

AT A MEETING of the RIVER HAMBLE HARBOUR BOARD held at the Royal Southern Yacht Club on 26 June 2013.

**PRESENT:**

**Hampshire County Council**

Councillors:

p K. Evans (Chairman)  
a. R Humby  
p K. House

**Independent Members**

p Mr. D. Jobson  
p Mr. C. Moody  
a Dr. S. Tomson

**Marine Director**

p D. Evans

**1 APOLOGIES FOR ABSENCE**

Apologies were received from Dr Susie Tomson and Cllr Rob Humby.

**2. DECLARATIONS OF INTEREST**

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

Mr Jobson confirmed he had become a member of the RAF Yacht Club and Royal Southern Yacht Club during 2012 and 2013 respectively and after the Clubs had decided to apply for the Harbour Works Consent for Pontoon Development. He also disclosed an interest as a Midstream Mooring Holder.

Mr David Evans, Marine Director, confirmed he was an Honorary Member of the Royal Southern Yacht Club and Member of the RAF Yacht Club.

### **3. MINUTES**

The Minutes of the meeting of the Board held on 19 April 2013 were confirmed as a correct record and signed by the Chairman.

The Chairman agreed with Mr Jobson's request for a check of Harbour Dues payments to be targeted and more conspicuous.

It was reported that the Selection Panel to appoint Dr Tomson's successor would meet on 28 June 2013 and had five candidates.

### **4. ANNOUNCEMENTS**

The Chairman announced that he would bring forward Item 10 (i) on the Agenda to follow immediately after Item 6 (Deputations).

The Chairman welcomed Captain Mark Capon, the Designated Person and Dr Anthony Gallagher, Chairman of the Hamble Estuary Partnership to the meeting.

### **5. RIVER HAMBLE HARBOUR MANAGEMENT COMMITTEE 7 JUNE 2013**

The Board received and noted the Minutes of the recent River Hamble Harbour Management Committee.

### **6. DEPUTATIONS**

Deputations were received by the Harbour Board with regard to Harbour Works Consent application of the Royal Southern Yacht Club and RAF Yacht Club (Item 10 (i) in the Minute Book).

Diane Andrewes, representing the Hamble River Valley Forum submitted that were the Consent to be granted, use of the River would become weighted in favour of the commercial interests that existed to the detriment of small and individual River Users, general River amenity and access for all in response to the requirements of the Equality Act 2012. She questioned whether impartiality was possible when considering the application, noting that only one Member of the River Hamble Harbour Management Committee had spoken in opposition on 7 June.

Brendan Gibbs, Clerk to the Hamble-le-Rice Parish Council, submitted there would be a loss of, or detriment to public assets (the Hard) and amenity

(inshore channels and recreational space on the River) were the Board to grant consent. He urged the Board to include Paragraph 11.1 of the Report's recommendations placing an obligation on the Applicant Clubs to enter a full legal agreement and all-risks indemnity for any adverse impact the works and operation of the new facility went onto create.

William Cartlidge, who participated in the Royal Southern's Sailing Academy, encouraged the Board to grant the application because in doing so it would contribute to meeting the Strategic Vision's ambition to promote wider use of the River by 18-25 year olds through creating an all-tide access for River users. The Academy's membership and user groups extended from Bristol in the West to Portsmouth in the East.

Dan McKiernan, Project Manager of Marine Projects Limited and Consultants to the applicants took the Board through the Application's key points including those of navigational safety and mitigation of environmental impact. He invited the Board to conclude that the proposed works maintained, and in many instances, improved the practical facilities and operational conditions for all River users rather than limiting the benefits to the Clubs' members and guests.

Mark Inkster, former Commodore of the Royal Southern Yacht Club, submitted on behalf of both Clubs that their collaboration was born out of the Harbour Board's foresight in its Strategic Vision statement. His submissions ranged across the general economic and social benefits for the community; meeting access obligations and providing solutions to many of the navigational issues of the current configuration.

