

NEW FOREST NATIONAL PARK AUTHORITY

MINUTES OF THE MEETING OF THE NEW FOREST NATIONAL PARK AUTHORITY HELD ON THURSDAY 28 MAY 2009 AT 09.30 HOURS IN THE CONFERENCE ROOM, SOUTH EFFORD HOUSE, NEAR LYMINGTON

Present:

Members

Clive Chatters (Chairman)
Barry Rickman (Deputy Chairman)

Lee Dunsdon
Peter Frost
Tony Gentle
Roger Heape
Kathy Heron
Maureen Holding
Ted Johnson
Julian Johnson
Mel Kendal
Clive Maton

Bob Morris
Vicky Myers
John Pemberton (until minute item 85)
Leo Randall
Alan Rice
John Sanger
Stan Wade
Alan Weeks
Pat Wyeth

Officers

Lindsay Cornish	Chief Executive
Kevin Gardner	Monitoring Officer
Martin O'Neill	Director of Information and Visitor Services
Paula Freeland	Head of Environmental Design
David Stone	Head of Member Services
Bryan Wilson	Senior Tree Officer
Sarah Manchester	Countryside Access Officer
Rosalind Alderman	Member Services Officer
Jo Murphy	Member Services Administrator

Also in attendance:

Barbara Beardwell, Deputy Head of Legal Services Hampshire County Council, and Monitoring Officer of the Authority with effect from the close of the meeting
Kevin Stubbs, Consultant

PART I – OPEN TO THE PUBLIC AND PRESS

76. Apologies for absence

76.1 Apologies for absence were received from Jeremy Heron.

77. Declarations of interest

77.1 On advice from the Monitoring Officer, Local Authority members accepted and declared a personal but not prejudicial interest in agenda items which related to their role as County, District or Parish members. Members of New Forest District Council and Hampshire County Council would have a personal but not prejudicial interest in minute items 82 (Chief Executive's Report) and 84 (New Forest Tour Update). Mel Kendal also declared a personal but not prejudicial interest in minute item 83 as the Executive Member for the Environment at Hampshire County Council (including responsibility for transport contributions).

77.2 The Monitoring Officer also advised that any member who had a legal interest in land (or a member of whose family or a close personal associate of whom had a legal interest in such land) within the proposed revised boundaries of the conservation areas to be considered under minute item 85 (Conservation Areas Review – Brockenhurst, Sway Tower, Keyhaven and Ashlett Creek), would have a personal, and possibly prejudicial, interest in that item. Lee Dunsdon declared a personal but not prejudicial interest as a member of Fawley Parish Council and Maureen Holding declared a personal but not prejudicial interest as a member of Brockenhurst Parish Council. Clive Chatters declared a personal but not prejudicial interest in the item as his employer leased an area of intertidal land within the area affected by the conservation area reviews; the value of this land would not be affected by the decision. In addition, Alan Rice declared a personal but not prejudicial interest arising from his involvement with the Lymington-Keyhaven Coastal Area Management Committee.

78. Chairman's announcements

78.1 The Chairman welcomed John Pemberton to his first meeting as a Secretary of State appointed member. He also reminded members that there would be a Part II session to the meeting.

78.2 The Chairman said that it would be the last meeting attended by Lee Dunsdon and Kathy Heron, neither of whom intended to stand for re-election to their appointing Authority, Hampshire County Council; he thanked Kathy and Lee for their contributions to the Authority since its inception.

79. Minutes of meeting on 26 March 2009

79.1 The minutes of the meeting on 26 March 2009 were agreed as a true record.

80. Public Question Time

80.1 Sue Baillie ('One Voice') made a presentment, asking what arrangements the Authority was making to engage with the public on the current revision of the National Park Plan, in addition to the stakeholder working groups and the meetings held with the Parish Councils and for an update on the Parish-hosted meetings. She asked the Authority to confirm that the draft revised Plan would be made available to the public before it was presented to members for approval, and asked for confirmation of the timetable for the remainder of the process and how any delay would impact on the Core Strategy. She also called for a second meeting of the Socio-Economic working group on the grounds that a page of the working papers had been omitted from the discussion.

80.2 The Chairman responded that it was intended that the National Park Plan would be brought to the October Authority meeting for approval, and that the final draft would be made available to the public before that point (when it was circulated with the meeting agenda). He explained that the Authority's chosen route for the remainder of the consultation was through the Parish Councils and stakeholders, and said he felt the consultation process was exemplary when compared with the processes adopted by other local authorities in consulting on their core strategies. He would ask officers to provide a written response on the question regarding the Socio-Economic working group.

