



# Minutes

## Folkestone & Hythe District and Parish Councils' Joint Committee

Held at:	Remote Meeting via Zoom
Date	Thursday, 18 March 2021
Present	Councillors Graham Allison, Frank Hobbs, Mrs Jennifer Hollingsbee, Roger Joyce, Neil Matthews, Terence Mullard, Martin Sweeney and Paul Thomas
Apologies for Absence	Councillors Laszlo Dudas
Officers Present:	Kate Clark (Case Officer - Committee Services), Gavin Edwards (Performance and Improvement Specialist), Ewan Green (Director of Place), Llywelyn Lloyd (Chief Planning Officer), Lorraine Smith (Economic Development Senior Specialist) and Geoff Mills (Committee Services)
Others Present:	None

### 20. **Appointment of chairman**

Proposed by Councillor Hobbs,

**That Councillor Mrs Jenny Hollingsbee be appointed Chairman for the meeting.**

Agreed by all Members.

### 21. **Declarations of interest**

There were no declarations of interest.

### 22. **Minutes**

The minutes of the meeting held on 14 January 2021 were submitted and approved. The Chairman, Councillor Mrs Hollingsbee, agreed that her electronic signature could be added to the minutes.

## 23. High Street Fund

A presentation was given by the Economic Development Senior Specialist which provided members with an update on the High Street Fund.

The Fund was launched in October 2019, and 11 district High Streets; Folkestone, Hythe, Cheriton, Sandgate, New Romney, Dymchurch, Hawkinge, Sellindge, Lydd, Lyminge and Elham, are eligible to apply. Maps of eligible high street areas can be found on the Folkestone Works website: <https://folkestone.works/>.

The objectives of the Fund are to:

- Bring empty high street properties back into commercial use.
- Upgrade and adapt existing properties to improve appearance and street scene.
- Improve townscape.
- Introduce innovative products to support commercial operations.

Grants from £5,000 to £50,000 are available and can be up to 50% of total project costs (capital expenditure) 100% may be considered for special cases. Grants are only issued on the completion of project works.

To date 33 projects have been awarded an HSF grants, and 11 projects have already been successfully delivered. The pandemic has caused delay in the delivery of some projects and therefore it had been decided the scheme should be extended for an additional 12 months meaning it is now due to end in March 2022. Seven new applications had been received and were now being processed.

Members were also given a briefing on the Folkestone Town Centre Place Plan, the key elements of which are:

- To provide a collective vision for the Council, partners, stakeholders, and community.
- To celebrate and build upon the great work and investment to date.
- Recognise the town's inherent strengths and position Folkestone for the future.

Key themes within the Plan included; promoting investment and development opportunities; establishing a civic 'heart' & purpose - "One public estate"; creating public spaces and broader leisure provision for residents and visitors; delivering a shift in transport movements & maximise accessibility; encouraging town centre living as a vital component of a vibrant mixed use with an appropriate evening economy; creating an exemplar in sustainability and reaping the benefits of compact growth; to foster a dynamic/flexible employment environment transitioning away from a solely retail lead economy; promoting future town centre animation, markets, management and maintenance; inform wider review of Licensing Policy; place branding and promotion; identifying the challenges, issues and the potential solutions; consider impacts of national policy; funding opportunities, and developing an Action Plan for Folkestone Town Centre.

Public engagement was a key element to developing the Plan and therefore a webpage was to be launched before the end of March giving details of the Plan and how people can put forward their views. An important part of that will be, a public engagement event taking place on 19 April 2021. Parish Council members were therefore asked to promote the public engagement event in their area, by speaking to local people and putting up publicity posters on their parish noticeboard.

The Plan will be taken forward by a multi-disciplinary team made up of representatives from relevant Council Departments and there would be ongoing monitoring and interventions identified as required.

In answer to a question from Councillor Thomas, on the High Street Fund it was said that the Council recognised that an application to the Fund could possibly cause tensions between a landlord and tenant. Therefore, officers would be willing to help where they could on a case by case basis and were happy for their contact details to be passed to the parties involved.

In answer to a question from Councillor Hobbs, it was said, that there were some 17 applications in the pipe-line but only from areas where there had been previous applications. This meant that there had been no applications received from businesses in Lydd, Hawkinge or Elham.

Councillor Mrs Hollingsbee would send to officers, for their consideration, details of a project to provide disabled access for Sellindge Church.