Mr Tony Blewett, a retired Civil Engineer and the holder of a mid-River mooring drew attention to the extent of the Vessel Traffic Data which he felt was not an authentic reflection of typical River usage. He also drew the Board's attention to the potential for hydrological instability similar to that found at the Swanwick Marina where the River was subject to large tidal change as a result of pontoon development.

## **7. HARBOUR WORKS CONSENT: RAF YACHT CLUB AND ROYAL SOUTHERN YACHT CLUB JOINT APPLICATION**

The Board received the report of the Director of Culture, Communities and Business Services (Item 10 (i) in the Minute Book) in respect of the Clubs' joint application for Harbour Works Consent.

The Report was presented by the Environment and Development Manager.

Members were advised that in relation to the probity of the process in which they were asked to participate, a membership of one of the Applicant Clubs did not prohibit individual Members from participating in discussion (unless it

amounted to a disclosable pecuniary interest) and that participation was actively promoted under the Localism Act. It was noted that the Marine Director's participation was as a non-voting Member.

Members discussed the relevance of the "access" channels, their value and use in relation to navigational safety were they to grant consent. Whilst there was no doubt that the proposals changed for the better access to the River, nonetheless Members noted that over time, this development, together with those already made, was an incremental and limiting change to use of the River.

The Applicant Clubs through their Consultants had indicated a willingness to negotiate in good faith to indemnify any impacts of the dredge that Hamble Parish Council believed would affect the public hard. The intention was to achieve a gradual completion of the works and if found to deleterious to stop work, review what had been carried out and promptly rectify the cause(s).

The Board voted on the recommendations in the Report and it was resolved:

That the River Hamble Harbour Board grants Harbour Works Consent to the Royal Southern Yacht Club and RAF Yacht Club for their application for the proposed pontoon development as shown in the drawings listed at paragraph 3.1 and subject to compliance with the conditions set out in paragraph 11 of the Report, namely

- (i) That the applicants shall seek to negotiate in good faith to agree an indemnity with the owners of the Hamble public slipway (Hamble Parish Council), accepting financial responsibility for any remedial works which may be required in the future as a result of erosion of the upstream edge of the slipway. Evidence is to be provided to the Harbour Authority to demonstrate discharge of this condition before dredging works may commence.
- (ii) That there shall be a prohibition on double berthing or 'rafting' on the hammerheads of the outer pontoons (i.e. on the main channel side) and on the inshore 10 metres at the upstream end of the inner pontoon which forms the entrance to the complex.
- (iii) That the length of individual boats berthed on the upstream finger pontoons of the RAFYC berthing facility shall not exceed the lengths shown in the diagram at paragraph 8.4 above.
- (iv) That the method of pontoon removal, along with confirmation from the landowner of agreement to access and remove, shall be provided to and agreed by RHHA prior to removal works being undertaken.

- (v) That the redundant pontoons within the mitigation site shall be removed before any other works commence.
- (vi) That dredging and piling works shall take place only in a period between November 15<sup>th</sup> and March 15<sup>th</sup> to prevent harm to migratory salmonids.
- (vii) That vibro-piling should be used as standard. In the event that it is necessary to use percussive piling methods, then this should only be undertaken in order to drive a pile to its design level, using soft start techniques.
- (viii) That all capital dredging works shall be undertaken with the use of a backhoe dredger.
- (ix) That the first phase of the dredging in the location of the southerly boundary shall commence north of where the final slope is to be positioned to enable trimming to the final slope position once slope stability and intertidal erosion have been observed.
- (x) That pre-dredge and post-dredge data shall be supplied to RHHA on request for the purposed of maintaining the River Hamble Dredge Plan.
- (xi) That all the mitigation measures set out in Appendix 1 Environment Note shall be undertaken.

The Chairman concluded this item by thanking the Applicants and the Deputies for their well-presented and cogent presentations to the Board.

## **8. HARBOUR MASTER'S REPORT**

The Board received the report of the Director of Culture, Communities and Business Services (Item 7 in the Minute Book) regarding recent incidents and events in the Harbour from 19 April 2013.

