

Minutes of the “virtual” meeting of the Westbere Parish Council held on TUESDAY 20 October 2020 at 6pm.

Background to this “virtual” meeting:

Regulations enabling town and parish councils to lawfully conduct virtual meetings by video and telephone conferencing until May 2021 have been published. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on 4 April. The legislation allows for virtual meetings if required up to May 2021.

This meeting was held using Zoom as a virtual hosting platform. Agendas were posted on the village noticeboards as usual and also to the parish council's website. This clearly explained that members of the public are still able “attend” a parish council meeting either online or by telephone and included details of the meeting link or phone number and the PIN code for access to enter.

Present: Parish Councillors: Stephen Laws (Vice Chairman and acting Chairman for the meeting), Sylvia Harlow, Maria Morcom, Kathy Wilson and Ian McLean (co-opted at the meeting).
Kent County Councillor Alan Marsh.
Clerk to the Council, Amanda Sparkes.
No residents.

1. Election of Chairman / Chairman for the meeting

Cllr Laws agreed to chair this meeting, although he does not want the permanent role of Chairman. He welcomed everyone to the meeting.

2. Vacancy on the council

Cllr Morcom proposed and Cllr Wilson seconded and all councillors were pleased to co-opt resident Ian McLean to one of the parish council's current vacancies. Cllr McLean signed the Declaration of Acceptance of Office form and showed this to the camera.

The Clerk will complete all the new councillor actions and also speak to Cllr McLean about completing the necessary Declaration of Pecuniary Interests form to return to the monitoring officer at CCC.

The parish council still has one vacancy and after discussion about potential candidates, Cllr McLean offered to speak to two to see if one may be interested.

3. Apologies for absence

Apologies for absence were received from Parish Councillor Karen Williams (annual leave).

4. Declarations of Disclosable Pecuniary Interests

None.

5. Minutes of the last meeting

All councillors agreed that the Minutes of the last meeting held 15 September 2020 were a true record of the meeting. (NOTED that these will be signed by the Chairman of that meeting by post after the meeting.)

6. Chairman's Report and Councillors' Reports

Cllr Laws - Cllr Laws advised that he had nothing to report not covered elsewhere on the agenda.

Cllr Wilson - Cllr Wilson explained in her role as Chair of the village hall committee, that the preschool and the yoga sessions are still using the hall and the floor cleaning after each use is working well.

Cllr Morcom - Cllr Morcom advised that after the last meeting she approached two residents asking if they would water the new tree now ordered for the village green, and they are happy to do so. A 10-12 foot Snow Goose Cherry will be planted as soon as possible. The old one will remain for now, and can still be used for the Christmas lights.

Cllr Morcom advised that the WVPS has planted bulbs on the green which will be lovely.

Cllr Harlow - Cllr Harlow advised she had spoken to the resident championing faster fibre broadband possibilities for the village. Since the flyers were delivered by councillors to all households, the resident has had 35 expressions of interest so far, with a closing date of 31 October 2020.

Cllr Harlow advised that she has cleaned up the book library again and has stored some books at her house as the BT box was overflowing. Puzzles have also been removed and she suggested donating them to the hall committee Treasurer for use as raffle prizes, and this idea was welcomed.

7. Reports from County and City Councillors

KCC Cllr Alan Marsh report

KCC Cllr Marsh gave apologies for not being allowed to join recent parish council meetings. He commented that he had hoped that the pandemic would have been over by now. He has stayed in touch with the Clerk by telephone, and he commented that Westbere Parish Council is so lucky to have her to orchestrate everything going on.

The Clerk confirmed receipt of the £1,250 grant funding from Cllr Marsh, given to mitigate the effects of coronavirus on Westbere residents. She explained that there is an underspend at present of £284.89. She asked if the BT Survey fee of £250 to explore fibre broadband could be allocated to the grant project as slow broadband is directly linked to the recent coronavirus lockdown and ongoing push for residents to work from home where able. Cllr Marsh confirmed he was happy for the fee to be allocated to his funding.

Cllr Marsh explained that he is able to get hand sanitisers and masks to hand over to the Clerk if desired. The Clerk will speak to him about this.

