

## RAMSEY TOWN COMMISSIONERS

Minutes brought into public by resolution of the Commission 18 August 2010

[PRIVATE]

A Special Private Meeting of the Ramsey Town Commissioners was held in Town Hall, Parliament Square, Ramsey, on Monday, 9<sup>th</sup> August, 2010, at 7.00 p.m.

**Present:** Cpt. N. H. Malpass, Mesdames, Mrs. E. M. Bruce and Mrs. E. Carlile and Messrs. B. Beattie, K. A. Crowe, K. B. Mayne, R. Radcliffe, L. I. Singer and W. G. Young.

Apologies for absence were received from Mrs. S. P. Beattie, Dr. A. J. Allinson and Mr. G. K. Quayle, and from Hon. Mrs. A. V. Craine, M.H.K.

The following attended the meeting by invitation:

Hon. J. Shimmin, Minister for DEFA  
Dr. Richard Selman, Senior Biodiversity Officer, DEFA.  
Mr. D. Callister, M.L.C., Department of Infrastructure - Harbours.  
Hon. A. R. Bell, M.H.K.  
Cpt. M. Brew, Department of Infrastructure Harbours  
Karen McHarg – DEFA.  
Aline Thomas – DEFA.  
Dr. Fiona Gell – DEFA.  
Mr. David Roberts – Department of Economic Development  
Mr. Ken Milne - Department of Economic Development  
Mrs. V. Quane, Chairman, Lezayre Parish Commissioners  
Mr. C. Blatcher, Ramsey Chamber of Commerce  
Mr. D. Dorricott, Ramsey Chamber of Commerce  
Mr. J. McLoughlin, Dandara  
Mr. J. Coleman, MS&CC  
Mr. M. Shaw, Island Cement / Cemex  
Mr. C. Van Buul – Ramsey Steamship Co. Ltd.  
Mr. T. Kennish – Ramsey Steamship Co. Ltd.  
Mr. J. Richmond – Calric Handling and Lafarge Cement  
Cpt. N. Leece – Mezeron Ltd.  
Mr. D. Bridges – Manx Wildlife Trust  
Mr. T. Cowin – Dalrymple Associates  
Mr. J. Knight – Ramsey Regeneration Committee  
Erica Spencer – Northern Wildlife Group  
Mr. P. Chambers – Harbour User  
Mr. G. Jones, The Works.  
Mr. R. Herdman, Small Boat Owners  
Mr. J. Skinner, Fisherman.  
Mr. T. Bryan-Brown – Manx Fish Producers

The Town Clerk was in attendance.



**(2010/11:124) Ramsey Estuary Area of Special Scientific Interest**

The Chairman welcomed the Minister for Environment, Food and Agriculture, Hon J Shimmin, M.H.K., and DEFA officers to the meeting, and thanked the representatives of organisations with an interest in the designation of the Ramsey Estuary as an ASSI for taking the time to attend.

The Chairman explained that although it was a formal RTC meeting, Standing Orders were being suspended to allow participation by all in attendance. The meeting and the earlier meeting held on the 19th July, 2010, were held in private session as the Commission felt it wished to be more informed about the designation and its impact before entering into open public debate and considering its response to the designation.

The Minister explained that the designation followed an officer review which identified the Ramsey Harbour Estuary as being worthy of designation as an area of special scientific interest. The designation process required consultation, designation was not a “done deal” and the Department would be holding public meetings to explain the proposal and the impacts of it to harbour users. The Minister explained that in simple terms the designation would have no implications for those activities which are to be permitted under a general consent, but that some activities such as dredging would only be permitted under agreed timetables to protect the ecology of the area. Any development proposals for a marina in the Old Harbour would probably present no problems under the designation however a full –blown scheme with water impounding at the Swing Bridge would present difficulties.

Dr Selman outlined a draft consent for the Department of Infrastructure designed to permit continued normal harbour operations, the draft had been issued to harbour users for consultation, once implemented further consents could be sought. Dr Selman advised that the consent covered most of the points raised by the Commission at the earlier meeting, and had been circulated to around 150 boat owners within a consultation bundle.