All Members of the Committee would be sent copies of the High Street Fund publicity poster for distribution within their Parish.

#### **24. River Stour Water Quality - Planning Considerations**

A presentation was given by the Chief Planning Officer which detailed the water quality problems being caused within the Stodmarsh Wetland Nature Reserve. The Stodmarsh water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations, as well as national protection for many parts of the floodplain catchment.

The Chief Planning Officer said, evidence had been found which indicated there were high levels of nitrogen and phosphorus input to this water environment with evidence that these nutrients were causing eutrophication at part of these designated sites. This process made it difficult for aquatic insects, invertebrates, or fish to survive, in turn removing a food source from the food cycle. Natural England had advised the Council that it should avoid the potential for any further deterioration in the water quality of the Stodmarsh European designated

site pending further investigations as to the cause of the eutrophication. That had direct consequences for some new development proposals within parts of Folkestone & Hythe District.

The Chief Planning Officer said, the advice from Natural England covered all areas within the Stour Operational Catchments, to include the Little Stour and Wingham, Lower Stour and Upper Stour sub-catchment areas. Specifically, within the Folkestone and Hythe District, affected parishes included Stelling, Elmstead, Elham, Lyminge, Stowting, Monks Horton, Sellindge, Lympe, Stanford, Postling, Acrise, and Swingfield.

The Chief Planning Officer said possible solutions included on-site waste water works; Land off-setting i.e. taking agricultural land out of active use to reduce the nutrients that wash off the land; Water polishing – reed beds; upgrading the existing Waste Water Treatment Works and management of the Stodmarsh SPA.

The Chief Planning Officer said because of its protected national and international status, the council is under a legal obligation to ensure it does not allow any development within the Stodmarsh SPA which would make the current situation worse. This places the Council under an obligation to assess whether planning applications would lead to a 'likely significant effect'. This could lead to a Habitats Regulations Assessment (HRA) being carried out which would in turn generally include an Appropriate Assessment (AA). Natural England must be consulted on the findings of an HRA and there was a duty for the Council to consider their response. When moving to the appropriate assessment stage, an established principle in case law was that AAs must use the 'precautionary principle'. An appropriate assessment must enable the local planning authority to apply the regulation 63(5) "integrity test" on a "precautionary basis".

The Chief Planning Officer said therefore, for developments within the scope of the NE Advice, the council would need to carry out an HRA to establish the nature and scale of potential impact on the designated sites at Stodmarsh. That would include the need for an AA, which developers would be requested to draft and submit for approval as appropriate, considering the views of Natural England.

The Chief Planning Officer concluded by saying that this was a complex area of planning, and as he currently understood the position, the only way that a new housing scheme (or other affected type of development proposal) could prevent this likely, significant effect is for its submitted AA to demonstrate there to be no increase in nutrients into the Stour River catchment area, i.e., for it to be 'nutrient neutral'.

In response to a question from Councillor Thomas, the Chief Planning Officer said these regulations applied to European protected SPA sites, and Stodmarsh was the only one of these in the Folkestone and Hythe District area.

In answer to a question from Councillor Mullard, the Chief Planning Officer said whilst government was urging more development, sites such as Stodmarsh remained protected. The development at Otterpool would have its own waste water treatment works, with other sites which may be affected having appropriate mitigation measures put in place.

In answer to a question from Councillor Joyce, the Chief Planning Officer said the pumping concerns he had described, were most likely matters for Southern Water. Whereas the restrictions described by the Chief Planning Officer only related to new development.

In answer to a question from Councillor Mrs Hollingsbee, the Chief Planning Officer said the development at Rhodes House, Sellindge was not affected by these restrictions at the time the planning application was approved but he would be looking at possible mitigation measures when dealing with the reserved matters.

Prior to the closure of the meeting the Committee requested Officers to bring forward a report to the next meeting on the Community Infrastructure Levy and Section 106 Agreements.

