

2 SEPTEMBER 2009

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 2 September 2009.

- p Cllr B Rickman (Chairman)
- p Cllr E J Heron (Vice-Chairman)

Councillors:

- p G C Beck
- p Mrs D M Brooks
- p Mrs J L Cleary

Councillors:

- p Mrs M D Holding
- p C R Treleaven
- p C A Wise

In Attendance:

Councillors:

Mrs L C Ford
D Harrison
P E Hickman
Mrs M E Lewis
B M F Pemberton
Mrs A M Rostand

Councillors:

Mrs S I Snowden
F P Vickers
R A Wappet
J G Ward
P R Woods

Also In Attendance:

Mrs W Celea and Mrs A Murphy, Housing Policy and Report Focus Group Representatives.

Officers Attending:

D Yates, R Jackson, J Mascall, Ms J Bateman, C Read and Miss G O'Rourke and for part of the meeting A Colenutt, M Devine and D Groom.

25. MINUTES.

RESOLVED:

That the minutes of the meeting held on 5 August 2009, having been circulated, be signed by the Chairman as a correct record.

26. DECLARATIONS OF INTEREST.

No declarations of interest were made by members in connection with any agenda item.

27. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

28. LYMINGTON RIVER – PROPOSED INTERTIDAL MUD FLAT RE-CHARGE (REPORT A).

Dr D Mackenzie, the Chairman of the Lymington Society, addressed the Cabinet. He said that the Lymington Society was very much in favour of a modern and effective ferry service to the Isle of Wight which did not damage local habitat. Mr Mackenzie commented on the differences between the re-charge being considered as 'mitigation' or 'compensation' and if the Cabinet agreed the recommendations before them, in his view, the Council might appear to be pre-judging any future Shore Works application and have a conflict of interest at a later date.

Mr Mackenzie said that there were a number of viable alternatives that had yet to be considered. Any repair work undertaken should be on the basis of addressing all damage caused by ferries in the past and not just as a solution for the ongoing issues.

Mr M Malamaphy, from the Lymington River Association, addressed the Cabinet. He said that following technical assessments it was evident that the previous 'C' class ferries had contributed to the erosion in the area and that the new 'W' class ferries were making the situation worse even when speed was limited. Mr Malamaphy also drew members' attention to the issues of 'mitigation' versus 'compensation'. He said that a developer was required to pay for compensation that must be directly related to the damage caused and be everlasting. This was an issue that needed to be properly evaluated by Defra. He also pointed out that the erosion to the area of foreshore under consideration for re-charge was entirely natural and that the damage was being caused upstream.

Mr R Francis, South Hampshire Wildfowling and Conservation Association, addressed the Cabinet. His organisation leased the Boldre foreshore from the Council. Mr Francis pointed out that he was not there to comment on the cause of the erosion but had a number of concerns in relation to the effects on the marshland if the re-charge went ahead. In particular he pointed out that the area proposed for re-charge was not 'inert mudflat' as described, but was the centre of a black headed gull nesting colony. It would be important to know the depth of the proposed deposited material which, if too deep, could destroy the nesting environment. If the re-charge material was subsequently washed away this would happen over the adjacent shell and shingle banks where an active tern nesting colony was sited. Mr Francis expressed surprise that the re-charge was proposed for the Boldre foreshore when the erosion problem was far more serious in the river itself. In the past dredged material had not been used for this purpose as it was deemed to contain heavy metals mainly from boat anti-fouling paint. Mr Francis enquired as to the type of paint used on the ferries.

Mr J Burrows, General Manager, Operations, Wightlink addressed the Cabinet. He said that Wightlink accepted that locally there was concern. He said that safety was paramount and the operation of the new ferries provided a safe service and that visitor numbers had increased. Mr Burrows said that environmental consultants had suggested that the erosion in the area would continue at a rate of up to 1 hectare per decade. Over 100 hectares had already been lost naturally.

The Lymington Harbour Commissioners were commissioning a new environmental survey and so far there was no evidence of change. Wightlink were committed to obtaining the approval of Natural England to their re-charge proposal and would not go ahead without it. He confirmed that Wightlink did not use Tributyltin (TBT) paint on those ferries. Mr Burrows said that Wightlink was a commercial operation committed to working with the local economy and currently employed 170 people.

The Chairman thanked all the public participants for their useful contributions.

