

AT A MEETING of the RIVER HAMBLE HARBOUR MANAGEMENT
COMMITTEE held at The Royal Southern Yacht Club on 15 March 2013

PRESENT

Chairman:
p Councillor S. D. T. Woodward

Vice-Chairman:
a Councillor Dr. R. J. Ellis

Councillors:

p Mrs C. A. Bailey	a C. Davidovitz
p G. Burgess	p A. Gibson
p A. Broadhurst	p F. Pearce
p M.G. Cooper	p A.W. Rice, TD

Eastleigh Borough Council

p Councillor S. Hamel

Fareham Borough Council

p Councillor T. M. Cartwright

Winchester City Council

p Councillor Victoria Weston

Associated British Ports

a Captain Martin Phipps

Association of River Hamble Yacht Clubs

p Mr David Le Mare

British Marine Federation

p Ms N Walsh

Hamble River Boatyard and Marina Operators Association

p Mr. R. Boissier

Berth and Mooring Holders Representative

p Mr D. O'Malley

Royal Yachting Association

p Mrs P. Dorothy

169 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Davidovitz and Ellis and from Captain Martin Phipps of Associated British Ports.

170 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 Code.

Councillor Woodward and Councillor Weston declared an interest by reason of being a Mooring or Berth Holder on the River Hamble, as did Mrs Dorothy, Mr. Le Mare and Mr Boissier. Ms Walsh declared an interest as an employee of Marina Developments Ltd.

Councillors Cartwright , Bailey and Weston, along with Mr Le Mare, Mr O'Malley and Mrs Dorothy, also declared interests as members of local Yacht or Sailing Clubs.

171 MINUTES

The Minutes of the River Hamble Harbour Management Committee meeting held on 14 December 2012 were confirmed as a correct record and signed by the Chairman.

172 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Nicola Walsh to her first meeting as the representative of the British Marine Federation.

In connection with the call-in of the decision of the River Hamble Harbour Board to grant a Harbour Works Consent, the Chairman confirmed that on 11 January the Harbour Board had resolved to grant

Harbour Works Consent to the Crown Estate in respect of development at Mercury Gardens and that call-in had been exercised in accordance with the Committee's Terms of Reference, by the Chairman and Councillors, Bailey, Burgess, Cooper and Weston.

It was also notified that the date of the next meeting had been brought forward to 7 June 2013 at Warsash Sailing Club and would be preceded by the annual boat trip at 11:00.

The Chairman indicated his intention to change the running order of the published agenda, in order that that the call-in of the decision of the River Hamble Harbour Board to resolve to grant a Harbour Works Consent (agenda item 12) be considered immediately after the Deputations.

173 DEPUTATIONS

Deputations were received in relation to agenda item 12 (the call-in of the decision of the River Hamble Harbour Board to resolve to grant a Harbour Works Consent) .

Mr Dave Anderton addressed the meeting on behalf of the River Hamble Mooring Holders Association. Mr Anderton identified several aspects of the Mercury Gardens consent which the Association felt continued to be a cause for concern. The quality of the plans submitted by the Crown Estate was questioned, in particular with regards the extension of the proposed pontoon and subsequent channel width. It was also suggested that although the Association agreed with the Harbour Master's assessment that the level of risk associated with the proposals would be as low as reasonably practical (ALARP), there remained a greater risk than with the existing configuration.

Mr Tony Blewett addressed the meeting as an individual mooring holder. He questioned the clarity of the published drawings and asked the Committee to consider the cumulative effect of such development in the longer term. He objected to the proposal on the basis of navigational safety, in particular due to the perceived narrowing of the main channel and the loss of refuge for smaller craft. Mr Blewett also contended that the development would mean the loss of a local amenity as a result of a reduction in lower cost moorings, and that the aesthetic impact would be detrimental to the River and its character, and that mooring holders would become more vulnerable to theft.

174 CALL IN: HARBOUR WORKS CONSENT, MERCURY GARDENS

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 12 in the Minute Book) regarding the call in of the Board's decision on 11 January to resolve to grant Harbour Works Consent for the area known as Mercury Gardens.

The Chairman summarised the current status of the Consent, which although granted by the Harbour Board could not be implemented prior to completion of the call-in procedure. It was noted that the Terms of Reference required the attendance of the Chairman of the Harbour Board, and that Councillor Hockley was in attendance as his nominated Deputy. Councillor Hockley briefly addressed the Committee, committing himself to listening to the discussion and reporting back to the Board.

The Marine Director introduced the report and responded to the points raised by the deputees, explaining the impact on channel widths and the method of assessing risk level.

The Committee discussed the proposals in detail and there was a general view that the reasons for recommending rejection of the application at the December 2012 meeting continued to be valid. There was particular concern that the result would be berthing akin to a car park for boats; an adverse impact on the natural beauty and wildlife of the River which was contrary to the Strategic Vision and a reduction in navigational safety because of a reduction in manoeuvring room in the area, which may prove especially difficult for some types of boat.

Members were concerned about the increase in the number of moorings, acknowledging that the impact on the River as a whole was low, but pointing out that the localised impact was around 50 percent. It was felt that such development would be contrary to the Harbour Authority's Strategic Vision for the River. There was further concern that the specific usage of the berths was not known and it was confirmed that allocation was a commercial decision for the Crown Estate.

