



Agenda

Meeting: **Folkestone & Hythe District and Parish Councils' Joint Committee**
Date: **15 July 2021**
Time: **7.00 pm**
Place: **Remote Meeting**

To: **All members of the Folkestone & Hythe District and Parish Councils Joint Committee**

The committee will consider the matters listed below at the date and time shown above. The meeting is open to the press and public and will be streamed live at bit.ly/YouTubeMeetings

Members of the committee who wish to have information on any matter arising on the agenda which is not fully covered in these papers are requested to give notice prior to the meeting to the Chairman or appropriate officer.

1. **Appointment of chairman**

The committee must appoint a parish councillor to chair the meeting.

2. **Chairman's Welcome and Introduction (Pages 3 - 4)**

The Chairman to welcome new members and draw their attention to the attached terms of reference for this committee.

3. **Apologies for absence**

4. **Declarations of interest (Pages 5 - 6)**

Members of the Council should declare any interests which fall under the following categories:

- a) discloseable pecuniary interests (DPI)
- b) other significant interests (OSI)

Queries about the agenda? Need a different format?

Contact Kate Clark – Tel: 01303 853267
Email: committee@folkestone-hythe.gov.uk or download from our website
www.folkestone-hythe.gov.uk

c) voluntary announcements of other interests

5. **Minutes (Pages 7 - 12)**

To receive the minutes of the meeting held on 18 March 2021.

6. **Grounds Maintenance Presentation**

Presentation to look at the environmental initiatives that are undertaken by the team.

7. **The Council Housing Landlord Service**

An update on progress since bringing the service back in house in October 2020 and a look ahead to the future.

8. **Any Other Business**

5. FOLKESTONE AND HYTHE DISTRICT AND PARISH COUNCILS' JOINT COMMITTEE

5.1 Purpose

- a) To discuss and explore ways of the District and town/parish councils working together for the common good of the citizens;
- b) To be one of the ways that the District Council consults town/parish councils on proposals;
- c) To enable town/parish councils to inform the District Council about their proposals and obtain comments;
- d) To be a forum for the exchange of good practice;
- e) To enable questions to be raised about the District Councils policies, in relation to towns/parishes and community issues;
- f) The town/parish councils and the District Council may ask questions about the effect and/or outcome of the decisions taken by the other party but they may not be used by one party to scrutinise or examine the reasons for the other party's decision;
- g) Not to be used for attacks on individuals or organisations.

5.2 Agendas

The Monitoring Officer may reject an agenda item if it:

- a) Is not about a matter which is within the purposes of the joint committee;
- b) Is defamatory, frivolous or offensive; or
- c) Is substantially the same as an item which has been put at a meeting of the joint committee in the past six months and there has been no change in circumstances.

5.3 Composition

5.3.1 Membership:

5.3.1(a) Three members of the District Council (at least one of whom shall be a member of the Cabinet) and eight members of parish/town councils, in the area, nominated by the Kent Association of Local Councils.

5.3.1(b) District Council members are appointed by the Leader of the Council.

5.4 Chairman

The chairman shall be elected at each meeting for that meeting alone. The chairmanship shall alternate between the representatives of the District and parish councils.

5.5 Open meetings

5.5.1 The agenda of the meetings of the joint committee shall be made publically available, unless the Head of Paid Service considers that they disclose confidential or exempt information.

5.5.2 The meetings of the committee shall be open to the public, unless confidential or exempt information will be considered.

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Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

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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, Standford, 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.

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