

MINUTES: of the meeting of the Basingstoke Canal Joint Management Committee held at the Basingstoke Canal Centre, Mytchett, at 10.05am on Friday 19 February 2010

Members

Hampshire County Council
Cllr Keith Chapman (Chairman)
a Cllr Brian Gurden
Cllr Roger Kimber
Cllr Jenny Radley

Surrey County Council
Mrs Elizabeth Compton
Ben Carasco
Mr Chris Pitt (Vice-Chairman)
Mrs Diana Smith

Hampshire Districts:
Hart District Council
Cllr Simon Ambler
a Cllr Sara Kinnell

Surrey Districts:
Guildford Borough Council
a Cllr Mike Nevins

Rushmoor Borough Council
Cllr J H Marsh
a Cllr M J Tennant

Runnymede Borough Council
Cllr A J Davis

Surrey Heath Borough Council
Cllr David Whitcroft

Woking Borough Council
Cllr G Preshaw

Special Interest Groups:

Natural England
a Cressida Wheelwright

Surrey and Hampshire Canal Society
Mr P Redway MBE
Mr P Riley

Parish Councils
Alastair Clark

Inland Waterways Association
Paul Roper

Basingstoke Canal Houseboat Owners' Association
a Ms Kathy Williams

Business Interests
a Galleon Marine - Mrs Pelle

a = absent

[All references to Items and Appendices refer to the Agenda for the meeting bound with the Minutes]

PART 1

IN PUBLIC

01/10 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Councillors Kinnell and Nevins and Cressida Wheelwright and Mrs Pelle.

Mr Riley commented that he was concerned that Natural England who could provide important advice to the Committee attend very irregularly.

Action: Andrew Smith to write to Natural England on behalf of the Committee requesting that a representative attends the JMC meetings. Mr Riley also agreed to write on behalf of the Surrey and Hampshire Canal Society.

02/10 **MINUTES OF THE LAST MEETING: 25 September 2009** [Item 2]

The minutes were confirmed and signed by the Chairman.

03/10 **DECLARATIONS OF INTEREST** [Item 3]

None.

04/10 **QUESTIONS AND PETITIONS** [Item 4]

Notice of a question from Cllr Glynis Preshaw had been received. The question and reply is attached as Annexe 1 of these minutes.

Action: Cllrs Preshaw and Davis and a representative from the Canal Society agreed to join a small group to discuss the houseboat issue. Rod Edbrooke to organise

05/10 **BASINGSTOKE CANAL ASSET MANAGEMENT PLAN** [Item 5]

Key Points Raised during the Discussion:

- Graham Cole, Surrey County Council Structures Team Manager gave a presentation on the Asset Management Plan.
- Noted that if possible the Canal Society would like to see resources concentrated on resolving the problems with lock structures so that the Canal can be operational during the boating season, followed by a period of planned work to take place as far as possible during the winter season.
- Surrey County Council had approved a bid of £900,000 of capital funding for the next 3 years and it was likely that a similar sum would be made available from Hampshire County Council. Everyone involved in securing the additional capital funding from the two County Councils was congratulated.
- Members were pleased with the work done so far and acknowledged that it will take several years to achieve a significant improvement in the condition of the Canal. It was also important that once an acceptable level of condition is reached sufficient funding is available to carry out appropriate maintenance and prevent deterioration.
- It was suggested that other data such as the number of visitors and the number of adjacent houses below water level should be included in the report.

Further Information to be Provided/ Actions:

None.

Recommendations:

None.

06/10 **CANAL DIRECTORS REPORT [Item 6]****Key Points Raised during the Discussion:**

- Noted that significant sums of money could be available for Natural England and the Environment Agency if bids are successful. It was also important to look at all areas of income generation to reduce the need to rely on local authority contributions.
- In relation to paragraph 8.5, concern was expressed about the proposal to install swing bridges on the Canal. They would delay boat movements and the stop/start required to operate the bridge would cause environmental damage for propellers. Swing bridges would sterilise the area for boating and would reduce mooring areas. Additions to the current bridges would be preferable. A swing bridge would be a particular problem for the trip boat for the disabled, as it would significantly increase trip time. The Director reported that a working group is considering the options although ultimately it is a matter for Surrey Highways to decide. Noted that at Hermitage Bridge it is likely that a walkway beside the existing bridge will be the solution.
- It was reported that there could be TAG funding available to the Canal Society to build a mooring in Farnborough provided that it can be made available for general use. There may also be options to link this with work being done for the Scouts at Runways End.
- It was noted that there was currently a national debate on the future of waterways in Britain and it was possible that there could be a national conservancy established along the lines of the National Trust.
- In relation to paragraph 9.3 it was noted that a reply had not yet formally been received from Network Rail, but contact had been established.
- Noted that the rubbish around Winston Churchill School appears to have decreased following work with Community Support Officers, although rubbish from visiting anglers is still a problem. The amount of fly tipping has also decreased.

