

9 NOVEMBER 2000

NEW FOREST DISTRICT COUNCIL

Minutes of a Special meeting of the New Forest District Council held at the Waterside Theatre, Esso (Fawley) Recreation Club, Long Lane, Holbury on Thursday, 9 November 2000.

p Cllr A W Rice TD - Chairman
p Cllr Miss P A Drake - Vice-Chairman

Councillors:

p Mrs S M Abernethy
p K F Ault
e K E Austin
p E R Bowring
p F J Bright
p Mrs D M Brooks
p D S Burdle
e W R Catt
p J E Coles
p D E Cracknell
p P H Cummings
e B D Dash
J J Dawson
p W H Dow
p T J Droogleever
e L T Dunsdon
p B C Earwicker
p M H G Fidler
p R L Frampton
p Ms C F Gradidge
e P C Greenfield
e R C H Hale
e L E Harris
e F R Harrison
p S A Hayes
p J D Heron
p Mrs M D Holding
p Mrs A M Howe

Councillors:

e J M Hoy
p Mrs M Humber BA
p J A G Hutchins JP
p M J Kendal
p M C Kidman
e G N D Locock
p Mrs B M Maynard
p Mrs M McLean
e G K Richardson
e B Rickman
p Mrs M J Robinson
e B Rule
e T M Russell
e D N Scott
e M J Shand
p S A Shepherd
p Mrs B Smith
p Mrs L P Snashall
p G Spikins
e M H Thierry
p D B Tipp
e J Waddington
p M S Wade
e S S Wade
e Mrs D Wood
p C A Wise
p P R Woods
p Mrs P A Wyeth

Officers Attending:

D Yates, Ms E Malcolm, Miss J Debnam, Miss G O'Rourke, S Trueick, D Atwill and J Ward.

41. SPECIAL PLANNING DEVELOPMENT CONTROL COMMITTEE.

The Chairman of the Committee presented the report of the special meeting which had been held earlier during the day, 9 November 2000.

On the motion that the report be received:-

Cllr I P Brooks disclosed a non-pecuniary interest in the subject matter of this item and having left the meeting took no part in the consideration or voting.

Cllr Kendall disclosed a non-pecuniary interest in the subject matter of this item and having left the meeting took no part in the consideration or voting.

Cllr M S Wade disclosed a non-pecuniary interest in the subject matter of this item but did not consider that such interest was clear or substantial and remained in the meeting to speak and to vote.

Members noted that a number of other Members had disclosed interests in this subject and had not attended the meeting. These included Cllrs Dash, Harris, Harrison, Richardson and Waddington.

RESOLVED:

That subject to the deletion of the words 'low density' from sub-paragraph ii on page 3 of the report:

- (a) In view of the substantial list of concerns identified in the preliminary consideration of Associated British Port's development proposals for Dibden Bay, this Council registers its objection to the proposed development;
- (b) The initial list of areas of concern, as contained within Appendix 1 to these minutes, with the addition of "impact on existing businesses" to section 3.16 on economic impact, be sent to the Department of the Environment, Transport and The Regions;
- (c) The Secretary of State for the Environment, Transport and The Regions, be formally requested by this Council to "call in" Planning Applications Ref.: 70243 and 70255 which relate to the Dibden Bay development, for his consideration in conjunction with the other aspects of the port development proposals;
- (d) Officers continue to assess the development proposals in detail and to report to members further as appropriate;
- (e) That Hampshire County Council be informed of this resolution; and
- (f) That all Parish Councils within the District and the Hampshire Association of Local Councils be informed of this resolution.

Action: On (a), (b),(c) and (e) Simon Trueick, (d) Dibden Bay Officers Group and (f) Jan Debnam

CHAIRMAN

Attachment: Minute 41 - Appendix 1

**PORT DEVELOPMENT PROPOSALS AT DIBDEN BAY AS SUBMITTED BY
ASSOCIATED BRITISH PORTS ON 2ND OCTOBER 2000.
INITIAL RESPONSE OF NEW FOREST DISTRICT COUNCIL.**

1 GENERAL

- 1.1 This response represents the initial comments of New Forest District Council on the proposals by Associated British Ports for port development at Dibden Bay, and submitted on October 2nd 2000.
- 1.2 The Council's response covers a range of issues relating to the port development submitted under the Harbour Revision Order and Transport & Works Act Order, upon which the 42-day consultation period depends. The response also covers notices served as part of the Harbour Revision Order in respect of Compulsory Purchase, Exchange Land Certificates, and Stopping Up Orders for Public Footpaths. Comments on these latter consents are set out in a separate section of this response, but are also linked to the Council's preliminary consideration of the proposals.
- 1.3 This response does not cover issues relating specifically to the two planning applications submitted to the Council on 2nd October 2000. You will be aware that the Council has a minimum of 16 weeks in which to determine these applications. The Council's response does however include a formal request that the Secretary of State for the Environment, Transport and the Regions calls in these two planning applications for determination alongside the other main elements of the development proposals.