The draft consent covered:-

- The application of specific weed-killers on launch slips
- Fishing - but restricting organised angling competitions and events
- Dredging within agreed parameters
- Removal of deadwood from the harbour
- Storm water discharges
- Bait digging
- Sea defence emergency works
- Swing Bridge emergency works
- Taking of samples for future harbour works
- Mooring of craft



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The Department has met representatives of Mezeron who had no issues and had confirmed that the consents covered their current needs. A meeting had also been held with Mr G Jones, of the Works [Ramsey Ship Yard], who had a number of development proposals, for which the ASSI would present complicating factors, there exist polluting factors involved with the current operation for which an improvement plan was needed.

The Department had identified the discharge consents in place under the Water Pollution Act the majority of which related to emergency sewer overflows. Further advice is awaited in respect of the swimming pool, the Chairman pointed out that he had approached the pool operators and could advise that discharge occurred into the old Harbour on 2-3 occasions per week. A meeting is yet to be held with the IOM Water and Sewerage Authority, and it is expected that consents will be required for certain land drainage issues, such as the removal of gravels which travel down the Auldyn river.

Mr M Shaw, Cemex, asked why the consultation documents referred to had not been circulated to major harbour users as he had not received any documentation from the Department. The Minister agreed that the documents could be appended to the minutes of the meeting.

Mr D Dorricott asked where the scientific evidence for the designation was, Dr Selman advised that the assessment followed designation guidelines which were not publically available. Mr Dorricott stated that the Ramsey Estuary was not a scarce habitat; there are many other similar sites within the Solway Firth area, some of which are much more significant, and asked whether any assessment of the importance of the Ramsey Harbour in the context of the Irish Sea area had been undertaken. It was noted that some of these sites already have ASSI designation. Mr Dorricott stated that the Ramsey Harbour may be one of a small number of similar ecological areas on the Island but wasn't that important within the wider geological area within which the Island exists.

The Minister responded by stating that the ecological and scientific considerations were paramount and, noting that the selection criteria had not previously been a publically available document, stated that he would instruct that the selection criteria document be published. The Minister also advised that there was a need to consider the ecological benefits of the designation when a decision to confirm, amend or rescind the designation is made.

Mr L Singer, TC, asked what was actually of importance ecologically within the harbour area, how long had it existed for, and if it had been there for any time why had the designation only been brought forward at this time. Dr Selman advised that the area demonstrated a variety of habitats due to variations in salinity, it was a whole ecosystem, including fish and invertebrates. The Manx Nature and Wildlife Trust Report on Ramsey, undertaken in 1993/4, had identified the upper salt marsh area as having potential for designation. There are only 3 areas of similar habitat on the Island, therefore in the island context the Ramsey Estuary is rare and of importance, the loss of one of these areas would, in Dr Selman's view, have a very negative effect

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on wildlife. In terms of the time the area had existed in its present state this was not known. Mr Singer stated that the harbour area has seen much greater levels of activity in the past, and question therefore why it was seen as justifiable to seek to impose the restriction of designation at this time, how is ecology and economy able to be balanced in such decisions.

The Minister advised that it was necessary to consider the protection of existing habitats, as they are found now, this ensured they could be retained and protected into the future, there are examples of other areas, i.e. the site of the Tesco Store, where important habitat had been lost because the work to identify and recognise such importance had not been undertaken, there is a much greater ecological awareness now than in the past. The legislation prevents political interference but he accepted that there is a need for proportionality to be applied and for both ecology and economic considerations recognised. Dr Selman supported the Ministers statement advising that the designation recognises what exists at the present time, many of the Island's rivers are improving, there are examples of species reappearing – such as lampreys – and it is important to protect what is there now and then to seek improvements.