Further Information to be Provided/ Actions:

- The following reports to be provided at the next meeting
 Canal Visitor and Recreation Development Plan
 Potential Trust Status
 Resource Management
 Progress with bid to Canoe England for improvements to toilets and showers
 The Canal Society asked to be involved in discussions on Trust status.
Action: Ian Brown
- Reply from Network Rail to be circulated when received.
Action: Andrew Smith

- Cllr Marsh agreed to investigate the position on Runways End.

Resolved:

- (a) That the Director be supported on items as suggested and discussed in the report.
- (b) That Surrey and Hampshire County Councils be asked to support applications for capital funding.
- (c) That the partnership continue to support the canal through the adopted SLA and funding approach and that all partner authorities be urged to make their full contributions and honour the agreed scale contributions for 2010/11.

07/10 **REPORT OF THE HONORARY TREASURER [Item 7]**

Key Points Raised during the Discussion:

- Noted that the figures in the report are up to the end of December. Current indications are that income may be higher thus reducing the deficit.
- Noted that Surrey County Council had invested £200,000 of capital investment in the current year that is not shown in the accounts.

Further Information to be Provided/ Actions:

- Cllr Whitcroft to make arrangements for himself and the Chairman to meet with the leader of Surrey Heath Borough Council to discuss funding for the Canal.
- The value for money document produced a few years ago to be updated. Action: Philip Riley

Recommendations:

- (a) That the 2009/10 position be noted and all partners urged to seek additional contributions to relieve the pressure on the Canal revenue budget and reserves.
- (b) That all partner authorities be urged to make their full contributions and to honour the agreed scale contributions for 2010/11.
- (c) That the Canal director be authorised to take the necessary steps outlined in paragraph 5 to contain net expenditure during 2010/11 to meet the potential shortfall in contributions from the partner authorities.

08/10 **REPORT OF THE SURREY AND HAMPSHIRE CANAL SOCIETY [Item 8]**

Key Points Raised during the Discussion:

- The Canal Society offered to help with establishing a depth profile to feed into the Asset Management plan as investment in dredging is required.

- Noted that the Canal Society is in the process of being recognised as an approved contractor by the County Councils so that there is an audit trail for the work completed by them.
- It was suggested that perhaps the local authorities could consider providing funding to the Canal Society as a voluntary association.
- It was also suggested that the government apprentice scheme could be explored although this would probably be more relevant to the Canal Authority.

09/10 **DATES OF FUTURE MEETINGS** [Item 9]

Friday 25 June 2010 at the Canal Centre at 10.05am:

[Meeting Ended: 12.05pm]

Chairman

Question submitted by Cllr Glynis Preshaw**Annexe 1**

Question 1 *In the light of the planning advice received from officers on the construction of new houseboats at Woodham and Woking I would request that, within one month of the date of this meeting, Surrey County Council, the Basingstoke Canal Authority and Runnymede and Woking Borough Councils provide a joint recommendation to the JMC on the steps that need to be taken to ensure that the new houseboats fully comply with all the applicable planning, safety, navigational and public health regulations and the appropriate action is taken to enforce compliance?*

Response

The planning advice previously circulated is as follows:

- In planning terms, stationing of houseboats is a use of land, not operational development consisting of the construction of buildings
- This is also true of onshore ancillaries such as parking areas and gardens.
- Buildings within those gardens which supplement the houseboat accommodation will, however, be operational development. Such buildings will not benefit from the permitted development rights which apply to similar ancillary buildings within the curtilage of a house.
- Uses of land which have not been the subject of a planning permission become lawful and immune from enforcement action once they have taken place continuously for ten years.
- Operational development becomes lawful after 4 years.
- It is likely that the majority of uses / buildings within the enclave are lawful by the above criteria.
- The county council cannot take planning enforcement action on its own land. Action has to be taken against freeholders as well as leaseholders and this would mean the CC taking enforcement action against itself, which procedurally is a nonsense. Therefore, any planning enforcement can only be taken by the riparian borough or district council.

It appears that the majority of the existing development is likely to be immune from planning enforcement action and Surrey County Council can only take action as landlord under the terms of the existing leases. All of the existing leases expire on 30 June 2012 and a draft lease has been prepared, which addresses many of the concerns that have been raised about uncontrolled development and boat safety. The owners of the existing 2 storey houseboats have been informed that they may not sell their boats when they assign their leases, so these boats will have to be removed in due course. Given the complex issues involved, the JMC may wish to consider nominating a small working group of members, which Surrey County Council would be willing to host, to take this issue forward.