

AT A MEETING of the River Hamble Harbour Board of HAMPSHIRE COUNTY COUNCIL held as a remote meeting on Friday, 19 March, 2021

- * Councillor Peter Latham
- * Councillor Keith House
- * Councillor Graham Burgess

Co-opted members

- * Nikki Hiorns
- * David Jobson
- * Chris Moody
- * Jason Scott

*Present

Councillor Peter Latham chaired this meeting.

145. APOLOGIES FOR ABSENCE

No apologies were noted.

146. 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 Personal interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 5 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.

David Jobson declared personal interests as a member of both the RAF and Royal Southern Yacht Clubs, as a midstream mooring holder and a member of the RYA. Chris Moody declared personal interests as a member of Warsash Sailing Club and as Chairman of Hamble River Boatyard and Marina Operators Association.

147. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 8th of January 2021 were agreed as a correct record.

148. DEPUTATIONS

There were no deputations.

149. **CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements made.

150. **DRAFT MINUTES OF THE MEETING OF THE RIVER HAMBLE HARBOUR MANAGEMENT COMMITTEE**

The Board received and noted minutes of the meeting of the River Hamble Harbour Management Committee held on 5 March 2021.

Attention was drawn to item 137, with the Chairman noting the jurisdiction of the Board as this was an issue raised at the Management committee.

151. **MARINE DIRECTOR AND HARBOUR MASTER'S REPORT AND CURRENT ISSUES**

The Board considered the report of the Director of Culture, Communities and Business Services regarding incidents and events in the Harbour.

Regarding the ongoing issue of the drainage into the River from the M27 motorway bridge, it was noted that the reply received from Highway England to questions posed by the Director had been deemed as insufficient. A follow up letter has been sent back to Highways England and to local MPs. No reply yet has been received. The Vice-Chairman directed that a note be written to Hampshire County Council's Environment and Transport lead to add weight to the arguments put to Highways England.

The Vice-Chairman noted the report regarding specific extensions to existing Harbour Works' Consents in exceptional extensions and suggested that the framework detailed in sub paragraph 7 of the report was pragmatic and enabled Board to retain the degree of control required over developments. A question was raised if any specific project had incited this need to create this framework.

It was confirmed that a "reasonable" request for a time extension to a harbour wall in Swanwick had been put to the Harbour Office. The Marine Director replied that it was important that developers working on projects adjacent to site of proposed exceptional extensions be consulted regarding such extensions as it may affect their own development plans.

A further question was raised asking if proposed amendment would cover potential abuses of the system wherein developers would officially start development but not truly begin work on site for an extended period. Director replied that all Harbour Works Consents stipulated that work be completed within a 3-year timeframe.

RESOLVED:

The recommendation that the River Hamble Harbour Board supports the contents of this report and agrees to support the approval of arrangements for extending time limits on Harbour Works' Consent in exceptional circumstances was agreed.

152. **ENVIRONMENTAL UPDATE**

The Board considered the report of the Director of Culture, Communities and Business Services with an update on environmental matters.

It was reported that the Harbour Office seawall repair was expected to start within the next few months with quotes from contractors expected to be received soon.

The Board was also updated on the “Secrets of the Solent” Project by The Wildlife Trust, which aims to inform and engage local communities about the local marine wildlife. The River Hamble Offices had been selected for a small scale local art project and the Director expressed hope that local people would help select the species to be depicted on murals.

RESOLVED:

The River Hamble Harbour Board noted and supported the content of the report.

153. **HARBOUR WORKS CONSENT APPLICATION FOR ADDITIONAL BERTHING AT UNIVERSAL MARINA**

The Board considered a report of the Director of Culture, Communities and Business Services seeking approval to a Harbour Works Consent application.

The Chairman once again emphasised that consent must be judged only on navigation and environmental grounds.

The Marine Director noted that the Appropriate Assessment on the Harbour Works’ Consent application was compliant with requirements under the Habitats Regulations having consulted with Natural England.

