

21 JULY 2008

## NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 21 July 2008.

- p Cllr P R Woods - Chairman
- p Cllr L R Puttock - Vice-Chairman

### Councillors:

- p G C Beck
- p D A Britton
- p Mrs D M Brooks
- p Mrs F Carpenter
- p Mrs J L Cleary
- p G F Dart
- p S P Davies
- p W H Dow
- e L T Dunsdon
- e Ms L C Ford
- p H F Forse
- e P C Greenfield
- p C J Harrison
- p D Harrison
- p E J Heron
- p J D Heron
- e P E Hickman
- p Mrs A J Hoare
- p Mrs M D Holding
- p J A G Hutchins
- p Mrs P Jackman
- p M J Kendal
- p C Lagdon
- p Mrs M E Lewis
- e Mrs K J Lord
- e Mrs P J Lovelace
- e B D Lucas
- e Mrs A E McEvoy
- p Mrs M McLean

### Councillors:

- p G J Parkes
- e Sqn Ldr B M F Pemberton
- e J Penwarden
- p M P Reid
- p A W Rice
- p B Rickman
- p W S Rippon-Swaine
- p Mrs M J Robinson
- p Mrs A M Rostand
- p D J Russell
- p R F Scrivens
- p Lt Col M J Shand
- p A E J Shotter
- p Mrs B Smith
- p Mrs S I Snowden
- p A J Swain
- e M H Thierry
- p A R Tinsley
- p D B Tipp
- p C R Treleaven
- p F P Vickers
- p M S Wade
- p S S Wade
- p R A Wappet
- p J G Ward
- p A Weeks
- e Dr M N Whitehead
- p C A Wise
- p Mrs P A Wyeth

### Officers Attending:

D Yates, B Jackson, J Mascall, D Atwill, Mrs R Rutins and Ms M Stephens, and for part of the meeting, C Elliott.

## 9. DECLARATIONS OF INTEREST.

Cllr Mrs Robinson in Minute No.12.

Cllrs Beck, Davies, Hutchins, Mrs McLean, Parkes, Rice, Mrs Robinson, Mrs Snowden, Ward, M Wade and Woods in Minute No 13 - item 5 of the report of the Cabinet dated 4 June.

Cllrs M Wade, S Wade and Mrs Wyeth in Minute No.14.

**10. MINUTES.**

**RESOLVED:**

That the minutes of the meetings held on 21 April and 19 May 2008, having been circulated, be signed by the Chairman as correct records.

**11. CHAIRMAN'S ANNOUNCEMENTS.**

The Chairman welcomed Cllr J Heron to his first meeting of the Council following his election on 19 June.

The Chairman presented former Chairman's consort Mrs Dow with a bouquet of flowers and gifts in recognition of her help and support to the former Chairman during his term of office.

Former Chairman Cllr Dow presented Oakhaven Hospice and Hampshire Air Ambulance Trust both with a cheque of approximately £2,000 each from monies raised during his term of office.

The Chairman informed members of his activities since he took office two months ago. The Chairman had performed 30 civic duties in this time, ranging from attending various annual general meetings in the New Forest to visiting other authorities in Hampshire for charity events and other social occasions. These had enabled both the Chairman and his consort to meet other Chairmen and Mayors. The Chairman announced that the highlight of this period had been the honour to attend Buckingham Palace Garden party.

The Chairman had attended the PRO AM Golf Tournament organized by the Council at Dibden Golf Centre and in support of the Chairman's charities. Forty-five teams of four people competed over the day. The Chairman thanked officers for all their hard work in organizing this event, in particular Sharon Plumridge who had led her team of officers and staff at Dibden in an exemplary manner. The hard work of staff reflected well on the authority and the Chairman congratulated all those involved.

The Chairman thanked the Vice-Chairman for his support in carrying out civic duties on his behalf. He also thanked the Communications Team for their support and hard work.

The Chairman reminded members that the Veterans Day would take place this Sunday, 27 July at Appletree Court and welcomed members' support at this event.

**12. PETITION – FERRIES PROPOSED FOR LYMINGTON.**

Cllr Mrs Robinson declared a personal interest in this item as a close friend worked for Wightlink. She did not consider this interest to be prejudicial and she remained in the meeting for the discussion and voting.

Mr Stephen Akester spoke in support of the petition, submitted by the Lymington River Association, containing approximately 2,250 signatures.

Mr Akester said that the petition had arisen from the strong public dissatisfaction over the proposal by Wightlink to operate larger ferries on Lymington River and the detrimental effects that these would cause.