This page is intentionally left blank

# District & Parish Council Joint Committee Update

18<sup>th</sup> March 2021

# Folkestone & Hythe High Street Fund



## Background

### Objective

- Bring empty high street properties back into commercial use
- Upgrade and adapt existing properties to improve appearance and street scene
- Improve townscape
- Introduce innovative products to support commercial operations

### Launched October 2019

- 11 district High Streets eligible to apply

*Folkestone, Hythe, Cheriton, Sandgate, New Romney, Dymchurch,  
Hawkinge, Sellindge, Lydd, Lyminge, Elham*

- Grants from £5,000 to £50,000
- Up to 50% of total project costs (capital expenditure) but 100% may be considered for special cases. Grants issued on completion of project works

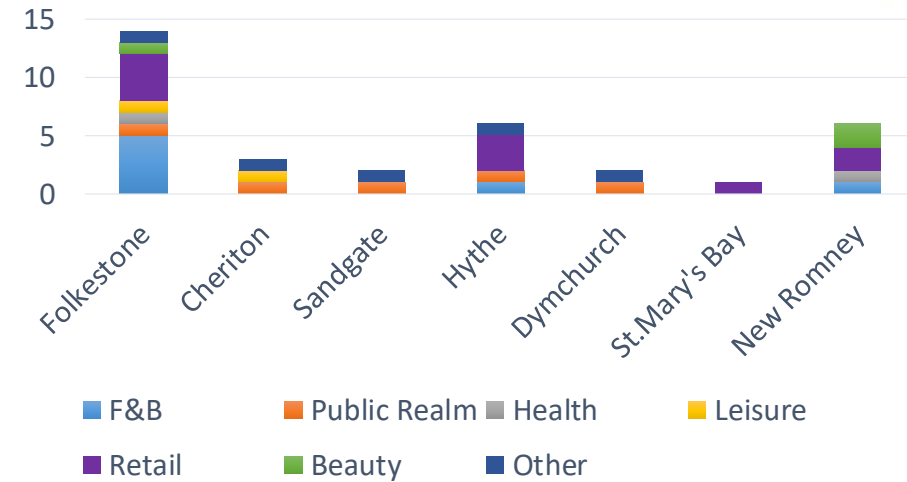


# FHDC High Street Fund External Applications

## Summary

	Agreed				Rejected	Cancelled/With drawn	Pending	New	
	No.	Grant Awards	Total Project Costs	Match Funding levered				No.	Grant sought
Folkestone	14	£282,057	£612,600	£330,543	3	4	1	7	£173,522
Cheriton	2	£11,600	£21,600	£10,000	1				
Sandgate	2	£53,500	£56,000	£2,500				1	£1,918
Hythe	6	£59,743	£296,247	£236,504	2	1	2	4	£48,000
Dymchurch	2	£36,000	£69,216	£33,216					
St Mary's Bay	1	£2,469	£4,938	£2,469					
New Romney	6	£24,891	£69,232	£44,341	7			7	£141,704
<b>TOTAL</b>	<b>33</b>	<b>£470,260</b>	<b>£1,129,833</b>	<b>£659,573</b>	<b>13</b>	<b>5</b>	<b>3</b>	<b>19</b>	<b>£365,144</b>

## Sector Spread – Grants approved



## Status

- **33** projects awarded HSF grants
- **11** projects successfully delivered
- Pandemic has caused delay in delivery
- Scheme extended for additional 12 months to March '22
- **17** new applications received and in process

## Projects delivered

- Renovation of a local Mexican restaurant including facilities for disabled people
- Expanded CCTV programme for Cheriton, Folkestone and Sandgate High Street
- Delivery of a scheme for a marketplace of artisan food producers and additional kitchen capacity
- External shop front works completed for businesses in Folkestone, Hythe and New Romney
- Internal refit in support of better training facilities for local trainees and apprentices within the health and beauty business.
- Delivery of a themed Escape Room in a vacant retail building in support of improving the leisure offer and a local heritage asset.
- Levelling and resurfacing of Parish Council Car Park improving safety for users and visitors to high street
- Martello 24 refurbishment programme, funding for new educational displays and scaled model of the tower as part of the enhancement of visitor experience.

# FTC Place Plan - Brief



- A collective vision for the Council, partners, stakeholders and community
- Celebrating and building upon the great work and investment to date
- Recognise the town's inherent strengths and position Folkestone for the future
- Some of the key themes to cover:
  - Investment/development opportunities - setting an ambition
  - Establishing a civic 'heart' & purpose - "One public estate"
  - Creating great animated public spaces for residents and visitors
  - Create a broader leisure offer 'for all'
  - Deliver a shift in transport movements & maximise accessibility
  - Encourage TC living as a vital component of a vibrant mixed use with an appropriate evening economy
  - Create an exemplar in sustainability and reap the benefits of compact growth
  - Foster a dynamic/flexible employment environment transitioning away from a solely retail lead economy
  - Future town centre animation, markets, management and maintenance
  - Inform wider review of Licensing Policy
  - Place branding and promotion
- Identify the challenges, issues and the potential solutions
- Consider impacts of national policy
- Funding Opportunities
- An **Action Plan** for Folkestone Town Centre