2 THE COUNCIL'S POSITION

- 2.1 The sheer volume of information submitted with the applications has made it impossible for the Council to provide a full, detailed assessment of the proposals within such a short timescale. Accordingly, this response sets out an initial list of the Council's concerns which have been identified following the preliminary consideration undertaken thus far. It is anticipated that these will form the basis for a continuing, detailed assessment which the Council will continue to undertake. The Council would welcome the advice of the Department as to how such a more detailed assessment might be made available at a later stage.
- 2.2 The general reaction of this Council to the proposals as submitted is one of concern across a very broad range of areas ranging from the need case being made for the development, to its impacts on nature conservation habitats, the New Forest, and local communities.
- 2.3 **In view of the scale and range of concerns, this Council formally objects to the development proposals.**

3 AREAS OF CONCERN IDENTIFIED BY NEW FOREST DISTRICT COUNCIL

- 3.1 This section of the response sets out, in brief, the areas of concern which have been identified by New Forest District Council following its preliminary consideration of the development proposals. The concerns are grouped into specific topic areas.
- 3.2 The Council considered its response at meetings of the Planning Development Control Committee and Council on 9th November. A copy of the Committee report and resolution is appended to this response in order to provide context and background to the concerns expressed. The report also provides the formal Council resolution to make comments.
- 3.3 Generally, the Council has considerable concern regarding the description of the port development, as set out in both the Order and Environmental Statement. In order for the Environmental Statement to properly assess the main environmental effects of the proposed development, there needs to be an adequate description of the proposed development. There must also be a means of ensuring that the development is carried out in accordance with the proposals that have been assessed during the decision making process. Both the Harbour Revision Order and the Environmental Statement (paragraph 4.5) raise significant concerns in this regard.
- 3.4 The Council is therefore concerned that the Orders and supporting documents do not appear to provide an adequate way of assessing the proposals, nor that they provide any certainty that the development described in the applications, represents that which will actually be built. This is considered a wholly unacceptable situation.
- 3.5 The Council is also concerned at the process undertaken by the applicants in respect of the Appropriate Assessment required under the Conservation (Natural Habitats &c.) Regulations. This concern is expressed in more detail in paragraph 3.9 of this response.
- 3.6 The Council's initial areas of concern are as follows:

THE NEED CASE AND THE BUSINESS CASE FOR THE DEVELOPMENT

- 3.7 The Council is concerned about both the depth and scope of the applicant's case for need for the development. The Council wishes to examine in more detail the following concerns:

- a) The need for the development in terms of the national and regional economy;
- b) The potential use of alternative sites to meet the needs that have been identified, including the potential for more intensive use of land and resources within the existing port of Southampton;
- c) How the development of Dibden Bay will impact upon the long-term future use of the existing port of Southampton.
- d) The overall costing and business case made for the development.
- e) That the case made overrides the damage/destruction/adverse impact upon sites of national and international nature conservation value;
- f) That the case made overrides the adverse impacts on the New Forest and on local communities.

IMPACT ON THE STRATEGIC GAP

- 3.8 The Council is concerned at the impact of the development upon the designated Strategic Gap between Hythe and Marchwood, and wishes to examine in detail the significance of this issue in relation to the need case being made for the development and the range of impacts associated with it.

LANDSCAPE IMPACTS

- 3.9 The Council's preliminary consideration of the landscape impacts of the development proposals has highlighted several areas of potential impact. The Council has concerns in the following areas which it wishes to examine in more detail:

- a) Impacts on the New Forest Character Area
- b) Impacts on the New Forest Heritage Area and proposed National Park.
- c) Impacts on the coastal landscape.
- d) Impacts on the landscape setting of the City of Southampton.
- e) Landscape impacts associated with the Hythe-Marchwood Strategic Gap.
- f) Impact on other coastal settlements.
- g) Impact of lighting.
- h) Impacts on landscape associated with road and rail proposals; and
- i) Impacts associated with construction.

