

**MINUTES OF THE BEMBRIDGE HARBOUR USERS GROUP COMMITTEE MEETING  
HELD AT 18:00 ON FRIDAY 8<sup>th</sup> MARCH 2019 AT BSC**

**Present:** Robin Powell (RP) (Chairman), Colin Samuelson (CS) (VChairman), Tim Woodcock (TW) (Hon Treasurer), Michael Toulmin (MToulmin), Michael MacInnes (MM), Jeremy Gully (JGu), Will Squibb (WS), Arthur Robinson (AR), Felix Hetherington (FH), Chris Attrill (CA), Alan Deeming (AD) & Mike Samuelson (MS) (Hon Secretary). Malcolm Thorpe (MT) for Paragraphs 1 to 5 only.

**Apologies** - Bill Mitchell (WM) & Jason Gatenby (JGa). Nothing heard from Ben Smith (BS), Bob Simmonds (RS) or Jos Coad (JC)/Gemma Wall (GW).

1. **Chairman's Welcome** - having welcomed everyone to the meeting and explained that MT was only attending for Items 1 & 2, RP extended his, and the Committee's, condolences to CS following his mother's recent death.

2. **Bembridge Groyne Project Update** - Michael MacInnes (Chairman of the BHUG Groyne sub Committee) advised the following:

a. **Background & Tendering Exercise.**

(1) The Rosebay agreement 10<sup>th</sup> June 2018 between, Rosebay (Alastair Tindle (AT)), BHIC, & Bemgroyne covered 3 tasks; design, tender & contract and certification at a cost of £12,500 plus VAT all in. Subsequently an additional £3,000 for test holes (all ok).

(2) Three tender invitations were sent out to Mackley, Imphouse (Duver & Warners)& Graham Attrill (Seaview platform) in November 2018 for a response by Christmas. All were received by mid January and ranged from £275k to £300k plus VAT. Surprisingly (and disappointingly) Imphouse were at the top end (reasons not known). There will also be additional administrative type costs and contingencies to add on such as insurance, professional fees, tax advice etc.

(3) As these were higher than expected it was decided to go back for cost saving suggestions and to consider a shorter groyne to be able to assess relative differences. A new drawing for a 70m Groyne and a request for suggestions went out last week (4<sup>th</sup> March) with a two week deadline.

(4) MM stressed the benefits of the Groyne as a training wall particularly for outflow and need for steel sheeting at outer end for strength.

(5) None of the drawings have included the pedestrian and horse chicane required by PM (Peter Marsden, IoWC Coastal Engineer) or a new second exit for NB onto the west beach through what is now a very narrow bund sand wall. Neither considered by AT to affect performance of the Groyne or be difficult or costly to achieve but discussion with Nigel Bennett (NB) for the latter is required.

(6) AT (who is involved with new Groyne work at Poole and has been involved with the Warner's groynes) is coming down on the morning of Friday, 15<sup>th</sup> March to see the contractors on-site (LW 10:00) to go over whole thing. MT & NB have been requested to be present.

(7) AT has been shown the 'rolling boulder report' recently circulated and says that he has never come across this with any of the hundreds of rock groynes (which are not cheap particularly as the rocks come from France) that he has been involved in. MM also mentioned a North Sea surge warning next week which could cause serious flooding.

(8) In the short discussion that then followed on the long/short Groyne option, Committee members agreed that the problem of changing from a short to long later; being open to criticism from anybody who perceives that short Groyne does not work; and potential planning issues ruled it out as a sensible option.

b. **Silting Issues.**

(1) There have been endless discussions about harbour silting up. That is perfectly obvious and the report by Robin McInnes said that “doing nothing is not an option”. It follows therefore that if nothing is done the harbour then everything that goes with it is at risk. It is pretty obvious that a repaired Groyne will help, albeit no one knows how much, although it is likely to be significant. However, a document to support the need plus historic data is needed.

(2) Overtopping is an old chestnut. AT says just dig out. As mentioned in Reports written in 1957 & 1966, the regeneration of the east of Bembridge beach is likely.

c. **Bemgroyne Ltd.**

(1) A limited liability Company, ‘owned’ by RP and MM for BHUG. Both are Directors. Bemgroyne was always intended to be a corporate entity to collect and hold donated funds to be released to BHIC on independent work certification which Rosebay was going to do. However, MT had later said that this was not acceptable and that all funds must be deposited in a dedicated BHIC bank account before BHIC could sign any construction contract in line with normal procedures in the industry. MM had consulted a lot of people and no one had come across this type of requirement before.

(2) RP and MM met MT and FT on 16 January and went over everything. MT said he stood by his original position. He said that BHIC would give an undertaking to only use the dedicated funds for the work. Handelsbanken have since told MT that they accept that a separate BHIC account with them could be confirmed as only being used to make payments in respect of the Groyne. However MM’s concern is that once all the funds get to BHIC they become an asset of BHIC and part of their security. So if anything went wrong, or not completed or anything, the donated funds might never be recovered. MM then advised that he considered that it was fraught with pretty obvious dangers and differing views, in particular what potential donors would think about it. Additionally, any contract would bring in VAT and legal fees.