Mr Akester said that the application for shoreside works at the Lymington ferry terminal had been defined by Natural England as enabling the introduction of much larger vessels for the ferry service with the potential to cause further increases in the current rates of erosion of saltmarsh and mudflats. Both habitats were features of the Special Protection Areas which the Council had a duty to protect.

Natural England had recommended that the shore-works requested be linked to the proposed introduction of the much larger ferries in a plan or project and recommended that it become a relevant project under the Harbour Works (Environmental Assessment) Regulations for a full Environmental Impact Assessment (EIA) of all effects. The large support for the petition demonstrated public support for this recommendation.

A ferry service was needed for West Wight and Lymington that would contribute to the future management of the Lymington River environment and the traffic management of the town, as well as allow all users access to the amenity of the river. Mr Akester said that it remained to be seen if the developers' current proposals would pass the EIA test.

In summary Mr Akester said that the Appropriate Assessment which the Council had requested was an assessment based on existing information of incremental damage above that already being caused by the existing ferries to the intertidal mudflats and sea grass, and did not consider the additional effects for which the requested EIA was required.

Doctor McKenzie from the Lymington Society addressed the Council on its support for the petition. The Lymington Society was strongly in favour of an EIA. It was felt that the increase in traffic from ferry users would cause congestion on the roads in and around Lymington. There was also concern at the detrimental impact on the river bed. The Lymington Society suggested that the Council request that Hampshire County Council undertake a traffic assessment in the area.

In view of the urgency of the matter the Chairman of the Council agreed that the Council should consider the petition at their meeting that evening.

The Planning and Transportation Portfolio Holder informed the Council that members and officers had considered the issue very carefully. It involved complex areas of environmental law and the Council had taken the advice of a leading barrister. The Council had accepted this advice and had informed local residents and amenity societies of the position.

In essence, there was no requirement for an Environmental Impact Assessment for this project. The Council could only require such an Assessment where specific criteria laid down in the Regulations were satisfied. In this case the area of the works to the Lymington jetty did not exceed one hectare and the works themselves would not be in the Site of Special Scientific Importance. For these reasons the criteria for requiring an Environmental Impact Assessment were not fulfilled. Whilst the Council understood the concerns of some residents of Lymington about the overall effects of the operation of larger ferries, the Council did not have the power to require a full EIA.

On the other hand, the Council was carrying out an Appropriate Assessment of the project under Regulation 62 of the Conservation (Natural Habitats) Regulations 1994. This was different legislation which was only concerned with the impact of the development on the integrity of the adjacent European designated sites of nature conservation importance. This assessment would be presented to the Planning Development Control Committee in due course for their decision on the impact of the development.

The Portfolio Holder concluded that, even though the Council sympathised with the aims of the petitioners, the need for an Environmental Impact Assessment must be decided as a matter of legal judgment. The Council had had clear legal advice that an Environmental Impact Assessment was not required for this project. The results of the on-going Appropriate Assessment of the impact of the proposed ferries on the ecology of the Lymington River would be available to members and the public in due course.

Using his discretion under Standing Order 47.1, the Chairman invited Chris Elliott, Head of Planning, to explain the Council's position on this matter.

The Head of Planning explained that this was a complex issue and therefore legal advice on the matter had been sought. In respect of the EIA the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 did not provide the Council with the power to judge the impact of developments. As previously clarified by the Portfolio Holder the proposed alteration of the harbour was less than one hectare and therefore the site did not meet the criteria required for an EIA.

An Appropriate Assessment was however required under the Natural Habitats Regulations and Wightlink had submitted an application to meet this requirement. The Assessment would include a review into the effects on Lymington River and the salt marshes. Once the content of the Assessment had been discussed with key partners, it would be discussed at the Planning Development Control Committee. Members of the public would be able to make representations at this meeting before any decision was taken.

The Leader of the Council proposed the following motion:

That the Council thanks the Lymington River Association for the work undertaken on behalf of the community in bringing the petition before the relevant authorities but, in view of the clear legal advice in relation to the Council's powers in this respect, the Council

- (1) considers that it cannot require the EIA requested by the petitioners;  
and
- (2) cannot effectively refer the petition elsewhere;

but will continue to progress the Appropriate Assessment into the ecological effects of the new ferries on the Lymington River.

The motion was seconded.

A member expressed the view that Wightlink should be approached to be persuaded to carry out an EIA, even though one was not required.

