

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Friday, 21 August 2020
4.00 p.m.

Present:

Councillor	T Anderson (Chair)	
Councillors	C Muspratt T Cottier G Davies K Greaney B Kenny I Williams	H Cameron A Brame C Cooke AER Jones (In place of S Spoor) J Johnson (In place of A Hodson) T Cox (In place of L Rennie)

52 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any items on the agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any items to be considered and, if so, to declare it and state the nature of the whipping arrangement.

The following declarations were made;

Councillor Irene Williams	Personal interest by virtue of her membership of both Cheshire Wildlife Trust and the Royal Society for the Protection of Birds (RSPB).
Councillor Christina Muspratt	Personal interest by virtue of her membership of both Cheshire Wildlife Trust and the Royal Society for the Protection of Birds (RSPB).

53 CALL-IN HOYLAK BEACH MANAGEMENT

The Chair introduced the item of business 'Hoylake Beach Management' considered by the Cabinet Member as a delegated decision made on 13 March 2020, the decision relating thereto having been called-in in accordance with Council Procedure Rule / Standing Order 35. The Chair informed the Committee of how the meeting's business would be conducted and set out the Council's 'call-in' protocol. The Chair also noted that a

petition relating to the management of Hoylake Beach was received on 22nd July 2020 and would be formally submitted to the next Ordinary Council meeting on 19th October 2020.

Explanation of Call-In by the Lead Signatory

The delegated decision made on 13th March 2020 had been called in, with Councillor Andrew Gardner as the lead signatory setting out the reasons for bringing this matter before the Environment Overview & Scrutiny Committee.

The decision was called in on the basis that;

- the decision is ill conceived and ideologically motivated rather than being based on Wirral residents' wishes
- no consultation has taken place with residents
- it breaks a current agreement (The 2010 Hoylake Beach Management Agreement) with a national body who have not consented to such and
- the decision becomes an irreversible, predetermined outcome due to the nature of the beach itself

Councillor Andrew Gardner, as lead signatory, added that Natural England guidance did not prohibit raking of the beach and that the Council should continue to adhere to the aforementioned existing beach management plan until 2021. Councillor Gardner stated that the beach is a dynamic, natural area which has historically been impacted by cycles of sand accretion and, although it is impossible to know what the future will hold, there were immediate issues with drainage and an uncertainty about how stopping current management techniques will impact the area.

Councillor Gardner responded to Members' questions, particularly noting that he did not believe that there was any indication from Natural England that the Council would be prohibited from raking the beach and that he believed that management should continue as before and reassessed in 2021. In response to a Member question, Councillor Gardner advised the Committee that local ward councillors had received a large volume of contact from local residents regarding the management of the beach and, according to a questionnaire sent to residents as part of political campaigning in 2018, the majority of local people were in favour of retaining a sandy beach – a point opposed by a number of Members who questioned the validity and impartiality of the questionnaire.

In response to Member questioning, Councillor Gardner clarified his position that the currently managed beach area was the only amenity space for Hoylake residents and that allowing this part of the beach to become overgrown with saltmarsh and vegetation had a tangible impact on the wellbeing of the local community. In addition, Councillor Gardner reaffirmed that Natural England guidance regarding conservation related only to the 'intertidal' area and that there was no reason why a small proportion of the beach, nearer to the promenade, could not be maintained for recreational use of residents.

The Group Solicitor, at the behest of the Chair, noted that Committee must decide themselves how much weight they would give to a witness statement from Natural England, given that they were unable to question the report author on the statement's content.

Overview and explanation of the decision taken by the relevant Cabinet Member

Councillor Liz Grey, the decision-taker, stated that she wished to develop options based on scientific evidence, expert opinions and consultation with a number of stakeholders. Councillor Grey stated that her decision was not to confirm any future beach management plan but to put in place a comprehensive approach to consulting and engaging with stakeholders and interested parties. Councillor Grey advised Committee that Natural England guidance states that the Council did not require their explicit permission to stop spraying or raking the area, a point confirmed by Council ceasing the use of glyphosate on the beach in 2019. The point was made that sea levels were rising and that coastal communities were at increasing risk of flooding and Councillor Grey advised Committee that the Council should be working with nature to halt this. The decision to stop previous beach management was taken in order to allow time for evidence to be collated, and so that the beach could be effectively surveyed. Councillor Grey also made clear as part of her statement that the Natural England guidance covered the whole beach and not just the intertidal or supratidal area, and as the local authority, the Council have a duty to protect the nationally designated areas and the ecosystem there.

Councillor Grey responded to Members' questions:

A Member of the Committee requested further information on the establishment of the 'Coastal Advisory Group' and noted concerns that this group all shared similar views on how the beach should be managed and mirrored those of Councillor Grey. Councillor Grey responded to confirm that she had no previously held views on Hoylake Beach and wanted to inform herself by bringing together a group of scientific experts and local practitioners.