(3) Alternatives have been suggested to MT such as guaranteed bonds, joint signatures or , being a director of Bemgroyne, however all rejected and no alternatives offered.

(4) MM advised that offers of finance and help with specialist legal advice to pursue the guarantee option had been made which might be worth considering. The bottom line is that some creative thinking is needed.

d. **VAT and Operating Plan.**

(1) From the outset it had always been envisaged that there was a need to have a secure arrangement with BHIC to set out how all this would work. Glanvilles drafted a 32 page watertight agreement, however, HMRC said that constituted a commercial arrangement and that the donations would be treated as income for BHIC and subject to VAT. An informal arrangement was therefore suggested.

(2) In early July 2018 MM therefore drafted a 16 point Operating Plan and it was at this point that MT raised his objection to the holding location for the funds. In the absence of any obvious solution it was decided to shelve further discussion temporarily so as to concentrate on moving forward on with the design and tenders.

(3) RP and MM met a VAT inspector on 18<sup>th</sup> November. He said many of the 16 points were unnecessary or suggested conditions and should be removed. He had concluded that on the basis described no VAT arises on the donations as far as BHIC was concerned. In his view they are outside the scope because the donations are being freely given with no conditions attached. He also advised that this meant that no Ruling with HMRC was required.

(4) MM revised the Operating Plan down to 8 points in mid-December and sent it to MT but still with original Bemgroyne donation holding situation.

(5) BHIC will need to notify the final structure in writing with HMRC. Providing these rules are adhered too then we will be ok on VAT

e. **Funding.**

(1) As highlighted at Paul Kenny's Public meeting this project is something the community would support and take control of, it appears that there is a lot of support for this project. RP has received 20 or so support letters following his open letter circulated in January.

(2) No idea how much can be collected but it is recommended that every effort is made to try to raise the necessary funds. So far with BSC, Redwings, BODA, Illusions and two local benefactors £80k has been offered, but only on the important proviso that the whole community, harbour stakeholders and the Harbour Company contribute as well.

(3) MM advised that MT has said in January that they will pay something but it is too early to say how much. It depended on cash flow and business considerations at the time. As a guide MM said that he personally would hope something in the order of £50k might be forthcoming.

(4) As soon as the proper figures are available and the structure is sorted out, a huge appeal will be launched. A Funding Committee will need to be set up and leaflets produced. Also public meetings etc.

(5) Grants are very difficult. There are no public funds available for coastal work. Initial indications are that neither the Heritage Lottery Fund or Sports Foundation are likely to come up with anything. However, the Solent LEP, the Coastal Communities Fund [*Afternote: subsequently found to be closed at the moment*] need to be investigated further. Support is being sought from Bob Seely, Ruth Waller and the Crown Agents. 'Sell a Plank' also has obvious potential.

(6) In addition to the activities recorded by MM, RP reported that he has contacted the IWC Archivist to see if he can find any historical documents re the groyne and has asked the same of Verena Sparrow the current Chairman of the Bembridge Heritage Society. Both of them have agreed to see if they can find anything that might help.

3. **BHIC Position by MT.** MT advised that:

a. He knew very little about groynes and relied on advice from Lymington Technical Services (Paul Tosswell) and HR Wallingford. However in his view a longer rather than shorter groyne was likely to work better. It was also essential to encompass the pedestrian chicane and access for NB.

b. BHIC was involved for three reasons: the 1963 Harbour Act gave it permitted development rights; it therefore had to be the 'contractor'; and it provided the means to process VAT.

c. He had turned down the option of becoming a co-director of Bemgroyne Ltd after careful consideration and having discussed it with his bank who were nervous of a potential conflict of interest.

d. MT was adamant that control of the funds must be with BHIC and that Bemgroyne can't be a party to this; it was after all a relatively short construction timetable (7-10 weeks).

e. He reiterated that whilst he continued to support the initiative he remained to be convinced that it would effectively reduce the siltation of the harbour.

4. **Discussion** - the following points arose during the subsequent discussion:

a. MS expressed surprise and disappointment that MT had not included in his reasons for BHIC involvement that it was surely in the interests of the Harbour Company to do all it could to save the harbour from silting up.

b. JG sought clarification as to whether MT held to earlier statements that any deemed excessive surplus from the sale of houseboat leases would be reinvested into the Harbour, such as for the groyne or additional dredging. MT stated that this had never been the case and that the sale of houseboat leases was nothing to do with any investment in the groyne. His priority was to purchase a dredger.

c. MT advised that Handelsbanken are prepared to open a dedicated 'Groyne Account' to hold funds which would only be used for Groyne payments authorised by BHIC on receipt of certification(s) from Rosebay. CS expressed the view that donors were unlikely to be happy

with this arrangement as in the event of MTs companies running into difficulties whilst the money was in this account, the Bank would treat it as an asset and it would be lost for the purposes it was donated.

