

AT A MEETING of the RIVER HAMBLE HARBOUR BOARD held at the Royal Air Force Yacht Club on 12 September 2011.

PRESENT:

Hampshire County Council

Councillors:

p K. Evans (Chairman)
p G. Hockley
a K. House

Independent Members

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

Marine Director

p D. Evans

120. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor K. House.

121. DECLARATIONS OF INTEREST

Members were mindful that, where they believed they had a personal or personal prejudicial interest in any matter to be considered at the meeting, they should normally at the time of the debate declare their interest, and having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed save for exercising any right to speak in accordance with Paragraph 12 of the Code.

122. MINUTES

The Minutes of the meeting of the Board held on 8 July 2011 were confirmed as a correct record and signed by the Chairman.

The Minutes of the River Hamble Harbour Management Committee held on 24 June 2011 were received by the Harbour Board and their contents noted.

123. CHAIRMAN'S ANNOUNCEMENTS

The Chairman briefly clarified the quorum requirement for the Board to have a minimum of three Members, at least two of which being Members of Hampshire County Council, in attendance for any decision taken at a

meeting to be valid. The Chairman announced that several applications to make a deputation had been received, all relating to Item 6 on the Agenda (Harbour Works Consent – Deacon’s Boatyard). He confirmed that he had used his discretion with regards Standing Order 21(f) for all deputees to allow them to speak as all had already exercised their right to do so at a previous meeting. He explained that this was due to additional information on the matter being published since deputations had been made at the meeting of 8 July 2011.

124. DEPUTATIONS

Pursuant to Standing Order 21, the Chairman reported that there were five deputations to be made at the meeting. These had been received from Mr. L. Shotts and Dr. P. Tosswell on behalf of the Deacon’s Boatyard, Mr. J. Clark on behalf of the River Hamble Mooring Holders Association, Mr. N. Hughes on behalf of the Upper Hamble Canoe Club, Sqn Ldr D. Le Mare on behalf of the Royal Air Force Yacht Club and Mr. T. Blewett,.

Mr. Shotts and Dr. Tosswell (on behalf of Deacon’s Boatyard):

Mr Shotts detailed his experience and background in the marine industry. He explained the measures that the Boatyard had already put into place to pro-actively prepare for the reconfiguration that was being applied for. The proposals were for a marina configuration that had successfully been used elsewhere and would not exceed the boundaries of the marina. Mr Shotts told the Harbour Board that the proposals were to expand and re-configure 60 year old infrastructure and was well thought through. He confirmed that the maximum boat length was currently restricted to 12 meters and that even following the re-fit, the new infrastructure would not permit this to be exceeded. He addressed the issue of safety and stated his view that there was more room to manoeuvre and lower levels of traffic than on other sections of the river. Mr Shotts was convinced that all concerns had been addressed and that his firm had complied fully with the process and called upon the Board’s support for the project.

Dr Tosswell also introduced himself to the Board and explained that he was acting as an agent for Deacon’s. He supported Mr Shotts view that safety concerns arising from the application had been addressed. In particular that the proposed new fairways would provide more refuge points for small craft, that there was little evidence of frequent use of the inner channel by small craft, that an increase in the number of exits would ensure boats entering or exiting the marina were better spread out and that according to the risk assessments carried out, the proposed new layout had advantages over the existing arrangements. He cited these points and the Boatyard’s compliance with the requirements of the Yacht Harbours’ Association Code of Practice as evidence that the proposed arrangements would be as safe for River

users. Dr Tosswell confirmed the point made by Mr Shotts earlier in the deputation that the maximum boat size would continue to be 12 meters as this was the maximum safe size for the channel. He briefly addressed concerns relating to the marine environment, stating that the dredge profile had been minimised, that concerns about scouring of the A27 bridge foundations was due to a misunderstanding of the drawings and pointing out that the proposals had been accepted by other agencies.

Mr. Clark, in making his deputation on behalf of the River Hamble Mooring Holders Association, began by seeking and receiving the assurance of the Chairman that he was satisfied that the correct legal process had been followed in accordance with the legislation, the Constitution and the Terms of Reference, including that the River Hamble Harbour Management Committee meeting had been properly recorded and reported. Mr Clark questioned several procedural points of the application and was reminded by the Chairman that he had sought to manage the process as fairly as possible, including allowing people to make multiple deputations in order to ensure all views were heard. Mr Clark compared the closure of the inner channel with the closure of a motorway slip road. He went on to oppose the application on the grounds that it would see an increase in larger boats, that it did not take global warming into account, that visibility loss would pose a danger to small craft, that the channel proposed for use by small craft dries out at some stages of the tide and that there is no other point on the River with a requirement to travel dead slow. He did not accept that the risks identified were ALARP (as low as reasonably practical) on these grounds. Mr Clark highlighted the lack of a launching point upstream of the Boatyard, thus forcing those wishing to enter the upper reaches of the River to pass it and questioned the evidence of usage that was in the report. Mr Clark concluded that whilst the Mooring Holders Association supported businesses based on the River, it was an unsafe scheme and not in the interests of the community and therefore should be rejected.