Cllr Marsh gave the following updates:

Sturry 20mph zone

Cllr Marsh reminded Cllrs that this may be used as a lever for a speed reduction from 40mph to 30mph on the A28 from Fairview Gardens to Lakesview Business Park – as an increase from 20 to 40mph is not desirable. He explained that the consultation on the Sturry 20mph zone had ended and not one person objected, so the proposal will not go through the Joint Transportation Board, and final delivery may be 17 January 2021. Then Cllr Marsh would be in a position to access finance in the new financial year for 2021-2022 for the A28 speed reduction proposal.

Sturry Relief Road - KCC/CA/0091/2019 - Construction of part of a new road (A28 Link Road) including viaduct between A28 Sturry Road and A291 Sturry Hill and associated on-line improvements. A28 Sturry Link Road, Sturry, Canterbury.

This application will be determined by Kent County Council's Planning Committee. KCC is to be responsible for the viaduct bridge over the River Stour. CCC is fully supportive of the application and proposal in order for the relief road to mitigate the effects of the two large strategic housing applications CA17/01383/OUT (Sturry) and CA/18/00868/FOS (Broad Oak).

These two housing applications and the KCC link road application are intrinsically linked together.

KCC cannot move on the KCC application until the housing ones are determined.

Cllr Marsh explained that CCC has withdrawn the housing applications from their planning committee twice, and the reports are still not finalised to go to planning committee. There are still issues to resolve, such as problems with Natural England that are not yet reconciled.

Cllr Marsh explained that the proposed viaduct bridge will have three lanes – one lane for buses travelling south and one lane for cars going south, and one for all vehicles including buses going North. He explained he is pushing for a fourth lane to be a dedicated bus lane going North. The Clerk confirmed that Westbere Parish Council supported that view in their response to KCC (in August 2017) in order to future-proof the bridge.

KCC Budget

Cllr Marsh explained that KCC has reviewed its budget and the shortfall for April next year will be between £90m to £150m. He explained he is trying to get investment in Kent and Canterbury Hospital.

8. Adjournment of the meeting

As there were no residents 'present' there was no adjournment of the meeting.

9. Planning

PROWs application and Village Green status application to KCC for the Two Fields site

There is no update on either of these applications at present.

CPRE short guide to the Planning White Paper

RECEIVED the Clerk narrative of the CPRE short guide to the Planning White Paper and the eight major changes within it. This is included as an Appendix to these Minutes.

The Kent Association of Local Councils (KALC) has written a letter to central government on behalf of the sector, in response to the current consultation, which Westbere Parish Council felt was excellent. Westbere Parish Council has nothing further to add to the KALC representation.

Future of the Forums

The Clerk watched the CCC Governance meeting on UTube on 07 October 2020 when this item was discussed. A link to the agenda is at

<https://democracy.canterbury.gov.uk/ieListDocuments.aspx?CId=666&MId=12549>

This meeting can be viewed on UTube at the following link: <https://youtu.be/y8m2UkKmETQ>

There were 3 options:

Option A – Continue as now

Option B – Replace forums with consultation workshops

Option C – Abolish the forums

The meeting started with the election of a Chair for this committee – and Cllr Ben Fitter-Harding was elected.

Matthew Archer, Head of CCC Corporate Governance explained that this item had been tabled at the request of Cllr Fitter-Harding.

This section of the meeting lasted for 1 hour 50 minutes.

There were 13 pre-recorded public speakers – all but one of them asking for Option A - that the Forums be retained and continue as now (one speaker urged Option B). They argued that they were well attended; were valuable; that the informal environment encouraged public speaking, and enabled open informal discussion with residents and parish councils.

Members discussed this item.

The Community Governance Review undertaken in 2018 saw the previous Area Member Panels replaced with the Forums in late 2018.

A Community Governance Review is undertaken every 10-15 years.

An amendment was suggested by Cllr Cornell (Labour) that as the Forums are not currently meeting and there was no suggestion prior to COVID-19 that they weren't working, that the decision should be postponed until March 2021.

Some members felt that the Forums were well attended (the second best attendance after planning meetings), although the Herne Bay forum has been less successful.