d. FH raised the question as to who would 'own' the groyne and therefore would be responsible for its longer term maintenance. After considerable discussion, it was concluded that notwithstanding that it is not on land owned by the Harbour Company (or anybody else), it is within the Definitive Harbour Limits over which area the Harbour Company has development rights.

e. AD advised that although BAC's position remained supportive, there was no concrete evidence (and thus guarantee) that the proposed groyne would work as 'hoped'.

f. In response to MToulmin who sought views on the 'assumed benefit', the general feeling of members was that whilst it was not possible (without enormously expensive reports, which as evidenced by the new Cowes Breakwater do not always get it right) to provide guaranteed levels of benefit, historical & local evidence certainly pointed to a worthwhile benefit to the harbour being achieved. As already reflected in these Minutes, Robin McInness's Report had concluded that 'to do nothing is not an option'.

g. In response to MS's concern that there remained too many sticking points for the project to ever realistically become a reality, it was agreed that no decision could be made as to whether to continue until the outcome of the meeting on Friday 15<sup>th</sup> March was known.

h. MM and the sub-Committee were congratulated and thanked for their continuing efforts to progress the project.

5. **Dredging**. MT advised that:

a. Plans were in hand for NB to 'pull back slightly' Attrills Point - start date 3<sup>rd</sup> April. The spoil would be deposited near to top of the bank above MHWS.

b. It was hoped that ML Dredging would start work on Bembridge Marina (to include the area between Pontoon E & BHYC's Deep Water Pontoon) beginning the third week in April. The pontoon fingers would be removed but the main pontoons would remain in situ. The finished depth below Chart Datum would be 2m. MT agreed to FH's request that Berth Holders be informed of these plans as soon as possible.

c. MT confirmed that dredging of the Bembridge One-Design Pool would also be taking place and that he was liaising with BSC over the dates.

6. **Minutes of the Previous Meeting (1<sup>st</sup> October 2018) & Matters Arising**. The Minutes were agreed. All matters arising are covered either elsewhere in the Minutes.

7. **Any Other Business**.

a. **GDPR and Committee Members e-Addresses on Committee e-Mail Circulations** – it was unanimously agreed that future Committee e-correspondence should be sent 'to' rather than 'bcc' so that Committee members can 'reply to all' when they want to.

b. **Minutes of the BHAG Meeting 7<sup>th</sup> January 2019** - the following points emerged from the discussion on the Minutes of the BHAG Meeting held on 7<sup>th</sup> January.

(1) **Paragraph 3 (BHA e-mail to BHAG Members of 10<sup>th</sup> January)** - AD had already advised MT that he would be seeking to have Paragraph 3a amended at the next BHAG meeting; ditto MS and Paragraph 3c. The Committee agreed that every opportunity should be taken to persuade BHIC (as a SHA) to improve the transparency of its accounts so as to restore public confidence & harmony.

(2) **Paragraph 5a (Houseboat Sewage Systems)** - JG advised that there were in fact only 12 older houseboats that discharge directly into the harbour, not the 20+ mentioned in the Minutes. It was agreed that every effort should be made to ensure that the proposal to fit free of charge sewage systems be included in a legal agreement.

(3) **Paragraph 5b (Houseboat Sewage Systems - Rijnstroom IV)** - the Planning Application mentioned had yet to be submitted, but BHT's likely support in principle of one boat on this large site, subject to issues of parking, sewerage etc was noted.

(4) **Paragraph 8f (HJ Bennett & Attrills Point)** - 'depositing the dredged material across the spit as in previous years' was incorrect. On the only previous occasion that Attrills Point had been dredged before, the spoil had been deposited along the Duver Wall frontage.

(5) **Paragraph 9a (Dredging)** - given MTs advice earlier in the BHUG meeting (paragraph 5b) that the Marina dredge would be to 2m below Chart Datum, it was thought that this would require considerably more than 4,000 cum to be dredged. It was to be hoped that the opportunity would be taken to replace the badly corroded piles, particularly on D Pontoon.

(6) *Afternote: **Paragraph 8b(2) (Sluice Gates)** - a meeting with EA (Ian Tripp) to discuss his letter of 27<sup>th</sup> September 2018 remains outstanding but it is hoped will be achieved before Easter.*

c. **Date for BHUG AGM; Officer & Committee Nominations & 2019 Subscription**

(1) **Date** - Friday 17<sup>th</sup> May (18:00 at BSC).

(2) **Officer & Committee Nominations** - all those present said that they were happy to continue as Committee members and that RP, CS, TW & MS should continue as 'Officers' in their current posts. No alternative Committee members were nominated.

(3) **2019 Subscription** - continuing with the current subscription rate of £10.00 was un-animously agreed.

d. **Beach Clean** - the request for support for the next Beach Clean (Saturday 16<sup>th</sup> March - 10:00 at the Toll Gate Cafe) was noted.

e. *Afternote: **Mooring Charges** - having reviewed current mooring charges following some concern about the apparent disparity between mooring providers, it has been decided to not take it any further.*

8. **Date of Next Meeting** - tba but expected to be sooner rather than later.