81. Appointment of Monitoring Officer

- 81.1 Lindsay Cornish presented the report (Paper NFNPA 296/09), explaining that the services of the Monitoring Officer were provided to the Authority as part of the Service Level Agreement for the provision of legal services to the Authority by Hampshire County Council. Owing to internal structural changes at Hampshire County Council, Kevin Gardner, the Authority's current Monitoring Officer, would be taking on more responsibility at the Council as Head of Legal Services and would not be in a position to continue his role at the Authority. It was recommended that Barbara Beardwell, the Deputy Head of Legal Services at the Council, be appointed as his successor Monitoring Officer with effect from the end of the current meeting. The Chairman and members thanked Kevin Gardner for his input and guidance and congratulated him on his new role at the Council.

Resolved:

That Mrs Barbara Beardwell, Deputy Head of Legal Services for Hampshire County Council, be appointed as Monitoring Officer in accordance with Section 5 of the Local Government and Housing Act 1989, with effect from the end of the meeting, under the terms of the agreement for provision of legal services by Hampshire County Council.

Voting: none voting against

82. Chief Executive's Report

- 82.1 Lindsay Cornish introduced the report (NFNPA 297/09). She reminded members that they would be asked shortly to put forward their preferences for Committee participation and the appointments for representatives to external organisations, to be decided at the Annual meeting in June, as well as nominations for Chairman and Deputy Chairman.
- 82.2 Referring to page 5 of the report, one member asked for a fuller briefing on the archaeological work taking place within the New Forest; this would be actioned by officers.
- 82.3 Members then noted the report.

83. Oral report from Resources and Performance Committee

- 83.1 Roger Heape, Chairman of the Resources and Performance Committee, updated members on items considered at the Committee meeting held on 27 April 2009. Referring to paragraph 57 of the draft minutes of that meeting, which had been circulated to members, he explained that the Authority would roll forward the existing Corporate Plan for the current year, with some amendments to the performance indicators; it would not be expedient to produce a new Corporate Plan before the adoption of the National Park Plan, which was scheduled for October. Roger Heape also congratulated the Income Generation Group on its work to date; the best prospect of achieving significant income was the Visitor Gift Scheme; Bob Morris also congratulated Kathryn Boler on her work with the Group.
- 83.2 Members discussed the item on developer contributions summarised in paragraph 59 of the draft minutes. One member suggested that contributions could be spent on other amenities as well as the provision of open space. In response to a suggestion that the Authority should implement the Hampshire County Council transportation contributions policy as soon as possible, to avoid

development that did not contribute towards traffic management and reduction, Lindsay Cornish agreed to look at this again and report to members but said that she understood a legal challenge had been made to contributions payable under a similar scheme implemented by New Forest District Council, and the Authority was awaiting the results of this to factor into its own considerations. Members then noted the report.

84. New Forest Tour update

84.1 Sarah Manchester introduced the report (NFNPA 298/09), explaining that Blue Star had successfully tendered for the contract and would continue to run the service. The service would be subsidised to a level of £30,000, with the Authority and New Forest District Council each contributing £15,000; this commitment was for the current year only. Members also pointed out that Hampshire County Council had provided the bus. Extensive marketing of the Tour would be co-ordinated through the New Forest Tour Steering Group, which was chaired by the Authority.

84.2 Members highly commended the paper and the Tour. One member expressed concerns about performance monitoring of the Tour to date and asked officers to consider how this could be improved; Lindsay Cornish undertook to send a written response on various points of concern that had been raised. It was also confirmed that revised routes were being considered. One member expressed disappointment that the lack of concessions meant that many people could not go on the bus for free when taking their grand-children out. Members then noted the report.

85. Conservation Area Review – Brockenhurst, Sway Tower, Keyhaven and Ashlett Creek: Character Appraisals and Proposed Changes to Boundaries

85.1 Paula Freeland introduced the report (NFNPA 299/09), explaining that this was the final tranche of the review of existing Conservation Areas to come forward for agreement. The proposed boundary changes had each been subject to a consultation exercise. Members were also asked to approve the Character Appraisals for the areas in question, which provided a detailed description. A conservation area management plan would be progressed for each area following the proposed designations of the revised areas.

85.2 Some concerns were expressed over the designation of the revised Brockenhurst conservation area as it was felt that designation would cause the entrenchment of some of the existing inappropriate development, and moreover could be onerous to local businesses. Officers explained that the purpose of a designation was not to seek to prevent change but to ensure that change was appropriate to the character of the area, which would be beneficial to local businesses in the long term. It was requested that the member's concerns, as noted above, be taken into account in the drafting of the Conservation Areas Management Plan; officers confirmed that this would be a fully consultative process and would involve members and stakeholders.