In response to questioning, Councillor Grey reaffirmed her commitment to delivering the Council's Climate Strategy and to ensure the biodiversity crisis was dealt with. She advised Committee that coastal vegetation and saltmarsh plants offered value in terms of carbon storage and could actively contribute to the fight against climate change and the journey towards net zero emissions. Councillor Grey agreed with a Committee concern relating to draining onto the beach from the local area, and assured Members that work around drainage improvements would be incorporated into a wider discussion around flood defence works in Hoylake.

Evidence from call in witnesses

Nicola Verkade, a local business owner and member of the Love Hoylake Group, addressed the group. Ms Verkade set out her concerns relating to the local tourism and leisure sector, stating that Covid-19 has already had an impact on local businesses and that the decision to stop raking Hoylake Beach had exacerbated these commercial issues. Ms Verkade informed

Committee that she operated holiday apartment lettings with views of the beach and has been left devastated by the current neglected state of the beach. In addition, she has received feedback from her visitors from around the world who find it a 'shame' that the previously aesthetically pleasing nature of the beach has been abandoned. Ms Verkade implored the Committee to reach an outcome that did not allow the beach to deteriorate further and continue to put off day-trippers and 'staycationers'. Ms Verkade stated that a clean, regularly raked beach worked for residents, visitors, businesses and the environment, and that the beach was an identity that people associate with Hoylake. Following Member questioning, Ms Verkade also confirmed to Committee that she had previously tried to open up debate with the decision-taker but she felt as though the strength of feeling locally had been disregarded.

Charles Warren, representative of Friends of Hoylake and West Kirby Beaches, addressed Committee to state that he wishes to see the flat, sandy beach at Hoylake conserved. He advised Committee that the increase in spartina grass on the beach markedly reduced the number of wading birds and that the growing grasses threatened their habitat. Mr Warren argued that encouraging a saltmarsh did not conserve current wildlife and raised concerns that there was no guarantee that sand dunes would be established if current management processes were to cease, as these can take hundreds of years to form – with an unattractive salt marsh similar to Parkgate more likely to be created at Hoylake. Mr Warren also had concerns about the lack of consultation with local stakeholders so far, and advised Committee that, having undertaken a huge amount of informal information gathering in the locality, most residents seem to back the conservation of a sandy beach.

David Gilbertson, local resident and member of the Love Hoylake Group, advised Committee that he witnesses distress in the local area around beach maintenance on a regular basis. Mr Gilbertson stated that the beach has become an eyesore and a health hazard and that local residents were frustrated with the lack of action in returning the beach to its prior state. In response to a Member question, Mr Gilbertson stated that he had not received any requests to engage with the decision-taker and, despite asking for meetings with Councillor Grey, he was disappointed by the lack of consultation.

Evidence from decision-taker's witnesses

Dr Alan Jemmett, Director of Merseyside Environmental Advisory Service and Hoylake resident, addressed Committee in support of the decision taken by Councillor Grey and confirmed that Merseyside Environmental Advisory Service were the Council's environment advisors on a variety of issues. Dr Jemmett stated that the upper beach had become 'higher and drier' but that the dynamic of the area by its nature changes over time. In response to previous queries regarding the location of the intertidal and supratidal areas on Hoylake beach, Dr Jemmett advised that beach levels do change drastically and it is difficult to precisely define where differing tidal zones were at any one point in time, particularly as there were periods of sand accretion and erosion along the Liverpool Bay which needed to be looked at over a

longer period of time. In addition, he stated that by not currently raking, the Council was moving towards being able to identify a more representative baseline position. Dr Jemmett stated that rising beach levels had pros and cons, with higher sand levels helping to support natural flood defences whilst also creating sand management issues – with both of these points having to be assessed and built into any approach taken by the Council. Dr Jemmett advised Committee that he believed it was necessary for an holistic approach to be agreed in relation the coastline in this area, and that beach management should be adjusted based on evidence – with the local community engaged with properly. Dr Jemmett also stated that he believed it possible to make space for nature as well as an amenity beach and there was an opportunity for the Council and stakeholders to work together to find a longer-term solution.

Dr David Parker, Chair of the Dee Estuary Conservation Group began his address by reminding the Committee that Wirral Borough Council had a key statutory role to play in conserving biodiversity, and that all parties must acknowledge the climate emergency declaration made by Council on 15th July 2020. Dr Parker stated that there is a strong need for an integrated approach to the management of the beach and that in order to achieve this, he believes that the Cabinet Members recommendation to pause current management techniques was the best way forward. Dr Parker also advised that the development of a sustainable plan for Hoylake beach would take time, and that it was important to note that coastal processes in the direct area were different to those in the estuary at Parkgate. In response to a Member question, Dr Parker advised suspending management works for approximately 2-3 years in order to gauge the impact of saltmarsh plants and dune vegetation on the accretion of sand.