The environmental impact was discussed and whilst it was acknowledged that Natural England and the Environment Agency had raised no objections, Members anticipated potential additional human activity would disrupt wildlife, particularly birds. It was also suggested that in the context of national planning policies, the area should be considered vulnerable and be afforded protection.

The Marine Director confirmed that the statutory grounds upon which an application could be rejected were environmental. However there was also an effective requirement that all applications met the requirements of the Port Marine Safety Code to reduce risk to ALARP.

It was proposed by Councillor Weston and seconded by Councillor Bailey that it be recommended that the River Hamble Harbour Board reconsider their decision of 11 January 2013 to award Harbour Works Consent and reject the application. With reference to the discussion and to the deputations, it was confirmed that the proposal was grounded on the potentially negative impact on navigational safety through the narrowing of the channel, the risk of cumulative development that was

contrary to the Strategic Vision and the potential environmental impact in such a sensitive area.

A vote was held and it was resolved:

That the River Hamble Harbour Management Committee advises the Harbour Board to reconsider and overturn its decision to resolve to grant Harbour Works Consent for the proposed works at Mercury Gardens.

175 PRESENTATION: CAPTAIN MARK CAPON

The Committee received a verbal presentation from the Harbour Authority's Designated Person, Captain Capon, setting out his role in the Harbour, with reference to the Port Marine Safety Code.

The Designated Person explained the relevance and importance of the Port Marine Safety Code as a non-statutory tool to ensure a national standard for the management of safety in harbours. He also described his role as an advisor to the River Hamble Harbour Board to assist their decision making process and ensure compliance.

Members were assured that the Harbour Authority had an efficient governance structure that discharged its accountability for port marine safety to a high standard and provided the assurance that the Harbour Authority was compliant with the Code's requirements.

The Designated Person was thanked for his presentation.

176 HARBOUR MASTER'S REPORT

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 7 in the Minute Book) regarding incidents and events in the Harbour from 11 January 2013.

The Deputy Harbour Master introduced the report and noted one additional break-in incident since publication.

The operational hours of the Marine Police were questioned and it was confirmed that these were generally limited to daylight hours and consequently a request to respond to a recent evening incident had been directed to the Harbour Master.

RESOLVED:

That the report be noted.

177 MARINE DIRECTOR'S REPORT: CURRENT ISSUES

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 8 in the Minute Book).

The Marine Director introduced the report highlighting the progress on dealing with debris clearance, improvements to the Warsash Slipway and the SmartWater crime deterrence project. The importance of the publicity relating to the use of SmartWater forensic marking was emphasised, to ensure that deterrence was effective.

RESOLVED:

That the report be noted.

178 **COMMERCIAL HARBOUR DUES**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 9 in the Minute Book) reviewing fees and charges (except for privately owned leisure vessels) for the River Hamble.

The Marine Director introduced the report and confirmed that the Memorandum of Understanding (MoU) represented the formalisation of existing arrangements between the Harbour Authority and those using the River.

The effectiveness of the arrangements and the level of avoidance was questioned and the Marine Director confirmed that although it was a system largely based on honesty, the collection rate was high and the majority of River users were happy to pay.

RESOLVED:

That the River Hamble Harbour Management Committee recommend to the River Hamble Harbour Board the approval of the draft Memorandum of Understanding (Appendix 1 to Item 9 in the Minute Book).

179 **ASSET ENHANCEMENT RESERVE: BID FOR GRANT**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 10 in the Minute Book) to inform a response to the formal request received from the Hamble Life Boat for a grant towards the cost of re-building the Hamble Lifeboat Station.

The report was introduced and it was confirmed that the likely cost of re-building the Lifeboat Station, including provision of public shower and toilet facilities was £300,000. It was noted that any funding approved would be drawn from the asset enhancement reserve and that the Lifeboat had not requested a specific amount, but a ten percent contribution was proposed.

The Committee clarified the level of uncommitted asset enhancement reserve and agreed that this project directly met the criteria that the reserve be spent to benefit all River users. There was widespread support for the proposal to pledge money to the project and Members were informed that both the Parish and Borough Council had also committed funding. The access to, and ongoing responsibility for, maintenance of the facilities was discussed and it was noted that the Parish Council would provide cleaning services, whilst the exact access arrangements remained subject to agreement.

It was proposed by the Chairman that it be recommended that an appropriate substantial sum be pledged to the project, subject to negotiations on access and the facilities to be provided. The Committee were in agreement with this and expressed their willingness to support the project to completion.

RESOLVED:

That the River Hamble Harbour Management Committee recommends that the River Hamble Harbour Board support the re-building of the River Hamble Lifeboat Station through a pledge of an appropriate substantial sum from the Harbour Authority's Asset Enhancement Reserve subject to negotiations on access and the facilities to be provided.

That further applications for funding be considered, should they be necessary.

180 **FORWARD PLAN FOR FUTURE MEETINGS**

The Committee received and noted the report of the Director of Culture, Communities and Business Services (Item 11 in the Minute Book) with regard to the key issues to appear on future River Hamble Harbour Management Committee and Board meeting agendas.

The Marine Director confirmed that the briefing topic at the meeting on 6 September 2013 was likely to be an overview of the River for the benefit of new Members.

Acknowledging that this was her final Management Committee meeting, the Chairman thanked Councillor Bailey for her contributions to the Committee's work and, with reference to the forthcoming election, extended his thanks to any other Member for whom this was also their final meeting.