The Marine Director introduced the report. It was confirmed that the Designated Person's overall conclusion from testing the Harbour Authority's major incident processes was that a robust system was in place. He recommended that, as a minimum, a desk-top multi-agency exercise to evaluate response to a major incident would be beneficial.

The Designated Person's report had identified a non-conformity with regard to the Fisherman's Jetty, namely where public liability lay for access particularly at night. It was recommended that the Board establish a formal contract with the relevant parties on the basis of a peppercorn rent for mutual responsibilities to be understood and discharged.

A similar situation would arise at the Hamble and Warsash jetties from where the Ferry and Taxi operate. In all cases the existence of risks was accepted,

although they were not always capable of being managed to the level of ALARP (as low as reasonably practicable). The risk of a trip or fall on the jetties was a Harbour Authority responsibility and this risk was managed as far as possible. Once passengers were embarked, the risk transferred to the vessel's operator.

Following the Padstow Speedboat tragedy earlier in 2013, Members were told that the use of "kill cords" was advisory and the Marine Director would be seeking to increase awareness of this important safety feature

It was resolved that:

The River Hamble Harbour Board note the report.

## **9. MARINE DIRECTOR'S CURRENT ISSUES**

The Board considered the report of the Director of Culture, Communities and Business Services (Item 8 in the Minute Book), regarding specific issues in the Harbour.

The Marine Director updated the Board that since publication of this item, Associated British Ports had formally notified its intention to carry out the capital dredge of Southampton Water starting during Winter 2013 with the required monitoring equipment being installed in the River six months in advance.

It was resolved that:

The River Hamble Harbour Board note the report.

## **10. ENVIRONMENTAL UPDATE**

The Board considered the report of the Director of Culture, Communities and Business Services (Item 9 in the Minute Book) in respect of the environmental management of the Hamble Estuary since January 2013.

The report was presented by the Environment and Development Manager, drawing Members attention to Eastleigh Borough Council's decision to require planning consent for works beyond the low water line consistent with Fareham Borough Council.

Members asked for clarification on the validity of such stipulation from both Councils.

The baseline monitoring programme relating to ABP Southampton's capital dredge of Southampton Water and approaches was now commencing, to be in place at least 6 months prior to the start of the dredge. The deepening works would be undertaken first, with any widening to be done at a later date.

It was resolved that:

The River Hamble Harbour Board note the report.

**11. HARBOUR WORKS CONSENT: CABIN BOATYARD**

The Board considered the report of the Director of Culture Communities and Business Services (Item 10 (ii) in the Minute Book) in relation to the application by Cabin Boatyard for Harbour Works Consent to repair the Quay Wall.

Members agreed that this was a straight forward project for works long overdue, though there was some reservation about the stability of the solution if the area was utilised for parking and storage.

It was noted that the necessary consent and approval had been given by Eastleigh Borough Council, Environment Agency and Natural England.

It was resolved that:

The River Hamble Harbour Board grant Harbour Works Consent to Cabin Boatyard subject to the condition of the development being carried out in accordance with the design and method statement and Drawing Ref 10236/1A submitted at Appendix 1 to the Report.

**12. RIVER HAMBLE FINAL ACCOUNTS 2012-2013**

The Board considered the report of The County Treasurer and Director of Culture, Communities and Business Services (Item 11 in the Minute Book) which was introduced by the Marine Director.

Members noted overall that the River Authority's finance were in a better state when compared with five years ago although central costs such as boat upkeep were rising. Members requested a closer look at the 2013-2014 budget at the next meeting.

It was resolved that:

The River Hamble Harbour Board approve the final accounts for 2012-2013.

**13. WARSASH FORESHORE WORKING GROUP – PROGRESS**

The Board received a report from the Director of Culture, Communities and Business Services (Item 12 in the Minute Book) which was presented by the Marine Director summarised progress with project implementation since the recommendations of Cllr Cartwright's working party.