Mr. Hughes, in making his deputation on behalf of the Upper Hamble Canoe Club, explained that he was the Chairman of the Club and a canoe coach. He objected to the closure of the inner channel on safety grounds as a result of the closure of the secondary channel, claiming that both channels were regularly used depending on the amount of traffic on the river. He pointed out the difficulties a canoeist may face in a strong tide such as that which can be found on that stretch of the River. Mr Hughes added that the majority of canoeists launch from Swanwick and therefore must pass the Deacon's boatyard to reach the popular areas of the Upper Hamble. He also questioned how infrequent River users would know which channel they were expected to use.

Sqn Ldr Le Mare, in making his deputation on behalf of the Royal Air Force Yacht Club, outlined his professional background as a search and rescue pilot and his 50 years of sailing experience. He added that as a sailing

instructor, he regularly taught manoeuvres such as berthing a yacht. Sqn Ldr Le Mare objected to the proposals due to concerns with entering and exiting the marina at the narrowest point on the River, in an area prone to strong currents. He expressed concern for small craft, should there be an increase in the number of large boats and posed the question of what is a small craft? He concluded that he generally welcomed development and proposed that a small reduction in the size of jetties two and four would enable a substantial increase in space and visibility.

Mr Blewett, in making his deputation, highlighted his professional technical background as a chartered civil engineer and his experience of the River Hamble. He informed the Board that he had recently attempted to row past Deacon's boatyard and had been unable to do so in the main channel due to the strength of the tide. He highlighted the dangers of a reduced space in which boats could turn and raised questions over the submitted drawings. In particular he suggested that the proposed dredge would result in a scouring effect on the foundation pillars of the A27 bridge, which would have potentially very high repair costs. Mr Blewett called for the proposals to be rejected on safety grounds.

125. HARBOUR WORKS CONSENT – DEACON'S BOATYARD

David Jobson declared a personal interest as a mooring holder and a member of Hamble River Sailing Club. Susie Tomson declared a personal interest as a mooring holder and member of the Royal Southern Yacht Club. David Evans declared a personal interest as an occasional paying customer of Deacon's boatyard and stated his intent to withdraw from the meeting during any vote and to refrain from giving a view on whether the proposals should be agreed or not.

The Board considered the report of the Director of Culture, Communities and Business Services (Item 6 in the Minute Book), concerning a Harbour Works Consent application from Deacon's Boatyard.

The Chairman welcomed Captain Richard Eastham, who was deputising for Captain Mark Capon, the Designated Person to the River Hamble Harbour Authority. The Chairman highlighted the additional risk assessment that had been carried out by the Designated Person with regard to this application and informed the Board that this was not intended to set a precedent and that the level of information required for Harbour Works Consent was under review.

The Chairman explained the Harbour Board's responsibility with regard to the assessment of applications for Harbour Works Consent, with reference to legal advice. In particular he noted that in making any decisions the Board members must not only consider navigational safety but also ensure the Harbour Authority discharges its responsibilities under the 'Port Marine

Safety Code' and in doing so consideration should be given to the following matters:

- a) navigational safety, including that if any risks are considered, that those risks are reduced or controlled to keep them 'as low as reasonably practicable (ALARP);
- b) conservation and promotion of the safe use of the harbour, to prevent loss or injury;
- c) regard to the efficiency, economy and safety of operation as respects the services and facilities provided; and
- d) maintenance, operation, improvement and conservancy of the harbour, including having regard to the Habitats Regulations.

The Marine Director introduced the report, highlighting in particular the additional points and subsequently amended recommendations as a result of the additional risk assessment that had been carried out. These points related to boats travelling at dead slow speed in the marina and small craft using the eastern route. He confirmed that information as to which channel was to be used by whom would be communicated as widely as possible, through a number of methods.

The Designated Person detailed his experience as a Master Mariner and as a recreational canoeist. He confirmed that this was a critical point on the River and at some points of the tide should not be attempted in a canoe. He made the point that conditions should always be assessed before setting off on the water and that in some conditions a bowman was necessary for a yacht exiting the marina. On this basis, he was confident that the risk was ALARP.

Members of the Board engaged in a lengthy discussion regarding safety on the River, the importance of River users taking responsibility for responding to the weather and tidal conditions, the threats to the boatyard industry and the importance of enabling boatyards to develop. With reference to the Marine Director, Members clarified the maximum possible length of boats that would be able to moor on the hammerhead. With reference to the Designated Person, the notion of dead slow speed was discussed and defined as the minimum speed required to make headway and maintain steerage. It was noted that this could vary according to tidal and weather conditions and any particular manoeuvre being undertaken. The suggestion of a scouring effect on the A27 bridge foundations was raised and it was confirmed that this had been addressed by Hampshire County Council highways engineers.

