

4 NOVEMBER 2009

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held at Appletree Court, Lyndhurst on Wednesday, 4 November 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 F Carpenter
Ms L C Ford
C J Harrison
P E Hickman
Mrs M E Lewis
Sqn Ldr B M F Pemberton
L R Puttock

Councillors:

Mrs A Rostand
Mrs B Smith
Mrs S I Snowden
A J Swain
D B Tipp
R A Wappet
P R Woods

Also In Attendance:

Mrs P White, Housing Policy and Report Focus Group Representative.

The Chairman welcomed Mr Colin Clayton and Mr Tom Rutter to the meeting as observers. They would attend in future, as required, as Housing Policy and Report Focus Group Representatives.

The Cabinet also sent their best wishes for a speedy recovery to Mrs Wendy Celea, Housing Policy and Report Focus Group Representative who was recovering from a recent operation.

Officers Attending:

D Yates, R Jackson, J Mascal, Ms J Bateman and Miss G O'Rourke and for part of the meeting G Ashworth, S Cook, C Elliott and Miss D Staples.

39. MINUTES.

RESOLVED:

That the minutes of the meeting held on 7 October 2009, having been circulated, be signed by the Chairman as a correct record.

40. DECLARATIONS OF INTEREST.

Cllrs Heron, Mrs Holding and Rickman declared interests in Minute no. 42.

41. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

42. NEW FOREST NATIONAL PARK MANAGEMENT PLAN CONSULTATION DRAFT (REPORT A).

Cllrs Heron, Mrs Holding and Rickman declared personal interests as members of the New Forest National Park Authority. They did not consider their interests to be prejudicial. They remained at the meeting and voted.

The Cabinet considered a response to the consultation on the revised draft of the New Forest National Park (NFNP) Management Plan.

The Planning and Transportation Portfolio Holder said that the substantially revised NFNP Management Plan was very much supported. The Plan now gave much more recognition of the social and economic interests of the people living within the NFNP. It also clearly recognised that there was a need to actively work with other authorities and partners in order to deliver the aims of the Plan.

RESOLVED:

That the New Forest National Park Authority be informed that New Forest District Council:

- (i) welcomes the consultation on the revised draft New Forest National Park Management Plan;
- (ii) is pleased to see that the Council's comments on the previous draft have been taken on board in revising the draft Management Plan;
- (iii) supports the approach of the revised draft Management Plan;
- (iv) draws the NFNPA's attention to the detailed comment in Appendix 2 to Report A to the Cabinet;
- (v) looks forward to working with the New Forest National Park Authority in implementing the strategic objectives set out in the Management Plan through the detailed measures; and

- (vi) hopes that the Council's concerns will also have been resolved in the forthcoming NFNPA's revised draft "Core Strategy and Development Control policies" document, and looks forward to being consulted on that document.

43. PORT OF SOUTHAMPTON MASTER PLAN 2009 – CONSULTATION PAPER (REPORT B).

The Cabinet considered a response to a draft Port of Southampton Master Plan published by Associated British Ports (ABP). Master Plans are non statutory documents and are not subject to public examination. They provided an opportunity for port operating companies to outline their vision and future requirements for ports in their ownership and to clarify individual port's own strategic planning for the medium and long term.

The Planning and Transportation Portfolio Holder said that the draft response to the Master Plan clearly explained the Council's position. The previous proposals by ABP to develop a container port at Dibden Bay were rejected in 2004 following a major public inquiry. Since then the New Forest National Park Authority had been fully established. Their views on the Master Plan now complemented the Council's draft response and added strength to the environmental concerns. The Portfolio Holder also pointed out that ABP had formally objected to the Council's Core Strategy as it had not included a port allocation. At public inquiry this objection was dismissed and this further confirmed there should be no port development at Dibden Bay.

Members noted that the Government were about to publish a National Ports Policy, and that ABP's Master Plan was being drawn up in advance of this. A further report would be made to Cabinet with comments on that policy document in due course. It was not yet clear whether that policy document would be site specific. Strategic issues such as ports would now be considered by a newly formed Infrastructure Planning Commission and whilst the Council would still be a consultee they would not have a direct regulatory role.