Regarding the safety of navigation, the Marine Director noted that the risks associated with the proposal could be reduced to a level that was as low as reasonably practicable.

A member noted that whilst the proposal was compliant with Habitat Regulations, disappointment was noted that there were no net gains to biodiversity offered in the proposed plan.

Another Member noted that the plan assumed that everyone navigating the River was fully competent. It was further noted that the Crown Estate had already declined to agree to the proposal. The Member therefore asked why Board’s approval was being sought on a proposal that was purely hypothetical.

It was noted that this application for Harbour Works’ Consent was extant and that the Board was bound to consider it, regardless of any decision by the Crown Estate.

It was asked whether, in the light of any granting of Harbour Works’ Consent, part of the proposal within the Marina might be built, notwithstanding the Crown Estate decision outside the curtilage. The Marine Director made clear that the plan being considered was only that within the proposal. Any part of it would require a different navigational risk assessment and so this consent would not be valid. A separate application would need to be made for consideration.

Another Member expressed a view that the Application would reduce number of privately available moorings on the River and that, accordingly, they would oppose the proposal.

It was asked if the developer for this proposal had any other plans outstanding. In reply it was noted that no other plans had been submitted for approval.

It was noted that outside factors beyond the purview of the River Hamble Harbour Board should not affect the Board's decision. In the event that the Application were rejected based on factors not related to the safety of navigation or environmental compliance, then the matter might be made subject to a reasonable appeal.

RESOLVED:

A verbal vote was undertaken, with 3 in favour, 2 against and 1 abstention.

With this vote River Hamble Harbour Board therefore approved Harbour Works' Consent for the proposal set out in Section 4 of this report and subject to the following conditions

- a. The proposal to be built in accordance with the details, plans and method set out in paragraph 4.
- b. The development is constructed in accordance with the guidance given in the industry Code of Practice for the design of marinas.
- c. Vibro-piling should be used as a standard rather than percussive piling. In the event that it is necessary to use percussive piling, soft-start procedures must be employed over a period of at least 20 minutes. Should piling cease for a period of greater than 10 minutes then the soft start procedure must be repeated.
- d. Percussive piling should only be permitted between 16 March and 29 November in any given year.
- e. The development must be completed within 3 years from the date of the approval granted by the Harbour Board.

154. RIVER HAMBLE ASSET REGISTER

The Board considered the report of the Director of Culture, Communities and Business Services with an overview of the asset register.

The Chairman commented that due to low number of replacements needed for coming year that asset replacement reserves currently at £35,000 would be appropriate to cover likely future and, within current circumstances adequate to sustain operational capability, so far as practicable, until 2050. The Marine Director noted the aspirational nature of forecasting to 2050 and that factors such as the cost of raw materials might change over time. The annual review process would take such factors into account.

RESOLVED:

That the River Hamble Harbour Board accept the recommendation that this report be taken into account alongside the annual statutory accounts in setting Harbour Dues for 2021/22

155. ANNUAL REVIEW OF BUSINESS PLAN

The Board considered the report of the Director of Culture, Communities and Business Services with the business plan for annual review.

A member raised a point regarding point 26, noting Board's obligation to look towards inclusivity and as such asked if wording could be amended to reflect better the Harbour Boards commitment to creating an inclusive Harbour. In reply, the Marine Director thanked the member for raising the issue and noted that as part of wider initiatives from Hampshire County Council the Board had a strong mandate to recognise and support Diversity and Inclusivity. The Marine Director agreed to include this in the next review of the Strategic Vision and Plan in order to record the continuing effort to making the river accessible to as many people as possible.

RESOLVED:

The River Hamble Harbour Board approved the revisions and additional items for inclusion in the Business Plan Summary contained within the report.

156. **FORWARD PLAN FOR FUTURE MEETINGS 2021-22**

The Board considered a report of the Director of Culture, Communities and Business Services anticipating future business items for the Committee and Harbour Board.

RESOLVED:

That the River Hamble Harbour Board notes the report.

Chairman,