested that it would be completed by March 2016 so that it is ready for summer 2016. This was agreed.</p>
2015-03	<p>Exeter Waterways Partnership Board</p> <p>Sarah Ward said that the EWPB is now in existence and will have its first meeting on 16.11.15. Most of the members have river interests so three members of the User Group were co-opted onto the EWPB (Guy Parker, Jane Evans and Simon Reader).</p> <p>Draft terms of reference will be available at the EWPB meeting. The aim of the EWPB is to create a broad strategy and action plan. It will meet every two months. There were many questions from the User Group and a full discussion with many concerns being raised. Points raised and answers given by Sarah Ward and Rosie Denham included:</p> <ul style="list-style-type: none"> • What is the relationship between the User Group and the EWPB? Reply: The User Group is a wider stakeholder body for the EWPB. The User Group will hear back from the EWPB. The EWPB will set the strategy. • Lynn Trout said that the decisions for the canal and estuary are so different but Exeter City Council is responsible for the whole lot. • Guy said that about 90% of the income of the Waterways Department and 2/3 of the costs relate to the canal. The EWPB members do not reflect those proportions so wouldn't it be better for the canal and estuary to be considered separately? What happens if the estuary interests dominate the objectives? Reply: You cannot split the two but it is not certain that everyone will wish to participate if their concerns are better governed by the EEMP. ECC can readdress the remit of the EWPB. Sarah said the priority is the canal. • Jane Evans asked about the timetable that has been set by the Council for reducing the deficit of the Waterways Department to nil by March 2017 with a plan to be in place by March 2016. Reply: this timetable is a bit less stressed now ie the plan does not have to be completed by March 2016 but the target date of March 2017 still remains. More detail on timetables will be available in January 2016. • Also the EWPB can come up with a prioritised wishlist. It is possible to aim for other funding streams if there are good suggestions. • It is important that the EWPB does not duplicate the work of the Exe Estuary Management Partnership (EEMP). Lynn said that the EEMP cannot cover all the responsibilities of the Council for example health and safety obligations. • Steph Clark said that stakeholder engagement is important. Canal

	<p>and River Trust are good at this. EEMP has user groups which are a good route to engagement. Are the Council still considering using the EEMP for stakeholder engagement. Reply: for the estuary: yes. For the canal maybe not.</p> <ul style="list-style-type: none"> • Colin Acton asked about the responsibility for the Port Marine Safety Code. Reply: This is an operational issue and will stay within the Council. If there was a Harbour Board it could require procedures for safe working practices. • Sarah Ward said that the EWPB does not have any power itself, it will just act to provide guidance to the Council. If uncontrollable they can take it back to the Council and say it is not achieving what it is meant to do.
2015-04	<p>Review of the Exeter City Council Canal Masterplan</p> <p>At the Council's Scrutiny (Economy) Committee meeting on 10 September 2015 it was stated that a review of the Masterplan is currently being undertaken and a report would be brought back to the Scrutiny Committee in November 2015.</p> <p>Sarah Ward advised that the review is being undertaken by the Planning Members' Working Group. This is a sub-group of the Planning group. Sarah Ward confirmed that the RCUG would be consulted at an early stage if any changes are proposed to the Masterplan. The RCUG wishes to be able to contribute to any changes rather than be notified of what is proposed to be changed.</p>
2015-05	<p>Report on the Inland Waterways Association meeting on Wednesday 21 October and the initial discussions on formation of a Friends of Exeter Canal</p> <p>The IWA meeting had gone well and had been attended by several members of the RCUG.</p> <p>Peter Nickols explained that Exeter Civic Society and the IWC were considering setting up a Friends of Exeter Canal. Aims would include volunteer work on the canal in collaboration with the managers of the canal, providing information to the members, and engaging with the wider range of users eg walkers, cyclists, city people who love the canal.</p> <p>It was agreed that the steering group of the Friends could join the RCUG and make a presentation at a future meeting of the RCUG.</p>
2015-06	<p>Arrangements for keeping Kings Arms Gates open in Spring 2016</p> <p>This relates to the request from the EA to the Council to provide a screen to ensure the salmon smolt making their way to the sea in the spring go via the river and not get stuck in the canal. There is no objection to the Council shutting the gates when the river level is high to prevent the canal overflowing.</p> <p>During Spring 2015 the smolt barrier made of neoprene etc was effective for the first couple of months until it was damaged by the ferry. This was late in the spring and the EA accepted that most of the smolt had passed by. For 2016 the barrier will be repaired but if the barrier becomes ineffective then the Council proposes to shut the gate at the request of the EA.</p> <p>Guy asked on what legal basis the Council would comply with the EA's</p>

request. The Salmon and Freshwater Fisheries Act 1975 is clear that the requirement to provide a screen shall be placed only so as to not to interfere with the passage of boats on any navigable canal. The EA is making requests to the Council and coming from their own perspective. The Council needs to consider its own obligations and not just accept the EA's position. Many organisations are affected by the Council accepting the EA's request for a screen for example the ferry, Saddles & Paddles, the rowers and canoeists. The information from the Council's Legal Department has only been passed on via other Council officers and no information has been provided on whether the terms of the Act have been considered.