The push for this item is to make financial savings. Although there was no detail of costs/cost savings in the report and some members urged for this information prior to a decision that would remove democracy from people, and argued that as forums were not currently taking place there was no cost currently, and that as they had only run for 18 months they had not been effectively tested.

The forums are non-decision making meetings. Some members felt that the public should be urged to speak at decision-making CCC meetings only. And that public engagement can include use of social media and email and walkabouts by ward councillors.

However when the amendment to postpone the decision was put to the vote the motion fell by 4 Cllrs for, and 6 against. (Voting and comments through the meeting was strictly on party political lines; 6 Conservative and 4 Labour or Lib Dem).

The proposal therefore to abolish the Forums was put to the vote and was carried 6/4 – so forums will not resume.

Matthew Archer advised that consultation with parish councils will still take place, but in a different way.

TO NOTE this comment from Cllr Ben Fitter-Harding:

"Removing the Rural Forum need not result in a loss of connectivity with Parish Councils provided a more suitable meeting format is used instead, which is what is proposed. The public rarely, if ever, attend Rural Forum, and it would be my intention to instead have regular meetings between the district and parish councils outside of the full-on 'public meeting' system. I feel that this will help strengthen ties and allow for a more dynamic and productive discourse."

The above decision was to be ratified at the CCC Committee of Council at their meeting on Thursday 15 October 2020 at 4pm. However, this meeting had to be abandoned after 30 minutes due to technical

difficulties where it did not livestream, and is now rescheduled for 22 October 2020. The Clerk will watch this live on UTube and report back.

The Chair of the Canterbury Area of the Kent Association of Local Councils asked to speak at the 15 October meeting about this item, but received the following response from the CCC Head of Governance:

"The recommendations of the Governance Committee will be put to the Committee of Council later this week for approval. The CoC was created to carry out the functions of Full Council, except that they are limited to considering recommendations that require the approval of Council as set out in the Remote Meetings Protocol and Procedure Rules. There is no public speaking at Council, other than to present a petition. The current position, which is set out in the Protocol is that petitions cannot be heard. Instead they are referred to the Chief Executive, who has confirmed that if a petition is received in time for the meeting, he will consult with the Lord Mayor and if appropriate refer it in writing to the CoC. Additionally, Democratic Services have been asked to circulate a recording of the public speakers who spoke at the Governance Committee to all councillors so that the points made by them are heard in advance of the CoC meeting. The full debate is also available on our website."

Petition raised: The Campaign for Democracy in Canterbury District (CDCD) has submitted a petition to Thursday's meeting of the Committee of Council (the current replacement for full Council) calling on it not to abolish the Area Forums. They needed to provide proof of emails from 15 or more individuals, confirming that they are willing to sign the petition (no written signatures were required).

Text of the Petition: 'As there is currently no elected Chairman of the Committee of Council (CoC), the Campaign for Democracy in Canterbury District (CDCD) appeals to the Chief Executive and the Lord Mayor to allow this petition to be presented to the Committee of Council at their meeting on Thursday 15 October ahead of their consideration of the recommendation made by the recent Governance Committee to abolish the Area Forums.'

Whilst appreciating that the Council is facing a serious financial challenge, CDCD feels that the recommendation of the Governance Committee to abolish the Area Forums on financial grounds, when absolutely no financial data has been given in the report, is unacceptable.

Insufficient consideration has been given to the many benefits of the Area Forums, and no opportunity offered for consultation with stakeholders which might ultimately result in cost savings.

We ask that the CoC not ratify the recommendation to abolish the Area Forums made by the Governance Committee, but await the resumption of normal meetings when each Area Forum might be given the opportunity to make recommendations for their future operation.'

Change to the call-in arrangements for planning applications, considered by the CCC Governance Committee on 7 October.