Mr G Coleman expressed the view that the Ramsey Harbour is not comparable to any other estuary elsewhere – with the exception of the area above the Stone Bridge. Any economic activity resulting from a marina created upriver from the swing bridge would be below the Stone Bridge weir, previous design proposals had shown that the impounded water level would not go above this weir and therefore would have no impact on the salt marsh above the Stone Bridge. He could see an argument for designation of the area above the Stone Bridge but felt that any argument to designate the harbour area was more political than scientific, the harbour below the Stone Bridge had no scientific merit at all.

The Minister reiterated that there are decisions still to be made, but that if the larger marina proposal were to be progressed this would present difficulties under the ASSI as currently under consideration.

Mr Coleman and the Chairman advised that the original estuary was in fact the location of the Mooragh Lake, the harbour as exists was an artificial creation resulting from the redirection of the river. Mr Coleman advised that in his view the mud in the harbour provides no protection for any of the salt marsh all of which exists above the Stone Bridge.

Mrs V. Quane, CLPC, expressed concern that any designation should be taken further up the river and should not impact upon the ability to maintain the river so as to avoid further flood events.

In response to a question by Mr P. Chambers, Dr Selman advised that the harbour bed to some extent supplies foodstuff for fish stock, it was considered part of a whole system and if proposed to be removed from the designation would have to be looked at carefully.

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Mr C. Blatcher asked whether the evidence used to determine the initial designation would be made public, he felt that the townspeople have a right to see this study detail as the decision to implement it has an impact upon the economy and development of the town, he asked that the guidelines, all studies and scientific evidence be presented. The Minister stated that he accepted the need to show the scientific evidence for the designation. Mr Blatcher asked at what point political consideration might overtake the scientific view, the impact of the designation would be to place increased costs on developers and to detract from investment in the Town. The Minister stated that he accepted that a much higher standard of environmental impact assessment would be necessary for development within a designated ASSI, and acknowledged that science and economic considerations do exist.

Minister Bell referred to the reference at the previous meeting to DAFF having been “wrong-footed” in Peel and Douglas, and asked how the Wildlife Division had been permitted to have allowed such; how could Ramsey be reassured that the designation of Ramsey Harbour Estuary wasn’t an overreaction to the previous two misses, and unnecessarily stringent for this reason. The Minister advised that the Wildlife Team was not in place at the time of those applications, the assessment of Ramsey was done on the basis of current science and the present position of the harbour estuary. There is no wish to “do-down” Ramsey and the Department will have to evidence the science applied in respect of the designation.

Mr T Cowin commented that in many respects what makes Ramsey is the harbour, the activity in and development around it, and expressed concern that the designation had the potential of doing irreparable damage to the Town. Mr D Callister MLC advised that he had previously been responsible as a DAFF member for Wildlife, he had viewed the site at that time and felt that Council of Ministers should have made a decision as regards the merits of ecological over economic considerations before the ASSI process had even started.

Mr Young stated that a compromise would be to provide marina facilities in the Old Harbour, that the salt marsh would be affected by any tidal flap and that under no circumstances must the river be impeded.

Mr Blatcher asked why there had been a delay in releasing the results of the marina consultation; this was a factual study and should not be influenced by any other factors. In response Mr Callister, as a member of the DoI, advised that the consultation had received almost 600 responses the majority of which were in favour of the larger marina scheme with water impounded at the Swing Bridge. Mr Callister agreed that the results should be made public and stated that he was intending to raise this with his Minister.

Minister Shimmin pointed out that any scheme of development would have to take cognisance of the risks associated therewith.

Mr Dorricott commented that there are known to be different opinions on the marina proposals but that the current ASSI affects every aspect of the use of the harbour and of the Sulby valley. He asked whether the Town and surrounding environs were really

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ready to have to ask for permission to do those things which have been done unimpeded for many years, he felt the designation would permanently enshrine in legislation the requirement to seek formal approval for any change and that this would discourage any potential investor. There is a critical political argument; the town must not be paralysed by prevarication, every delay will discourage reinvestment and drive business and investment away from the town. Mr Dorricott was supported by the Chairman who stated that he had spoken to a major property owner who had indicated quite clearly that the proposals would result in his withdrawal as an investor in Ramsey.