With regard to recommendation 3.4 in the report, it was asked whether a "high-sided" boat should be more clearly defined. A brief discussion followed

regarding the difficulty of measuring boat height and it was clarified that the aim of the recommendation was to avoid any boat impairing the visibility of another. It was therefore proposed that the recommendation be amended to read:

- 3.4 Vessels berthed on the Marina hammerheads must not be so high-sided that they unsafely obstruct visibility and must not exceed half the length of the hammerhead.

Subject to recommendation 3.4 being amended as detailed, a vote was held on whether the River Hamble Harbour Board accept the recommendations in the report.

Result:

In favour: 4

Against: 1

Therefore it was resolved that:

The River Hamble Harbour Board grants Harbour Works Consent for the proposed works at Deacons with the following conditions:

3.1 Vibro piling is to be used as standard with percussive piling only used if needed to drive piles to their design depth.

3.2 Piling to occur between 30 November and 31 March. Works can commence between 16 September and 30 November but must stop if the Environment Agency informs the Harbour Master that the autumn salmon run has commenced.

3.3 The Marina operator is to issue clear written instructions to all berth holders regarding the Marina's safety requirements, to be re-iterated in the Deacons Marina Visitors' Guide. The speed limit within the Marina should be dead slow and the Marina safety requirements must stipulate that all vessels, upon exiting the Marina, are to give way to vessels using the main channel of the River. Warning signs, at least 1.5 metres wide and 1.0 metres high are to be placed at each exit to that effect.

3.4 Vessels berthed on the Marina hammerheads must not be so high-sided that they unsafely obstruct visibility and must not exceed half the length of the hammerhead.

3.5 No rafting of vessels on the hammerhead berths, and no multihulls to be berthed on the hammerhead berths.

3.6 Measures to be included to minimise the amount of additional lighting, particularly of sites designated for nature conservation.

3.7 Navigation lights to be fitted upstream and downstream, as specified by Trinity House.

3.8 Prominent signs, at least 1.5 metres wide and 1.0 metre high, are to be erected upstream and downstream, worded as follows: "Beware of vessels leaving the Marina".

3.9 Dredging to only occur between 16 September and 31 March.

3.10 Any movement of the dredge barge must be cleared with the Harbour Office on VHF Channel 68. Should the barge or any other plant required to move outside Harbour Office hours an 'All Ships' broadcast call must be made on VHF channel 68 to advise other river users of the move.

3.11 Excess spoil must not be washed off the barge while the barge is in transit. Spoil disposed by this method may affect the navigation channel, water quality and the oyster beds which lay from Stone Pier Yard to the beacon No 1 at the entrance to the harbour.

3.12 Sufficient Tier 1 oil pollution response booming must be held to completely encircle the plant equipment being used.

3.13 Should there be an incident outside Harbour Office hours and the Harbour Master not be contactable, the Coastguard should be contacted. The Coastguard hold all contact details if required in an emergency.

3.14 All relevant consents should be obtained prior to commencing works and copies are to be lodged with the Harbour Office.

126. **HARBOUR WORKS CONSENT – WARSASH SAILING CLUB**

The Board considered the report of the Director of Culture, Communities and Business Services (Item 7 in the Minute Book), concerning a Harbour Works Consent application from Warsash Sailing Club.

The Marine Director explained that this was an application for a small piece of work, however Harbour Works Consent was required as a result of the fact that planning permission was required owing to the fact that the work was not, strictly speaking, a 'like-for-like' replacement because steel was to be used in lieu of timber.

Members noted that the proposed work did not amount to a substantial change from the existing structure. It was resolved that:

The River Hamble Harbour Board grants Harbour Works Consent for the proposed works at Warsash Sailing Club with the following conditions:

3.1 Vibro piling is to be used as standard with percussive piling only used if needed to drive piles to their design depth.

3.2 Piling to occur between 30 November and 31 March. Works can commence between 16 September and 30 November but must stop if the Environment Agency informs the Harbour Master that the autumn salmon run has commenced.

3.3 Should there be an incident outside Harbour Office hours and the Harbour Master not be contactable, the Coastguard should be contacted. The Coastguard hold all contact details if required in an emergency.

3.4 All relevant consents should be obtained prior to commencing works and copies are to be lodged with the Harbour Office.

127. **HARBOUR MASTER'S REPORT**

The Marine Director presented the Harbour Master's report (Item 8 in the Minute Book) which updated Members on events in the Harbour. It was noted that the report covered events from earlier in the summer due to this not being considered at the previous meeting.

The recent increase in theft from boats was highlighted and the Marine Director suggested that it was part of a national trend. He confirmed that the Harbour Office was working closely with the police in an effort to deal with the problem. Members wished to congratulate Harbour Authority staff on their hard work, particularly in support of the Bursledon Regatta.