# FTC Place Plan Update



- **Webpage launched** on FHDC corporate website with **generic Place Plan email** to contact us:

<https://www.folkestone-hythe.gov.uk/folkestoneplaceplan>

[placeplan@folkestone-hythe.gov.uk](mailto:placeplan@folkestone-hythe.gov.uk)

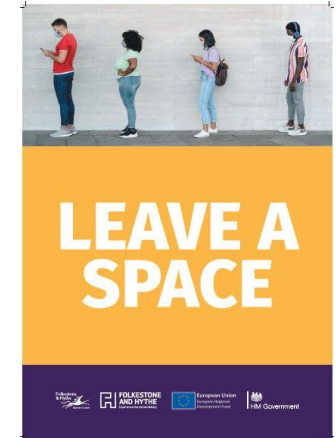
- ***Urban appraisal*** undertaken to inform Place Plan and potential areas of focus
- **Initial engagement** on key themes and issues
- **Public engagement** event on 19 April 2021



# Re-opening High Streets safely - planning

- Multi service area project team including
  - Economic Development
  - Communications
  - Grounds Maintenance
  - Enforcement & Licensing
- Intervention plan underway
  - Reviewed of existing risk assessment
  - 2020 post-lockdown experience
    - Signage
    - Beach and traffic management
    - High St business support
    - Enforcement needs
- Ongoing monitoring
  - Interventions identified as required

Location	Shops	Businesses	Notes
Lydd	10	5	Only 6 shops, with plenty of car space
Lymington	10	5	10 shops, 5 of which have been open for an extended period of time. The additional opening of the shops will be a challenge for the town.
Lydd	14	8	14 businesses, 8 of which have been open for an extended period of time, queuing at Spar and takeaway out of town.
Selridge	2	2	2 businesses, the majority of which have been open. Queuing may appear at takeaways and kindergartens, but not in the town.
Dymchurch	11	11	11 businesses, main concerns relate to larger queues at takeaway outlets during busy sunny days and limited parking spaces.
New Romney	52	52	52 businesses, main concern relates to large queues at takeaway outlets during busy sunny days and limited parking spaces.
Hythe	43	43	43 businesses, busy road with some shops who will be unable to have many queues outside without blocking the road.
Cheriton	44	44	44 businesses with a wide footpath relieving most of the risk. Many shops are walked too or quick stop in a narrow alleyway.
Hythe	40	40	40 businesses, narrow alleyway, long high street current traffic restrictions in place.
Hythe	120	120	120 businesses, District town centre with secondary and primary shopping areas. Includes pedestrianised areas.



# Nutrient Neutrality

Stodmarsh SPA.

# What and where is Stodmarsh



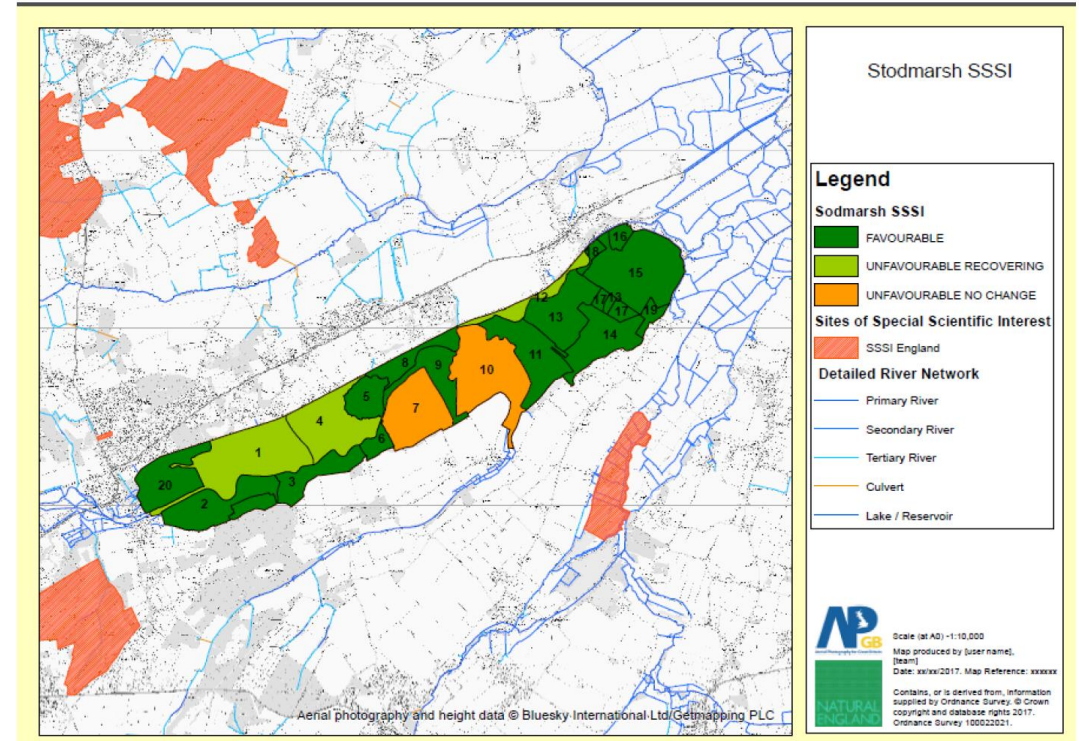
- Stodmarsh is a wetland nature reserve located outside of Canterbury and within the Stour water catchment zones.
- The water environment within the Stour catchment is one of the most important for water dependant wildlife in the United Kingdom.
- The Stodmarsh water environment is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the floodplain catchment