The wording of the law is:

Screens (Section 14 SAFFA 1975)

(1) This section applies in any case where by means of any conduit or artificial channel, water is diverted from waters frequented by salmon or migratory trout; and in this section "the responsible person" means the owner of the water or canal undertaking

(2) Where this section applies, the responsible person shall ... ensure (at his own cost) that there is placed and maintained at the entrance of, or within, the conduit or channel a screen which ... prevents the descent of the salmon or migratory trout; and

(6) No such screen shall be so placed as to interfere with the passage of boats on any navigable canal.

<http://www.legislation.gov.uk/ukpga/1975/51>

Guy asked that ECC obtain clear written legal advice setting out the legal arguments on whether the EA has the right to require the Council to provide a screen. For example if the Council fails to provide the screen does the Council consider that the EA might prosecute the Council successfully?

Guy Parker said that the users of the canal are aware of environmental issues and wish to accommodate the needs of the fish where practical but not to the detriment of the marine activities of the users. The neoprene barrier appears to have been a suitable compromise but if the Council does not have an obligation to provide it then the EA should pay for it.

It is important that this issue is clarified properly as otherwise the passage of time may result in a precedent that the Council will be required to provide a screen that is not required by law and is to the detriment of the navigation on the canal.

The build up of silt is still an issue to the smooth opening of the Kings Arms gates. The silt around the gate was not removed as part of the flood defence works as the User Group had been promised for many years. It would cost £10,000 to have it removed and deposited on the other side of the river. At present some of the silt comes into the canal and settles out by the Welcome Cafe.

If the issue of the smolt continues there are other practical solutions which could be explored for example bubble curtains deter the smolt and also keep the silt moving away from the entrance to the canal, providing a double benefit. Deflector plates are another method for reducing the build up of silt and are used by many marinas.

	Andy Cousins advised that the limit on the gauge when the Kings Arms sluice gate is shut for high water flows is 3.9. There is only a 200mm variance before the canal overflows at Double Locks.
2015-07	<p>Public toilets on the quay</p> <p>The Sep / Oct 2015 edition of the St Leonards Neighbourhood News edited by Cllr Norman Shiel includes "I have heard rumours of the possible closure of more public toilets in Exeter including some in St Leonards down by the quay."</p> <p>Rosie Denham confirmed that there were no plans to close the toilets at the present time.</p>
2015-08	<p>Arrangements for managing events on the piazza with reference to road closures, noise and notification to local residents and businesses</p> <p>Guy Parker asked about the arrangements for organisers who book events on the piazza and the waterways. What are the requirements for notifying local residents and businesses? Quay Road (also known as Haven Walk) runs between the river and the canal basin from Piazza Terracina towards the Canal Office and is a right of access to the boat yards. Under the Road Traffic Act 1984 where a road is closed more than once in a year additional closures have to be approved by the Secretary of State for Transport. There were 3 closures during summer 2015. Paul Wilson confirmed that the two later closures were approved by the Secretary of State. He liaises with Val Wilson to determine if the proposed activity warrants a road closure. The rowing regatta does not require a road closure as most of the activity takes place on the East side of the river.</p> <p>Quay Road is under the control of DCC whilst the piazza is the responsibility of Exeter City Council including the road in front of the cafes.</p> <p>The number of events is increasing and so the inconvenience also increases. Some events this summer were not notified to local residents and businesses particularly the Deep Water Solo event at the August Bank holiday which ran for three days. Guy asked whether the Council could provide a single point of contact for bookings and hence information. Stephanie Clark confirmed that for her event she had had to deal with several officers of the City Council.</p> <p>Notification is made as follows:</p> <p>Booking of the piazza: Dave Adcock in the Tourist Information Centre</p> <p>Booking of the waterways: Colin Acton</p> <p>Large events are coordinated by Val Wilson, City Arts and Festivals Manager. Where roads closures are required she liaises with Paul Wilson, Senior Highways Event Advisor of Devon County Council.</p> <p>Events requiring a licence eg for music or alcohol apply to the Licensing Department.</p> <p>Large events are required to liaise with the Exeter Safety Advisory Group.</p> <p>http://www.exeter.gov.uk/index.aspx?articleid=15286</p> <p>The main issue is that once an event has been booked information is not being circulated to the local residents and traders very well. Jane suggested</p>