The Cabinet then considered the request by Wightlink Ferries Limited to carry out a trial intertidal mud flat recharge on Boldre foreshore, land leased by the Council from the Crown Estates. The work, if carried out, would be as part of the measures to offset erosion and loss of designated habitat.

An addendum to the report and a revised recommendation was circulated to members. Members noted that any agreement to the scheme would be done in the Council's capacity as landlord and would not amount to a decision by a 'competent authority' to give development consent or to approve a plan or project. If in the future, Wightlink came forward with a proposal for habitat re-creation in support of a planning application for approval of ferry terminal works, at that point the Council might wish to take advice as to whether the habitat re-creation was 'mitigation' or 'compensation'. In the meantime, members noted that any decision taken by the Cabinet in this matter was without prejudice to the Council's future position in any further considerations.

The Planning and Transportation Portfolio Holder said that the Cabinet were not being asked to assess the merits of the proposal but were being asked in their capacity as landlord as to whether negotiations should continue. The points of concern raised would need to be addressed in the future. The Council would consider the matter again if Wightlink applied for planning permission for improvements to their jetty.

The Finance and Efficiency Portfolio Holder said that he had responsibility for the assets of the Council and welcomed the opportunity to study proposals for the use of dredged mud. Lymington had always been a working harbour and many techniques had been tried in the past to stop erosion, but none had been successful. The river was dredged on an annual basis to maintain the moorings in the river and the material was currently deposited at sea. The re-charge proposal was another option that should be considered and might show that dredged material could be used productively.

In discussion, other members supported the proposal. However, it was noted that a salt marsh re-charge had been tried unsuccessfully at Dibden Bay. The quality of the dredged material was unsuitable and, once deposited, had just been washed away again. Any learning points from that exercise should be assessed.

RESOLVED:

- (a) That officers be authorised to continue negotiations with Wightlink with regard to the proposed trial inter-tidal habitat recharge;
- (b) That it be noted that this authorisation to continue negotiations relates only to the District Council's position as landowner;

- (c) That Wightlink be advised that any decision by the Council in that capacity does not amount to a decision as “competent authority”, and all necessary consents and permissions for the trial inter-tidal habitat will need to be obtained from the relevant competent authority for every consent or permission required;
- (d) That this authorisation, and any future decision by Cabinet about the trials, are without prejudice to the Council’s decision-making as local planning authority in relation to the proposed ferry terminal works, in particular as regards whether the inter-tidal habitat recharge currently proposed by Wightlink can properly be considered a “mitigation” measure under the Habitats Regulations; and
- (e) That a further report be submitted to the Cabinet if and when Wightlink are in a position to proceed with the trial.

29. WASTE MANAGEMENT STRATEGY 2009-2013 (REPORT B).

The Cabinet considered a draft Waste Management Strategy for the Council for 2009 – 2013. The Strategy set out service priorities for the next four years linked to the Council’s Corporate Plan and the aims of Project Integra.

The Environment Portfolio Holder said that the basis of the Strategy was to mitigate the production of waste in the first place; encourage re-use at home and recycling and then as a last resort to deal with the residual waste in the most environmentally beneficial way possible.

The Chairman of the Environment Review Panel congratulated officers on an excellent report.

Members noted that HCC were undertaking a review which might result in more products, such as tetra paks, being capable of being recycled in the district. CCTV was continuing to be used to target fly tipping ‘hotspots’. In response to a question officers would follow up the issue of whether split level recycling could be provided at Marchwood Household Waste Recycling Centre to make it more accessible.

RECOMMENDED:

That the Waste Management Strategy 2009 – 2013 be approved.

30. FINANCIAL REPORT – OUTTURN PROJECTION BASED ON PERFORMANCE TO JULY 2009 (REPORT C).

The Cabinet considered the Council’s financial performance for the first four months of 2009/2010 and the potential outturn implications on a portfolio and committee basis.

Members noted that improved income and 'one off' government grants had helped to provide an additional £385,000 in the current year. However it was important to maintain the improvements to meet the Council's target of £4m of savings required by the end of 2012.

The Finance and Efficiency Portfolio Holder said the Council was still aiming to achieve the anticipated improvement in savings agreed by the Cabinet in July. He confirmed that the additional income of £385,000 was mainly as a result of 'one off' issues and it was important to continue with the Council's agreed Savings and Efficiency Programme.

RESOLVED:

That the revised outturn forecasts and their potential impact on the Authority's revenue and capital budgets together with the detailed budget variations, both as set out in Report C to the Cabinet, be noted.

CHAIRMAN

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