# What is the problem?

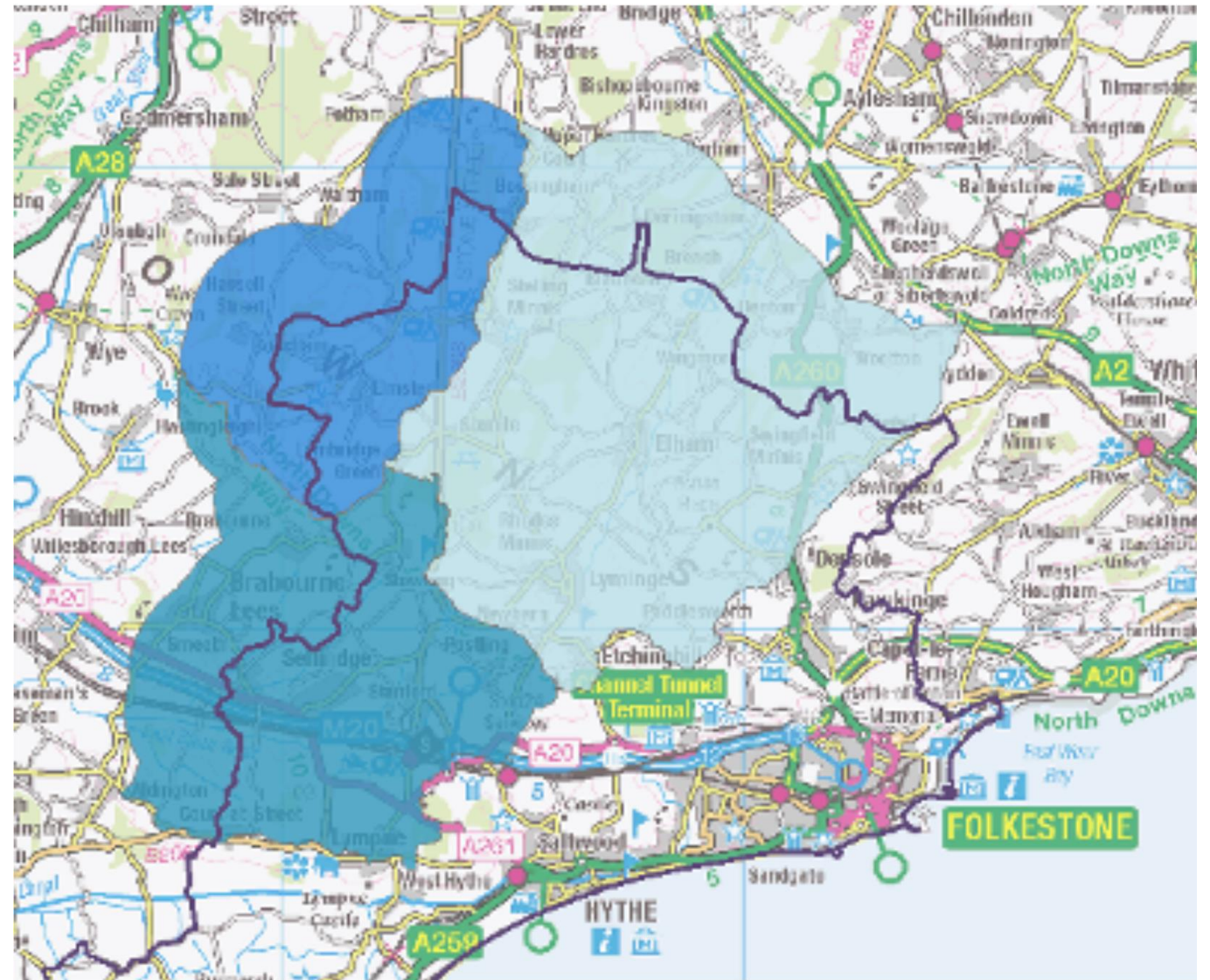
- There are high levels of nitrogen and phosphorus input to this water environment with evidence that these nutrients are causing eutrophication at part of these designated sites.
- This process makes it difficult for aquatic insects, invertebrates or fish to survive, in turn removing a food source from the food cycle.
- These nutrient inputs are currently thought to be caused mostly by
  - wastewater from existing housing
  - agricultural sources
  - Some industry
  - recycling of nutrients within the lake habitats cannot be ruled out.
- Natural England have advised us that we should avoid the potential for any further deterioration in the water quality of the Stodmarsh European designated site pending further investigations as to the cause of the eutrophication. This has direct consequences for some new development proposals within parts of Folkestone & Hythe District.