IMPACT ON NATURE CONSERVATION DESIGNATIONS

- 3.10 The Council's preliminary consideration of the impacts on the various nature conservation designations likely to be affected by the development can be related to the following areas:

- a) Habitat loss and creation;
- b) Process modelling;
- c) Mitigation and compensation.

- 3.11 The Council's concerns are sufficiently fundamental however as to require a much more detailed analysis of all aspects of the submissions.

- 3.12 As a competent authority under the Conservation (Natural Habitats &c.) Regulations 1994, ABP has undertaken an appropriate assessment of the development proposals. ABP has concluded that the proposals would not adversely affect the integrity of any European nature conservation

designations, taking into account the manner of development proposed including proposed mitigation and compensation measures.

- 3.13 The Council is concerned about the way in which that ABP has carried out the appropriate assessment, and that the assessment is not in accordance with English Nature advice. The implications of this are extremely important and this matter will need further consideration, including taking specialist legal advice.

TRANSPORT IMPACTS

- 3.14 This Council's preliminary consideration of the development proposals has raised concerns regarding the impacts of road and rail traffic, the road and rail infrastructure proposed, and the relationship between traffic forecasts and mitigation and infrastructure proposed.
- 3.15 The Council wishes to examine the following areas of concern in more detail:
- a) The methodology of prediction of road and rail traffic forecasts;
 - b) The impact of the predicted road and traffic on the A326 road in terms of the capacity and safety of the road, the impact on local communities along the A326, and the potential impacts on the road network within New Forest District beyond the A326;
 - c) The impact of the predicted rail traffic on the Fawley Branch railway line in terms of the capacity of the line, and of its junction with the main lines at Totton; the impact on local communities along the line; the impact on Totton of capacity impacts at Junction Road level crossing;
 - d) The appropriateness, acceptability and impact of road and rail infrastructure proposals, and other transport mitigation measures proposed as part of the development.

ECONOMIC IMPACTS

- 3.16 The Council has made a preliminary consideration of the Economic and Employment Impact Assessment submitted as part of the development proposals. The information provided has raised the following areas of concern which the Council wishes to investigate in more detail:
- a) The estimates made of direct employment;
 - b) The value of the indirect and induced employment multipliers;
 - c) Direct construction estimates;
 - d) Indirect and induced employment supported through construction activity;
 - e) Net employment impacts;
 - f) Local regeneration impacts;
 - g) Sourcing of local workers;
 - h) Linkages to other port activities and marine industries, and its significance to the future of these industries;
 - i) The relationship to other transport and logistics industries.

POLLUTION IMPACTS GENERALLY AND ON LOCAL COMMUNITIES

- 3.17 The Council has considered the development proposals against a wide range of possible impacts in terms of pollution and its impacts on local communities, which has raised a range of concerns. These are divided into the two distinct phases of operation and construction.
- 3.18 In terms of the operational phase, the following areas of concern will need to be assessed in more detail:
- a) Surface Water Drainage – an assessment of the impact of the proposals on the process of controlling pollution discharges to Southampton Water.
 - b) Contaminated Land – an assessment of land contamination on the site and the potential impacts of any contamination.
 - c) Air Pollution – an assessment potential discharges associated with the development as part of the Council's air quality review and assessment.
 - d) Noise – an assessment of noise levels associated with the development and associated infrastructure on the amenities of local communities.
 - e) Light Pollution – an assessment of lighting levels associated with the development and associated infrastructure on the amenities of local communities.
 - f) Dust - an assessment of dust emissions associated with the development and associated infrastructure on the amenities of local communities.
 - g) Fisheries – an assessment of the impacts of the development, including dredging activity, on fisheries.
- 3.19 In terms of the construction phase of the development, the following areas of concern will need to be assessed in more detail:
- a) Noise – an assessment of noise levels associated with construction of the development and associated infrastructure on the amenities of local communities.