RESOLVED:

- (a) That, in response to the draft Port Master Plan, Associated British Ports (ABP) be informed:-
 - (i) That an objection is raised to the master plan based upon the impacts that port development at Dibden Bay would have upon national/international nature conservation designations and its failure to fulfil the requirements of the 'Imperative Reasons of Overriding Public Interest' test;
 - (ii) That an objection is made to the use of the demand forecasts based upon optimistic assumptions in the Port of Southampton Master Plan. Further work needs to be done to assess the realism of the forecasts particularly in the context of the current global economic downturn and other issues relating to world trade and transport costs. It is also essential that the Port Master Plan maximises the productivity of the existing port;

- (iii) That an objection is raised to the master plan for failing to provide the full context with regards to the regional policies that affect the port of Southampton. This is directly relevant to Dibden Bay. The final version of the master plan should make clear reference to policies NRM5, NRM8 and C1 in the South East Plan;
 - (iv) That an objection is raised to the references to the local policy framework including paragraph 4.64 of the master plan. It is contrary to policies in the Council's adopted Core Strategy. Policy DW-C3 of the Local Plan ceased to have any effect when the Core Strategy was adopted by Council on the 26 October 2009. Policy EC6 of the Structure Plan ceased to have any effect when the South East Plan was adopted on the 9 May 2009. Paragraph 4.51 of the master plan as is outlined in paragraph 3.9 of Report B to the Cabinet acknowledges that the South East Plan has replaced the Hampshire Structure Plan Review. Paragraph 4.64 of the master plan should reflect the current local policy framework by referring to the New Forest District Core Strategy Development Plan Document (DPD). All references to policy EC6 in the Structure Plan and DW-C3 of the Local Plan are now outdated and should not be included;
 - (v) That the Council does not make any detailed comments on the other environmental issues identified at this stage apart from some general comments including comments on the issues of 'Landscape impact on the National Park' which was a major consideration at the 2001/02 inquiry and on 'Impact on Local Communities';
 - (vi) That an objection is raised to proposals in the master plan for port development at Dibden Bay on the basis of landscape impact including on the New Forest National Park;
 - (vii) That an objection is raised to the inclusion of proposals for port development at Dibden Bay on the basis of the impact that the development would have upon the amenity of local people including transport impacts, noise disturbance and visual impact; and
 - (viii) That the Council objects to the use of land designated for employment uses within the Waterside area of the District being used for subsidiary activities such as transport depots, open storage, warehouses or distribution depots. Such uses would be contrary to the aims of the Council's Core Strategy, Economic Strategy and Sustainable Community Strategy
- (b) That, in response to the draft Port Master Plan, the Government be informed:-
- (i) That a copy of all of the above recommendations be sent to the relevant government departments; and
 - (ii) That the current national policy framework in relation to ports fails to set out a strategic position in relation to the Port of Southampton. Any reference implicitly or explicitly to Dibden Bay in the national policy statement on ports should take proper account of the internationally important nature conservation designations that affect the site.

44. POOLE & CHRISTCHURCH BAYS DRAFT SHORELINE MANAGEMENT PLAN (REPORT C).

The Cabinet considered the draft Poole and Christchurch Bays Shoreline Management Plan (SMP) for publication for public consultation.

The Environment Portfolio Holder thanked officers and Cllr Mrs Carpenter, the member representative on the SMP forum, for their hard work in the production of the draft SMP. He encouraged all interested parties to fully engage with the forthcoming public consultation.

Members noted that the SMP had been produced with a view to establishing the best proposals for the future taking into account all of the constraints and resource implications. It was felt that the proposals represented the most practical way forward and the public should be reassured that everything that the Council was realistically able to do to slow down coastal erosion would be done.

In response to a question relating to the need to look at costings of alternative means of minimising any future loss of property, the Chairman reminded members that the Council was not the lead authority on the development of this SMP and that the Plan would need to develop further before any such work was possible.

