

18 NOVEMBER 2002

NEW FOREST DISTRICT COUNCIL

Minutes of a meeting of the New Forest District Council held at Appletree Court, Lyndhurst on Monday, 18 November 2002.

- p Cllr J M Hoy - Chairman
- e Cllr J A G Hutchins - Vice-Chairman

Councillors:

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

Councillors:

- p P E Hickman
- p Mrs M D Holding
- p Mrs A M Howe
- p Mrs M Humber BA
- p M J Kendal
- p G N D Locock
- p Mrs B M Maynard
- p Mrs M McLean
- p B M F Pemberton
- e A W Rice TD
- p B Rickman
- p Mrs M J Robinson
- p B Rule
- p T M Russell
- p D N Scott
- p M J Shand
- p S A Shepherd
- e Mrs B Smith
- p N L T Smith
- p Mrs L P Snashall
- e G Spikins
- p M H Thierry
- p D B Tipp
- p M S Wade
- p S S Wade
- p C A Wise
- p P R Woods
- p Mrs P A Wyeth

Officers Attending:

D Yates, C Malyon, Ms J Bateman, M Lowe, N Miller, Ms G O'Rourke, Mrs R Rutins, S Trueick and J Ward.

38. DECLARATIONS OF INTEREST.

Cllrs Brooks, Catt, Coles, Dash, Harrison, Kendal, Pemberton, N Smith and S S Wade declared interests in Minute 39.

39. DIBDEN BAY PORT DEVELOPMENT (REPORT A).

Cllrs Catt, Pemberton and S S Wade declared personal interests in this item. They did not consider their interest to be prejudicial. They remained at the meeting, took part in the discussion and voted.

Cllrs Brooks, Coles, Dash, Harrison, Kendal and N Smith declared interests in this item. They did not consider their interests to be either personal or prejudicial. They remained at the meeting, took part in the discussion and voted.

In accordance with Standing Order 47.1 the Chairman of the Council exercised his discretion to enable the Council to discuss Dibden Bay Port Development (Report A) in Committee mode. He invited the officers to present the report and to answer members' questions.

Members considered a report updating them on the likely range of agreements and conditions which the Council might agree should the Dibden Terminal development go ahead. The report also sought specific authority to sign the relevant agreements and to make specific submissions to the Inquiry Inspectors regarding conditions and restrictions to be imposed in any Orders made by the Secretary of State.

Members noted the background to the negotiation process together with an outline of those agreements which affected the Council and which the Council would be expected to sign up to, should members agree to the principles of the mitigation package outlined.

In particular, members' attention was drawn to the specific areas of landscape and visual impact; noise and vibration; air quality; training initiatives; Hythe Marina Bund and agreements with Hampshire County Council all of which would be covered by specific agreements.

Members commented that the Council's legal team had done an excellent job in representing the Council's position at the enquiry and members specifically thanked Mr Simon Trueick for his work. Members also paid tribute to the quality of evidence that had been produced at the Inquiry particularly by Parish Councils and to the presentations by Cllr N Smith.

Members noted that the decisions before them were in effect a fall back position should the Dibden Terminal development go ahead.

Members then discussed the issues in detail.

Landscape and Visual Impact

Members noted that if the development were to proceed this would leave a large area of land that could not be used for containers. It was noted that the area would be used for aggregates as well and the Council's Barristers were still considering the limits on these.

In response to questions members noted that the landscape works relating to the widening of the Marchwood Bypass and the displacement/replacement of verges and trees would all be elements of the landscape agreement. Future landscape management of the terminal would be covered by on-going strict controls.

In terms of lighting the proposed development, members expressed concern that there should be adequate controls to ensure that lighting on the site was switched off when no work was being undertaken. This would be as important during the construction phase as when the development was complete.

It was reported that currently a revised lighting agreement was being discussed with ABP, although it might be difficult to legally enforce the switching off of operational lighting on ship to shore cranes when not working.

Noise and Vibration

In relation to the construction phase it was noted that piling would only be done between 8.00 a.m. and 5.00 p.m., Monday to Friday and 8.00 a.m. to 1.00 p.m. Saturday. There were regulations in terms of three different decibel levels prescribed for the construction phase and the Council had requested a very low decibel level for night time construction. It would not be reasonable to restrict all of the work all of the time. It was still part of the Council's case that alternative forms of construction other than piling should be used for the Quay wall. It was noted that it was proposed that the corner of the Quay wall nearest Hythe Marina Village would be constructed using a suspended deck method.

ABP had applied for exemptions to the noise limits proposed for the construction of the bund and the creek as they were so close to the noise receptors. There should be prior notice of four weeks for work which involved a decibel exception.

Members expressed concern at the proposed rail barriers at the level crossing in Totton and the potential for vandalism. It was noted that the future maintenance of the rail barriers would be carried out by ABP and that this was contained within an agreement. Some concern was expressed at the noise from the trains themselves and whether the use of a continuous welded rail would reduce the anticipated noise pollution.

It was noted that whilst this issue was still being considered it was doubtful that any agreement could be reached to control the trains.

It was noted that Railtrak wanted to move the noise barriers further away from the track to make maintenance easier. Whilst it was accepted that the structures were visually unattractive they were there to serve a purpose.

Air Quality

Members asked what control there was on air quality and protection from odours during construction. Officers responded that odours could not be controlled by conditions but action could be taken under the Environmental Protection Act and Abatement Notices could be served on ABP if necessary.

Members asked if, in order to reduce traffic movements, ABP could be forced to bring loads in by sea. It was noted that a requirement to source construction material by sea was included within the agreement.

The movement of vehicles within the construction site could be controlled in order to reduce dust from vehicle movements. However, in terms of air quality the increased level of heavy goods vehicles moving in and out of the terminal would not increase the pollutant level in the area to above national standards.