- b) Air Pollution – an assessment potential discharges associated with the construction of the development and associated infrastructure as part of the Council's air quality review and assessment.
- c) Light – an assessment of lighting levels associated with construction of the development and associated infrastructure on the amenities of local communities.
- d) Dust – an assessment of dust emissions associated with construction of the development and associated infrastructure on the amenities of local communities.
- e) Construction Materials – an examination of the traffic, noise, dust and visual amenity impacts associated with the transport and use of aggregates and other construction materials.
- f) Oil Pollution – an assessment of the risk of oil pollution associated with increased shipping movements.
- g) Recharge Material – an assessment of the chemical composition of the material to be used for the recharge, along with any waste arisings.
- h) Chemical Contamination – an assessment of the potential of the development to remobilise chemical contamination in to the water column.

3.20 The Southampton and South West Hampshire Health Authority is preparing a health impact assessment of the Dibden Bay development proposals. The Council will wish to carefully examine its conclusions when published.

LAND DRAINAGE IMPACTS

3.21 The Council's preliminary consideration of the development proposals has raised a number of concerns in respect of land drainage issues. These can be summarised as follows:

- a) Impacts on existing watercourses;
- b) Effect on groundwater levels;
- c) Long term maintenance provision for off site works;
- d) Risk minimisation of flooding and water pollution;
- e) Impacts on tidal flooding;
- f) Effects on other Riparian owners.

3.22 Once again the Council wishes to examine these areas of concern in more detail.

RECREATION, TOURISM AND LEISURE IMPACTS

3.23 The Council's preliminary consideration of the development proposals has given rise to an extensive list of concerns regarding impacts on recreation, tourism and leisure in the locality of the site and surrounding area. These areas of concern can be summarised as:

- a) Impact on the recreation potential of the Strategic Gap;
- b) Impact on the local footpath network;
- c) Landscape impacts in relation to the viability of the local leisure industry;
- d) Impacts on Hythe Marina Bund as an area of open space, including the adequacy of the replacement area proposed;
- e) Impacts on the local tourist industry, and tourism potential of the area;
- f) Impacts on marine recreation;
- g) General concerns regarding the methodology used to assess recreation and tourism impacts.

RELATED DEVELOPMENT PRESSURES

- 3.24 The Council is concerned that development of a container port of this size may give rise to development pressures associated with port related businesses such as container repair/storage, warehousing, and transportation and wishing to locate in close proximity to the port. The application submissions provide very little information regarding the scale and location of such ancillary development, nor any assessment of the likely need for land for such uses.
- 3.25 Policies in the New Forest District Local Plan would impose restrictions on the possible location of such development close to the Dibden Bay site. In view of this, the Council will wish to fully examine this issue further.

SAFEGUARDING ZONES AND PUBLIC SAFETY

- 3.26 Parts of the development site fall within defined hazard safeguarding zones associated with the Military Port and the NATO base at Hythe. The Council wishes to examine the impacts of the development on these hazard zones, in consultation with the Ministry of Defence and other bodies, to assess implications for public safety.
- 3.27 The development site also lies within the area defined by the Civil Aviation Authority in relation to Southampton Airport where consultation is required regarding structures over 90 metres in height. The Council wishes to examine the implications of crane heights, and any other relevant issues, in consultation with the CAA, to assess implications for public safety.

LOCAL PLAN POLICY

- 3.28 The Council will also wish to continue to examine the development in the context of all relevant local plan policies. The relationship with these policies will form the basis for a full, detailed assessment of the proposals.

4 RESPONSE TO OTHER RELATED CONSENTS

- 4.1 The Council has formally been served with notices, as part of the Harbour Revision Order, of applications for compulsory purchase powers, of a statement in Support of an Application for an Exchange Land Certificate, and of notices for the proposed temporary stopping up of footpaths.
- 4.2 The Council does not consider that it can make individual comments on these matters in the absence of a fully detailed assessment of the overall development proposals. In the light of the extensive list of concerns expressed in respect of the development proposals, the Council considers that it must raise a formal objection to these individual applications at this stage.

5 RESPONSE IN RESPECT OF THE PLANNING APPLICATIONS

- 5.1 As stated in paragraph 1.3 above, this response does not relate to the two planning applications submitted to the Council. The Council is considering the applications, but considers it essential that these applications are examined in association with the other aspects of the development proposals.
- 5.2 Accordingly the Council formally requests that the Secretary of State calls in the two planning applications for determination in conjunction with his consideration of the other elements of the development proposals.

6 CONCLUSION

- 6.1 **New Forest District Council has undertaken a preliminary consideration of the Dibden Bay port development proposals, which has identified wide ranging concerns. The Council will continue to work towards a full assessment of the proposals, but at this stage, wishes to state its formal objection to the development proposed.**