	<p>that one of the Council officers should hold a list of people who should be notified by email every time an event on or near the canal and river has been booked.</p> <p>Another issue is that the use of space is not always convenient for local people, for example some large events cause very little disruption whilst some small events cause a lot of disruption eg barriers on Quay Road when not needed all day and noisy continuous tannoy causing customers not to wish to sit outside the cafes. It was suggested that some zones be mapped out so that events can try to stay within zones which cause little disruption and only really large events require wider closures eg of Quay Road.</p> <p>It was also noted that when notices are put up by the various departments they are not subsequently removed when the notice expires. What arrangements are in place to remove notices?</p>
2015-09	<p>Weed on the Canal</p> <p>This issue will be one to be addressed by the EWPB.</p> <p>In 2015 cutting of the weed was started early with the aim of keeping the middle 1/3 of the canal clear.</p> <p>A weed cutting boat is designed for a shallow canal. The banks on our canal are too high to make the use of a weed boat very effective.</p> <p>The weed is native species. It is exacerbated by fertiliser from farmers' fields.</p>
2015-10	<p>Maritime Coastal Agency Audit</p> <p>This took place in September 2015. It mostly relates to the estuary and concerns the Council's procedures and documentation eg the port waste management plan. The Council will need to make a decision on whether to comply with the Port Marine Safety Code (PMSC). The Council has never tried to comply before. A decision on this will be made at the Executive Committee on 17.11.15. [The minutes of the Executive Committee state: Agreed: the outcome of the Audit be noted and compliance with the PMSC be supported. The Port Marine Safety Code (PMSC) supports the legislation governing the operation of the Port of Exeter. Compliance is not a statutory requirement however failure to comply would be taken into consideration should the Council be found responsible for an incident including loss, damage or personal injury sustained within the Port.]</p> <p>Compliance with the Code may take a couple of years as there are a large number of items which need to be addressed. There will need to be stakeholder engagement eg via the EEMP and the RCUG. Also Exe Estuary Users Association. The Council were asked to keep Steph Clark (EEMP) updated on the measures that are being considered.</p>
2015-01	<p>AOB</p> <p>River Valley Parks</p> <p>There are other organisations whose interests overlap with the User Group for example the River Valley Parks are having a Masterplan drawn up. There is an independent community organisation lobbying on the Masterplan. Rosie Denham said that she would make sure that they engage with the User Group.</p>

	<p>It was agreed to draw up a comprehensive list of stakeholders with interests in the river, canal and estuary as well as land further back.</p> <p>Anti social behaviour</p> <p>If ASB takes place please send the forms to Colin Acton and to the police. Haven Banks would also like to be informed as they will attempt to provide some activities to divert behaviour.</p> <p>There have been some issues at Double Locks for several of the groups within the User Group. It was suggested that if the issues relate to the canal they should be reported to Colin Acton, and reports can also be made to the police.</p> <p>New Railway Station at Marsh Barton</p> <p>This is going ahead. Will there be an impact on the canal? Lorries may be gaining access along the towpath.</p> <p>Council ward boundary changes</p> <p>These are taking effect from May 2016 so there will be new councillors in the wards where the canal and river run. It is proposed to invite the new councillors to the User Group meetings in due course.</p> <p>Turf Lock Gates</p> <p>These will be removed for repair in November for 8 weeks.</p> <p>Topsham Ferry</p> <p>There was a complaint that the Topsham Ferry was not operating at a time when it was meant to be operating. It was requested that more information on the operating hours should be made available by the Council.</p> <p>Dog waste bins and litter bins</p> <p>A number of the bins were badly overflowing. CA will contact the Cleansing Department.</p>
2015-12	<p>Action Points from Previous Meetings Outstanding</p> <p>Canal Users Good Management Plan: JE said that paragraph 8 states that the maximum speed permitted is 4 knots. Please could this be amended to apply to motorised craft only. Action Exeter City Council</p> <p>The Haven Banks car parks: options for the use of these car parks eg longer hours for the same money could be considered. RD will look at this.</p>
2015-13	<p>Date of next meeting</p> <p>CA was asked to arrange the future dates, preferably the next four meetings. The plan would be to hold the User Group meeting two weeks after the EWPB meeting so the delegates can report back.</p>