Upon a vote it was

**RESOLVED:**

That the Council thanks the Lymington River Association for the work undertaken on behalf of the community in bringing the petition before the relevant authorities but, in view of the clear legal advice in relation to the Council's powers in this respect, the Council

(1) considers that it cannot require the EIA requested by the petitioners; and

(2) cannot effectively refer the petition elsewhere;

but will continue to progress the Appropriate Assessment into the ecological effects of the new ferries on the Lymington River.

**13. REPORTS OF CABINET.**

Cllrs Beck, Davies, Hutchins, Mrs McLean, Parkes, Rice, Mrs Robinson, Mrs Snowden, Ward, M Wade and Woods declared personal interests as members of New Milton Town Council or Hythe and Dibden Parish Council in item 5 of the Cabinet report dated 4 June 2008. They did not consider their interests to be prejudicial and they remained in the meeting for consideration of this item.

The Leader of the Council, as Chairman of the Cabinet, presented the reports of the Cabinet dated 7 May, 4 June and 7 July 2008.

On the motion that the reports be received and the recommendations be adopted, it was

**RESOLVED:**

That the reports be received and recommendations adopted.

**14. REPORT OF GENERAL PURPOSES AND LICENSING COMMITTEE.**

Cllrs M S Wade, S S Wade and Mrs Wyeth declared personal and prejudicial interests in item 1 of the report as family members worked for the authority. They withdrew from the meeting for the consideration of this item.

Cllr Puttock, Chairman of the General Purposes and Licensing Committee, presented the report of the meeting held on 21 July 2008.

On the motion that the report be received, and the recommendation adopted, it was

**RESOLVED:**

That the report be received and the recommendation adopted.

**15. REPORT OF NFDC/TVBC COMMERCIAL SERVICES JOINT COMMITTEE.**

Cllr E Heron, Vice-Chairman of the Joint Committee, presented the report of the meeting held on 17 June 2008.

On the motion that the report be received, it was

**RESOLVED:**

That the report be received.

**16. PLANNING DEVELOPMENT CONTROL COMMITTEE.**

Cllr Mrs Wyeth, Chairman of the Planning Development Control Committee, presented the report of the meeting held on 9 July 2008.

On the motion that the report be received, and the recommendation adopted, it was

**RESOLVED:**

That the report be received and the recommendation adopted.

**17. REPORT OF STANDARDS COMMITTEE.**

Cllr Hutchins, Vice-Chairman of the Standards Committee, presented the report of the meeting held on 30 May 2008.

On the motion that the report be received, and the recommendations adopted, it was

**RESOLVED:**

That the report be received and the recommendations adopted.

**18. QUESTIONS.**

In accordance with Standing Order No. 22, Cllrs Mrs Robinson asked the Leader of the Council the following question:-

“Given the recent and ongoing substantial rises in energy costs, please would the Leader give details of the estimated extra expenditure for all Council services on fuel for the financial year 08/09, and inform the Council how this will be funded now, and in the foreseeable future?”

The Leader of the Council responded that the Council’s major spend on fuel was incurred by the commercial fleet of vehicles. The latest financial information had identified that, at current prices, expenditure would exceed the £556,000 approved budget by £90,000. In addition, the use of oil products in the production of black refuse sacks had resulted in an increased budget requirement of £12,000. As part of the Council’s Green Audit, the theme ‘The Way We Operate Our Vehicles’ would seek to reduce the environmental impact of the fleet through reduced business mileage and improved fuel efficiency. In the longer term this would help to minimise the

impact of the current and any future fuel price increases. Clearly there might be further direct consequences of the fuel price increases, such as mileage allowances, but these were not likely to have any material impact on the budgets and should be covered within services' overall budget provisions. In addition, there might also be other indirect consequences, such as reduced car park income if people reduced car travel, or reduced income to services such as leisure if people altered their spending priorities but it was still too early in the year to assess whether there had been or would be any significant impact.

For 2008/09 the Council had secured fixed gas and electricity tariffs until September 2009 and this allowed savings to be included in the year's budget. However, as the rates negotiated were very competitive it was anticipated that there might be an increase in amounts payable from September 2009 onwards. This might require additional budget provision next year but until contracts were re-negotiated at expiry the impact could not be quantified.

The Council's 2008/09 financial position would be monitored on an ongoing basis and there would inevitably be a number of budget variations identified during the year. This was normal budget monitoring practice which the Cabinet undertook on a regular basis. The Council's good financial standing would enable this issue to be managed this year without impacting on services. Future year implications would be considered as part of the annual budget process.