85.3 In response to questions from members on the proposed boundaries of the Keyhaven conservation area, Kevin Stubbs explained that it was felt to be appropriate to include some of the mud flats and tidal water within the boundary, as they were a key part of the setting for the built development. The most logical approach to incorporating tidal water within the proposed boundary appeared to

be to draw a line between two points on the land and to include the water and mud flats within that area. In response to a further query, Paula Freeland explained that the designation would affect any works that would require planning permission, and would not be likely to impact on general land management and the existing nature conservation designations in that area.

- 85.4 Members were not content to designate the revised boundaries of the Ashlett Creek conservation area as proposed in the report; it was felt that the boundary should encompass more of the intertidal water, consistently with the proposals for the Keyhaven area and the opinion from New Forest District Council summarised at paragraph 5.17 of the report. It was therefore agreed that this would be the subject of a future report to the Authority.

Resolved: That

1. In accordance with the powers contained in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the revised boundaries of the Brockenhurst, Sway Tower and Keyhaven conservation areas be designated as shown on the plans at Annexes 2, 3 and 4 to report NFNPA 299/09 and that notice of the designation be duly given and advertised in accordance with the provisions of Section 70 of the Act; and
2. the character appraisals of Brockenhurst, Sway Tower and Keyhaven conservation areas be adopted and published, including illustrations and maps.

Voting: None voting against (3 abstentions)

86. Public Speaking at Planning Development Control Committee meetings

- 86.1 Kevin Gardner introduced the report (NFNPA 300/09). The paper proposed the adoption of the public speaking procedures for Planning Development Control Committee meetings that were currently being trialled, and in particular the one minute right of reply for objectors and supporters of each application. Kevin Gardner explained that the majority of the members who had responded to a written request for their views had felt the trial was working well and made the process more democratic, but some members did not agree.

- 86.2 The following points were raised during discussion:

- Leo Randall, the Committee's Chairman, emphasised that the reply should not be used as an opportunity to raise new points but was to be used for the clarification of any areas that had already been raised in the debate and presentations and that remained unclear;
- some members felt that the right of reply played into the hands of professionals, lengthened the meetings and did not confer any benefits on the decision making process;
- the option to reply was not always taken up by public speakers;
- the right of reply was sometimes used to make negative comments about officers; and
- a number of members thought that the right of reply made the decision making procedure more democratic, in that any misunderstandings could be

corrected before the decision was taken, and that members of the public valued the right to reply.

- 86.3 It was proposed and seconded that the procedures be amended to give the right of reply to Parish Councils as well, but this proposal was not supported by members. One member expressed concerns that the proposed procedure required a member with a prejudicial interest in an application to share the three minutes allocated for public speakers in support of or against the item, rather than having a full three minutes. Kevin Gardner explained that guidance issued by the Standards Board for England advised that the correct approach was to give such members the same rights as a member of the public, which under this procedure, meant that they would have to share the time if there were others who wished to speak. A correction would be made to the flowchart at Annex 2 to reflect this point.

Resolved: That the public speaking procedure at Annex 1 to report NFNPA 300/09 be adopted for use at meetings of the Planning Development Control Committee on a permanent basis, and to replace the existing procedures in Schedule 3, Part 2 of the Authority's Standing Orders.

Voting: 14:4 (2 abstentions)

87. Report on New Forest Consultative Panel (7 May)

Resolved:

1. That issues of interest at the meeting of the New Forest Consultative Panel on 7 May 2009 be **noted**.
2. That the date of the next Panel meeting on Thursday 2 July 2009 be **noted**.

Voting: None voting against

88. Urgent Items by the Chairman

- 88.1 The Chairman advised that there were no matters of urgency that he intended to raise under this item.

PART II – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPTED INFORMATION MAY BE DISCLOSED

Resolved: That the public be excluded from the meeting during the following item of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information within Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons set out in the report.

The public and press were accordingly requested to leave the meeting.

89. Accommodation update

89.1 The Monitoring Officer reminded members that, in accordance with the Code of Conduct, information disclosed in private session is confidential. Lindsay Cornish then updated members on the position regarding long term accommodation for the Authority. (This is a summary of a minute which contains exempt information).

The developments in the search for accommodation were noted by members.

The meeting closed at 11:57 hours.

SignedDate:.....
(Chairman)