Figure A1.2 Stodmarsh SSSI unit condition



# How does this affect Folkestone and Hythe

- The NE Advice covers all areas within the Stour Operational Catchments, to include the Little Stour and Wingham, Lower Stour and Upper Stour sub-catchment areas.
- Specifically for our district the northern part of the district is affected as shown
- The Advice lists those wastewater Treatment works (WwTW) to which effluent is drained which are also the subject of the Advice. For Folkestone & Hythe District the implications are limited to Sellindge WWTW only.
- Within the district, development where wastewater would drain to the Sellindge Wastewater treatment works will also be subject to the scope of the Advice, whether the development is within the Stour catchment area or not.
- Where wastewater drains to watercourses or ditches within the catchment this is also affected





# How does this affect Folkestone and Hythe

## Type of Development

- The NE Advice applies to all types of development where a net additional population would be served by a wastewater system.
- In practice, this means proposals for all new residential development where a net increase in homes is proposed; as well as new student accommodation, tourist accommodation or tourist attractions.
- New commercial development that does not involve overnight accommodation will generally be exempt unless they raise other water quality issues but if in doubt please contact us to discuss the specific proposal



# Potential solutions

Not exhaustive:

- On-site Waste Water works
- Land off-setting
  - i.e. taking agricultural land out of active use to reduce the nutrients that wash off the land
- Water polishing – reed beds
- Upgrading of existing Waste Water Treatment Works
- Management of Stodmarsh SPA



# Process for planning applications

- The council can only approve plans or projects if there is no likelihood of a significant effect on any European designated nature conservation site.
- In order to assess whether planning applications would lead to a 'likely significant effect' a Habitats Regulations Assessment (HRA) is carried out. This generally includes an Appropriate Assessment (AA), which is the second, more detailed stage of an HRA.
- Natural England must be consulted on the findings of an HRA and there is a duty to consider their response.
- A potential effect would be considered 'likely' if it cannot be ruled out based on the information available as opposed to it merely being probable or possible. When then moving to the appropriate assessment stage, an established principle in case law is that AAs must use the 'precautionary principle'. An appropriate assessment must enable the local planning authority to apply the regulation 63(5) "integrity test" on a "precautionary basis".
- Therefore, for developments within the scope of the NE Advice, the council will need to carry out a HRA to establish the nature and scale of potential impact on the designated sites at Stodmarsh. This will include the need for an AA, which developers will be requested to draft and submit to us for approval if appropriate, taking into account the views of NE.
- As we currently understands the position, the only way that a new housing scheme (or other affected type of development proposal) could prevent this likely significant effect is for its submitted AA to demonstrate there to be no increase in nutrients into the Stour river catchment area, i.e. for it to be 'nutrient neutral'

# Further information

- <https://folkestone-hythe.gov.uk/planning/habitat-regulations>