The Environment Portfolio Holder acknowledged that surface water was a particular problem in this area of the coast and that, even if sea defences were in place, the cliff would erode behind them. The potential costs of dealing with this problem were immense and could not be considered without considerable Government funding. The SMP was prepared in line with Government guidance and once complete, the Government would apply their criteria for allocating funding. In the meantime the Council would continue to lobby for additional resources.

RESOLVED:

- (a) That the draft proposed Shoreline Management Plan policies as detailed in Report C to the Cabinet be approved in principle for public consultation;
- (b) That the Environment Portfolio Holder be delegated authority to make any subsequent changes required to the draft Shoreline Management Plan policies prior to public consultation;
- (c) That, if appropriate, officers make representation to the Environment Agency to request that the compensatory habitat requirements identified in the Appropriate Assessment be secured and delivered through the Regional Habitat Creation Programme; and
- (d) That, following public consultation, the final Shoreline Management Plan be presented to Cabinet and Council for adoption.

45. FINANCIAL MONITORING – OUTTURN PROJECTION BASED ON PERFORMANCE TO SEPTEMBER 2009 (REPORT D).

The Cabinet considered the Council's financial performance for the first six months of 2009/10 and the potential outturn implications on a Portfolio and Committee basis.

The Finance and Efficiency Portfolio Holder was pleased to report that to date in the current year net expenditure had reduced by £406,000. It was noted that the changes to the Capital Programme were mainly as a result of re-phasing.

RESOLVED:

- (a) That the revised outturn forecasts and their potential impact on the Council's revenue and capital budgets as set out in Report D to the Cabinet be noted; and
- (b) That the detailed variations as detailed in Report D be noted.

46. MEDIUM TERM FINANCIAL PLAN 2009-2013 (REPORT E).

The Cabinet considered an update to the Council's Medium Term Financial Plan 2009 – 2013.

Members noted that, in the current economic recession, the Council's levels of income had reduced significantly. The income from fees and charges was £1m less than for 2008/09 and interest earnings had also reduced by £1m. In response, the Council had agreed a way forward through a savings and efficiency plan. A review of the Health and Leisure centres had resulted in over £400,000 of staff efficiency savings. The Leisure, Culture and Youth Matters Portfolio Holder thanked all employees within the service for achieving this saving.

Income from Fees and Charges was a key element of the budget. In order to make the process more flexible and less bureaucratic the Cabinet recommended that the Council's Financial Regulations be amended to allow annual 'in year' changes to be made to Fees and Charges and for such decisions to be made formally by Portfolio Holders, subject to:-

- Decisions being taken in accordance with the Council's agreed budget strategy and plans; and
- Appropriate consultation taking place with user groups and other affected parties, consistent with current good practice. This would include Review Panels where consideration is being given to increases above the agreed budget strategy.

The Environment Portfolio Holder reported that replacing 'yellow fleet' vehicles was now considerably more expensive and on occasions yellow vehicles were not readily available. He had therefore agreed that in future, replacement vehicles would be white. White vehicles were always available and there was a potential saving of up to £10,000 per annum.

The Finance and Efficiency Portfolio Holder said that the actions taken by the Council to deliver an annual balanced budget in 2009/10 had been achieved giving a better starting position for next year. However, for the coming years, significant further savings would be required in order to achieve a balanced budget.

RECOMMENDED:

That Financial Regulations be amended with immediate effect to allow annual 'in year' changes to be made to Fees and Charges and for such decisions to be made formally by portfolio holders as detailed in the guidance in paragraph 4.3 of Report E to the Cabinet which proposes that such decisions be subject to:-

- ***them being taken in accordance with the Council's agreed budget strategy and plans; and***
- ***appropriate consultation taking place with user groups and other affected parties, consistent with current good practice. This would include Review Panels where consideration is being given to increases above the agreed budget strategy.***

RESOLVED:

- (a) That the financial context of the Medium Term Financial Plan which guides the delivery of the Council's aims and supports the development of the Portfolio Plans to be considered by Review Panels be approved; and
- (b) That the Council's ongoing development of a Savings and Efficiency Plan to support the identified funding shortfalls in future years be approved.

CHAIRMAN