Cllr Mrs Robinson asked as a supplementary question whether the Leader shared the concerns of people on fixed incomes at the increased fuel and living costs and whether the Council was able to provide any assistance. She asked also whether any provisions were being made in the Green Audit to put fuel efficient processes in place.

The Leader of the Council responded that the Cabinet was very concerned at how the fuel increase and turbulent economic climate would impact on residents. The Cabinet would be asked to consider a proposal for additional financial provision for grants to charities to be administered by the Leisure, Culture and Youth Matters Portfolio Holder. Additional provision for support to Council tenants to be administered by the Housing Portfolio Holder was also proposed.

The Green Audit was currently examining the issue of energy consumption under the auspices of a cross-party project board. A great deal of work was being done and reports would come forward in due course. The Housing Review Panel would also be examining the issue of fuel poverty at its meeting in November.

## **19. NOTICE OF MOTION.**

Cllr Mrs Wyeth moved the following motion standing in her name:

"That this Council urges South Central Strategic Health Authority (SHA) not to proceed with proposals for the introduction of fluoride into the water supplies of the New Forest District.

Residents should be given freedom of choice as to their fluoride intake. Fluoride already appears naturally in water and there are many products available such as fluoride tablets which can be used should individuals be concerned regarding their fluoride levels. Indeed regular brushing with fluoride toothpaste will help with the prevention of tooth decay.

The Council is aware that water fluoridation can help prevent tooth decay in children, however there is evidence to suggest that the addition of this chemical to drinking water can cause side effects. It is understood that the Medical Research Council has recommended that further research be undertaken into the negative outcomes relating to bone health and water fluoridation, as well as other health effects including allergies, effects on fertility and gut problems.

The Council therefore considers that water supplies should not be fluoridated”.

The motion was seconded.

**RESOLVED:**

That under the provisions of Standing Order 41, the motion be referred to the Employment, Health and Wellbeing Review Panel.

**20. PORTFOLIO HOLDERS' QUESTION TIME.**

**Question from:** Cllr D Harrison to Cllr Kendal (Leader of the Council and Policy and Resources Portfolio Holder)

“Would the Leader of the Council agree that the method of collecting household waste in the New Forest district should remain a matter for this Authority, guided by public opinion?”

**Answer:**

The Leader replied that waste collection was a statutory responsibility. The Council would not make any alterations to its procedure without thorough and appropriate consultation with residents.

Cllr Harrison asked as a supplementary question whether the Leader understood that an unelected Senate, of which he (the Leader) was a member, could make decisions that would force a change in the way refuse was collected in the District, in particular the possible use of wheeled collection bins.

The Leader said that the Senate referred to by Cllr Harrison had not yet been formed and was not intended to take autonomy away from individual Councils. It was being set up with the intention of progressing the County-wide Local Area Agreement, and with the intention of saving service providers money. It would comprise representatives of local authorities and also organisations such as the PCT, SEEDA, the armed forces and the voluntary sector. They, like the Councils, would not lose their individual decision-making powers.



With regard to changing the District Council's method of collecting refuse, the Leader said that he was not in favour of wheelie bins. He had given an undertaking that if there was an indication from the public that they wished to change the method of refuse collection, the Council would hold a referendum. He had written to all residents explaining this, and less than 200 responses had been received. Those who had responded were clear that they were happy with the current system. The current system had many advantages, including managing excess waste. If changes were needed because of cost pressures these would be undertaken in a holistic way with minimal disruption to residents.

**21. REPORT OF RETURNING OFFICER – BY-ELECTION FOR RINGWOOD SOUTH WARD – 19 JUNE 2008 (REPORT B).**

**RESOLVED:**

That the report of the Returning Officer on the By-Election for the Ringwood South Ward be noted.

**22. DELEGATIONS OF POWERS TO OFFICERS (REPORT C).**

**RESOLVED:**

That the recommendations set out in Report C to the Council be agreed.

**23. CHANGES TO COMMITTEES AND PANELS.**

**RESOLVED:**

That Cllr J Heron be appointed to serve on the Leisure, Culture and Youth Matters Review Panel in place of Cllr Mrs Rostand.

**24. MEETING DATES FOR THE 2009/10 MUNICIPAL YEAR.**

**RESOLVED:**

That meetings be held on the following Mondays at 6.30 p.m.

18 May 2009 (annual meeting) (already agreed)

29 June 2009 (if necessary)

20 July 2009

14 September 2009

26 October 2009

14 December 2009

22 February 2010

19 April 2010

17 May 2010 (annual meeting)

CHAIRMAN