Judy Ugonna, local resident, advised the Committee that she was a regular user of the beach and enjoyed its natural assets immensely. Ms Ugonna believed that the Council should study the ecology of the beach so that it can be cared for in a sustainable way and allow wildlife to flourish. Ms Ugonna stated that the beach has a natural changeability and rather than always being a long stretch of golden sand, often has periods of where it appears more polluted with oily patches and vegetation. With climate change and flood risk in mind, Ms Ugonna urged the Committee to take into account scientific studies before making a long-term decision regarding the management of Hoylake Beach.

Rich Addyman, local resident, began his address by apprising the Committee of his experience of this part of the Wirral coastline as a resident living in very close proximity to the beach. Mr Addyman advised Members that drains and roads were often sandblocked, and that he believed by observing the previous maintenance of the beach he had been witnessing a failing strategy. Mr Addyman used the beach twice a day and enjoyed the open sandscape, but believed allowing the beach to vegetate would improve the coastline's natural defence against flooding and help to mitigate against climate issues and rising sea levels.

Councillor Gardner, as Lead Signatory, summed up by stating that he welcomed the debate around the issue. Although fundamentally supporting the long-term research aims, Councillor Gardner asserted that these aims must be satisfied alongside the retention of an amenity beach to continue to act as the only recreational area in Hoylake. Councillor Gardner confirmed that his overall intention is that the Council continues to rake the 'supratidal' zone – an area which is less than 2% of the overall beach acreage. Councillor Gardner stated that there was insufficient evidence to claim that continued management techniques would be a threat to the ecological state of the coast and that the Council's beach management plan and Natural England guidance was clear that there are no direct reasons to cease management in its current form. The feeling of the local community was clear and reflected in a petition received containing thousands of signatories, whereas Councillor Gardner stated that no such petition had been received to request the 'greening' of the beach. Finally, Councillor Gardner requested that Committee should not agree to let the only amenity in Hoylake become unusable.

Councillor Grey, decision-taker, summed up by stating that the strength of feeling on all sides of the debate was clear and that she believed there was a way forward that included all views and that she would undertake comprehensive consultation to achieve this. Councillor Grey stated that the Council and Wirral residents must appreciate the popularity of natural sites and acknowledge that a biodiverse environment can encourage visitors and that ultimately local business could benefit tremendously. Councillor Grey stated that coastal vegetation could work to mitigate flood risk and was more economically viable than built flood defence schemes, fulfilling the Council's duty to protect local people and business against flooding. In addition, Councillor Grey urged Committee to agree to work with nature to protect Wirral and to tackle the current climate emergency.

Councillor Allan Brame remarked that there was widespread agreement that herbicide should not be used, and that raking may not be sufficient beach management if the Council were to continue with that aspect of the beach management plan alone. There was a perception so far that there had been inadequate consultation with local residents and he stated that any way forward must attempt to find a compromise. The argument that the 'beach would do what it wants' undermined the use of a management plan, but there were smaller steps the Council could take to minimise the impact of change, such as agreeing to designate a small proportion of the beach as a 'trial area'.

The Committee agreed that sufficient debate had taken place on the issue and backed an immediate move to put forward and agree a motion(s) to Committee. The Chair stated the options available to Committee in making a decision. As stated in the Council's Constitution the Committee, having considered the evidence and debate may;

- Refer the decision back to the Cabinet Member setting out in writing the nature of its concerns.

- Refer the matter to the Council. Such a referral should only be made where Overview and Scrutiny believes that the decision is outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures set out in those rules must be followed prior to any such referral.
- Uphold the decision - If the Overview and Scrutiny Committee agrees with the initial decision the relevant Senior Officer may implement it without delay.

Councillor Tony Cox moved, and Councillor Mike Collins seconded the following motion:

“The Committee advises the Cabinet Member to rethink this decision and now engage in a true consultation with every Hoylake and Meols resident. The organisation of this consultation to be finalised by officers and in consultation with ward Members.

This is to be treated as a referendum on the future of the beach (sandy, amenity beach) or naturalisation (grass/saltmarsh allowed to grow) and to inform Council on the feeling of local residents.

If the outcome is, as expected, overwhelmingly in favour of having an amenity beach, Council will make all efforts to set aside the SSSI for a reasonable area from the sea wall, in order to provide residents with the amenity provision that they are demanding.”

Councillor Brian Kenny then moved, and Councillor Tony Cottier seconded, the following Motion:

“This Environment Overview and Scrutiny Committee, having considered all the evidence and noting the debate today, agrees to uphold the decision taken by the relevant Cabinet Member in relation to Hoylake Beach management”

The original motion was put and lost (6:8)

The secondary motion was then put to the vote and was carried (8:6).

RESOLVED: That

“This Environment Overview and Scrutiny Committee, having considered all the evidence and noting the debate today, agrees to uphold the decision taken by the relevant Cabinet Member in relation to Hoylake Beach management.