

## **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.