Training Initiatives

It was noted that in terms of the construction of the development there was a specific local skill shortage. There was a history on such development sites of importing workers for the duration of the construction stage only. To provide long term jobs for local people would require significant additional training.

Hythe Marina Bund

A member commented that the previous bund ran parallel with the old marina site and footpath. Currently the footpath was subject to flooding and he enquired what the position would be with the new bund.

It was reported that there was a separate agreement on flooding and drainage with the Environment Agency which aimed to safeguard the water run off.

Hythe/Cadland Re-charge

English Nature had expressed some concern at the re-charge proposal for Hythe/Cadland and it was noted that ABP were to produce another pilot recharge.

Agreements With Hampshire County Council

It was noted that the works to the A326 main road into the proposed site included a further one metre of widening. The road was not as yet proposed to be designated a dual carriageway. It was noted that this was a matter for the County Council to decide.

A member reported that many of the road traffic issues had been considered at the New Forest Transportation Panel. It was estimated that there would be an additional 300-500 heavy goods vehicles per day could mean heavy goods vehicles diverting along the A336 to Netley Marsh, Copythorne and Cadnam.

A member reported that the County Council had put in place a Section 106 Agreement in relation to payments to the Marchwood Consortium. Marchwood Parish Council could trigger the measuring of the traffic volumes which in turn would trigger payments.

In terms of movement of hazardous loads it was noted that prior notification of these had not been sought as part of the agreement. Officers commented that this area may be covered by other regulations and they would investigate the issue.

RESOLVED:

- (a) That officers conclude negotiations on the basis of the heads of terms as set out in Report A to the Council, and make appropriate submissions to the Inquiry as to conditions to be imposed on the relevant Orders and Agreements to be entered into with ABP and other parties; and
- (b) That the Chief Executive and the Head of Legal and Democratic Services in consultation with the Leaders of the political groups who in turn will consult local members, be authorised to agree the detail of legal Agreements set out under the heads of terms above and make any appropriate changes if they consider it necessary and thereafter complete such Agreements on behalf of the Council.

40. CABINET.

The Chairman presented the report of the Cabinet held on 18 November 2002. On the motion that the report be received and the recommendation adopted:-

(a) Senior Management Structure

A member expressed concern that the redundancy proposal for the Director of Environment Services was premature. The Council was facing a number of difficult planning issues including the proposed development at Dibden Bay and proposed National Park status. This was not the appropriate time for such a restructuring and would place a heavy workload on remaining officers. The Chairman responded that the restructuring would provide an opportunity for the Council to work in a more efficient and effective way. Whilst the decision had not been an easy one due consideration had been given to Ms Malcolm's long service and the decision was based on firm financial foundations.

Other members also expressed concern that the restructuring was being undertaken at a time when there were a number of issues in the field of planning facing the Council.

The Chief Executive responded that the restructuring was set against the context of financial constraints. There was a duty to look at every opportunity when restructuring without reducing the levels of services. He commented that this had not been an easy decision but that senior management could not be exempt from restructuring processes. He agreed that there would be additional pressures of work but that this was planned action taken in a specific situation. Whilst there were financial factors involved, the proposals for the new structure were not solely dominated by finance, but took on board the changing demands on senior management.

The Chief Executive said that the restructuring would put the local authority in a strong position for the future and provide an efficient and effective means of responding to customers and partners.

In terms of the speed of the decision the Chief Executive acknowledged that restructuring of senior management did present specific problems and it was important to move as quickly as possible to put information in the public arena to allay any fears or concerns. Whilst there was never a time when planning issues were not important to the Council he believed that on balance this was an appropriate time for this restructuring to take place.

The Chief Executive took the opportunity to commend Ms Malcolm for the excellent work she had undertaken during her time with New Forest District Council. She had always carried out her duties to the highest professional standard. He expressed his thanks to Ms Malcolm and sent her every best wishes for the future.

The Chairman said that there were times in every organisation's history where there appeared to be on-going restructuring. He felt that the proposed new structure for the Council of bringing housing and planning into one directorate; of placing estates and valuation and property services together with asset management and of one directorate being based almost entirely in the Town Hall was a very innovative proposal.

RESOLVED:

That the report be received and the recommendation adopted.

41. APPOINTMENT OF LEADER OF THE COUNCIL.

Cllr Hayes said that he would be resigning as Leader of the Council with effect from the end of the Council meeting and would not be standing for re-election to the Council next year. The Leader thanked the Chief Executive, Chief Officers and employees for their advice and guidance during his term as leader. He particularly thanked Mrs Myra Jones his Personal Assistant for the work she had undertaken for him.

He expressed his thanks to the Cabinet for their support and said that during a time of great change he felt New Forest District Council had done better than many other authorities and this was in no small part due to his colleagues. He said he would leave the Council with mixed feelings but felt that the Council was in an extremely good position to perform well in the future. He wished his successor every success.

Cllr Robinson, the Leader of the Liberal Democrat Group, thanked the Leader for the good working relationship they had enjoyed and for the consideration he had shown to her. She commented that the Cabinet style system had been introduced well and was very inclusive.

It was moved, seconded and

RESOLVED:

That Cllr Kendal be appointed Leader of the Council for the remainder of the municipal year.

42. EXCLUSION OF THE PUBLIC AND THE PRESS.

RESOLVED:

That, under Section 100 (A)(4) of the Local Government Act 1972, the public and the Press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

43. CABINET.

The Chairman presented the confidential report of the Cabinet held on 18 November 2002. On the motion that the report be received and the recommendation adopted it was:-

RESOLVED:

That the detailed arrangements as proposed in Report B (Private) to the Cabinet for the redundancy of the Director of Environment Services.

CHAIRMAN