The recommendation of the River Hamble Harbour Management Committee on 7 June was noted and the Chairman invited Councillor Cartwright to address the Board on those aspects of ABP Mer's report with which the working group had taken a different approach.

Councillor Cartwright summarised these as: the offered solution was over-engineered, materials were possibly incorrectly calculated and the process would have benefited from discussion with the Working Party.

Members were mindful of the costs involved with project implementation and felt a financial cap appropriate; and that progress starting remedial work should not be held up as the project required Harbour Works Consent and licensing from the Marine Management Organisation (MMO).

It was resolved that

The River Hamble Harbour Board agree with the recommendations of the Management Committee and resolve to:

- (a) engage appropriate design engineers and develop detailed drawings of the planned intentions subject to a maximum of £7,500;
- (b) initiate the marine license, harbour works consent and planning approvals processes as soon as reasonably practicable thereafter; and
- (c) put detailed requirements out to tender for implementation of the remedial work to a maximum value of £50,000 without the need to revert to the Harbour Board and that the Director of Culture, Communities and Business Services be authorised to settle the detailed terms and conditions of the project.

#### **14. PROCEEDINGS OF THE ANNUAL FORUM**

The Board received a report from the Director of Culture, Communities and Business Services (Item 13 in the Minute Book) of the proceedings of the Annual Forum.

Members noted the range of contributions at the Forum.

It was resolved that:

The River Hamble Harbour Board note the report.

## **15. REVIEW OF STRATEGIC PLAN AND STRATEGIC VISION**

The Board considered the report of the Director of Culture, Communities and Business Services (Item 14 in the Minute Book) which was introduced by the Marine Director.

The review group would comprise two Board members, Mr Jobson offering to join the Chairman, and two Management Committee members.

The Chairman invited general engagement with the process with the intention of preliminary findings being reported at September's meeting.

It was resolved that:

The River Hamble Harbour Board commence the review of the Strategic Plan and Strategic Vision and its final draft to be reported at the Board's November 2013 meeting.

## **16. ASSET ENHANCEMENT RESERVE: BID FOR GRANT**

The Board considered the report of the Director of Culture, Communities and Business Services (Item 15 in the Minute Book), regarding the request from the Hamble Lifeboat Charity for a grant towards the cost of rebuilding the Hamble Lifeboat Station.

Members noted the recommendation of the Management Committee (Minute 179) which was supportive of the application; that a meeting with the Charity had taken place to gain a better understanding of fund-raising to date and progress towards the commencement of rebuilding.

A representative of Hamble Parish Council reported its pledge to the Fund as up to a maximum of £70,000 for publically accessible shower and toilets. The Board noted that the project could fail through funds and pledges of materials not being made by the expiry date of the planning consent.

Members' overall view was one of continuing support with the possibility of making a funding pledge provided the Charity could secure more of the current shortfall and the Harbour Authority's own enhancement projects at the Warsash Foreshore and Fisherman's Jetty were not compromised. The absence of support of the RNLI was noted and thought to be unsatisfactory.

The Designated Person, observed that the Hamble Lifeboat was an important search and rescue asset in the area and urged the Board to have this in mind in its decision-making.

It was resolved that:

- (i) The River Hamble Harbour Board agree to a grant towards the cost of rebuilding the Hamble Lifeboat Station;
- (ii) The amount to pledge to match that formally confirmed by Hamble Parish Council subject to a maximum of £70,000; and
- (iii) Conditions be formally drawn up to include staged payments geared to initiation and completion of stages of building that includes public access to shower and toilet facilities.

## **17. FORWARD PLAN FOR FUTURE MEETINGS**

The Board considered the report of the Director of Culture, Communities and Business Services (Item 16 in the Minute Book), regarding forthcoming items for future meetings.

The Members Briefing in September would include the preliminary findings of the review of the Authority's Strategic Plan and Strategic Vision with the final draft editions being presented in November. It was also agreed to include a review of the Asset Enhancement Reserve in January 2014.