It was agreed that the results of the marina public consultation should be published, and that any other relevant studies should be made available for the public and all interested parties.

Mr Chambers asked what studies would be put in place to assess the potential future impact of flooding. The Minister responded stating that it was always possible to develop a plan of mitigation against the impact of development. The proposals presently should enable 90% of uses to continue, the remainder could be managed or mitigated against, for instance the present discharge of oil and pollutants from the ship yard which shouldn't be occurring and is already in breach of law, however at present there is no money for a marina.

In response to a question from Mr Blatcher it was confirmed by Dr Selman that any consent granted under the ASSI designation could be withdrawn at any time and without notice. The Minister stated that he recognised the uncertainty that this created and took on board the fact that developers and investors would be most concerned by such uncertainty. He responded to a statement by Mr Singer, that the marina studies appeared to have been a waste of money, by stating that there was no done deal and that any development proposals would be capable of mitigation.

Mr Dorricott raised the question of pollution by anti-fouling. He stated that anti-foul agents were by their nature toxic, used by all vessels, and were anti-environmental although necessary. The Chairman drew attention to modern, but very expensive, self-stripping polymer products, although it was acknowledged that these would be out with the financial capacity of most boat-owners. It was noted that neither Ramsey Steamship nor Mezeron apply anti-fouling within Ramsey Harbour. Mr Young stated that over time 100's of boats had been de-fouled on the grid, there was no problem the tide washed everything out to sea. Mr Skinner noted that fish damaged by pollution, such as occurs when aluminium is released into the river, will have to be disposed of and thereby creating a contaminated waste disposal issue.

Mr Shaw stated that having received no consultation documentation he hoped that the cement importation and silo operations would not be within the 10% of operations adversely affected by the designation. The meeting noted that the Department has not consulted with a number of key harbour users, including Ramsey Steamship, Cemex, the sailing club, and the Minister undertook to arrange such. The Minister responded accepting that there are certain strategic and critical operations for which allowances would have to be made.

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Mr T Bryan-Brown asked whether any assessment had been made of the damage caused by the Peel marina scheme, and whether there are any further ASSI's under consideration upon which no consultation had commenced. The Minister advised there are no other significant proposals for designation at present. Dr Selman advised that there had been no assessment of the impact of the scheme in Peel to date. Mr Bryan-Brown asked whether if the marina proposals for Ramsey were to proceed would such action be against the basic tenets of ASSI's. Dr Selman advised that if the scheme incorporated a gate across the river that would, in his view, have a significant impact. When asked by Mr R. Radcliffe, TC, to indicate what evidence existed to support this view Dr Selman responded that as yet no assessment had been undertaken in this regard.

The Chairman expressed concern that by the stage reached in the process there appeared to a number of significant interested parties who had not been identified by the Department and not had the opportunity to present their view on the proposals.

The Minister stated that it was clear that the Department was clearly trying to catch-up and that the views of all parties did count, there is a need to present the proposals to the wider public to allay the fear of all harbour users and the public generally. Although there are greater implications for the larger marina option the process was not intended to consider the marina implications, the ASSI can provide general consents to enable the majority of current uses to continue, there is recognised a wider issue of its impact on the future of the town.

Mr K. Mayne, TC, expressed the view that if there is no proposal to proceed with a marina within the next 5 years, then why has the Department chosen to proceed with such speed in respect of the designation in the case of Ramsey.

The Chairman asked whether, given the fact that many relevant parties had yet to be consulted, it would be appropriate to extend the consultation period beyond 25<sup>th</sup> October. The Minister agreed that a public meeting should be held, on a date to be agreed in September, any consideration of extending the consultation period would follow such meeting.

The Chairman thanked all present for their attendance.

There being no further business the meeting closed at 8:30 p.m.



Chairman