An email was received on 30 September about a report going to the CCC Governance Committee on 7 October. A link to the agenda and report is at

<https://democracy.canterbury.gov.uk/ieListDocuments.aspx?CId=666&MId=12549>

This meeting can be viewed on UTube at the following link: <https://youtu.be/y8m2UkKmETQ>

In summary:

- the proposals seek to cement the role of ward councillors at the heart of the call-in process and encourage them to work with the planning officers to develop solutions that address the concerns of local groups and residents.
- The call-in rights of Parish Councils and the amenity groups of the Whitstable Society, Herne Bay Residents Association and the Canterbury Heritage and Design Forum would be removed.
- Parish Councils and the amenity groups would instead liaise with their local ward councillor(s) about concerns.
- The Ward councillor may still request that an application is brought before the planning committee, provided material planning grounds are given for doing so – and only for applications for which wider public interest necessitates consideration by the committee.
- Currently if four or more objections are received from four or more people the application must be reported to committee – this provision is to be removed in future.
- Applications that do not accord with the Development Plan must be reported to committee for decision.
- Applications made by officers and Members of the Council must also be reported to committee for decision.
- None of the proposed changes affect the statutory consultation process or the speaking arrangements at committee.

- Further details of the rationale behind the proposals can be found in the report.
- Key points include that the majority (93%) of applications in the district are determined under delegated powers without going to committee, and that the revised proposals are consistent with the current arrangements in the majority of other districts in Kent, whereby a parish council/amenity group does not have the ability to directly request that a planning application be reported to the committee, and neither are applications reported to the planning committee because of the number of public representations received.

Westbere Parish Council's response sent on 03 October 2020:

To: Colin Carmichael, CCC CEX

Head of Planning Simon Thomas

Head of Corporate Governance, Matthew Archer

Ward Councillors, Cllr Georgina Glover and Cllr Louise Harvey-Quirke

Leader of the Council, Cllr Ben Fitter Harding

Re: Proposed changes to the call-in arrangements for planning applications, to be considered by the CCC Governance Committee on 7 October.

Westbere Parish Council notes this new proposal with trepidation.

This is because the power to call-in an application is rarely used overall and is always very carefully considered.

Councillors and Clerks devote a huge amount of their time and energy considering each and every planning application under their jurisdiction and the possible implications (both positive and negative) on the parishioners they serve which may, on occasion, lead to disagreement with CCC in the long term. To date, this process has worked reasonably successfully for all concerned.

However, this new proposal is both unsatisfactory and undemocratic as it is being hurried through the system without due consideration for the views of the Parish Councils involved and their residents.

All this proposal achieves is the addition of another layer of bureaucracy to the planning system – Ward Councillors.

Ward Councillors do not work closely with residents and cannot possibly be expected to anticipate/ respect or even comprehend their views on planning problems.

Relying on Ward Councillors is not appropriate because many vote along party lines. And naturally, the Ward Councillor's view would need to align with that of the parish council. This could cause conflict between the Ward Councillor(s) and the parish council and potentially damage the working relationship and partnership between the two.

Westbere Parish Council has the further complication that both of its ward councillors sit on the planning committee. This brings up the question of whether, if one of them calls in an application, can they vote on the decision? And does a call in constitute pre-determination?

Furthermore, is the Development Plan so clear that it is easy to tell if an application departs from it?

Westbere Parish Council strongly urges CCC to rethink introducing this new arrangement and retain the status-quo for democracy.

TO NOTE the reply from the CCC Head of Planning on 04 October 2020:

"As you know the planning team currently works very closely with Parish Councils when planning applications are submitted and many parish councils also currently work very closely with their ward councillors. It is important that these working relationships continue and the proposed changes to the procedure will not impact on these; in fact they are intended to enhance these working relationships.

Development that is not in line with the Local Plan will continue to be reported to the planning committee, so these arrangements will not result in delegated decisions being made for development that are outside of the local plan, for example for new dwellings in the countryside.

When a ward councillor decides to call-in a planning application, this does not necessarily preclude them from sitting on the planning committee for that application, as long as they have not predetermined the application. The decision to call-in an application is a procedural one, so the ward councillor is not required to say whether they support or oppose the application in order to exercise their call-in powers and as such they will still be able to vote on the application at committee."

CCC Governance meeting on 07 October 2020

The Clerk watched the CCC Governance meeting on 07 October 2020 when this item was discussed. The proposal was to

- remove the right of parish councils and the 3 urban amenity groups representing Canterbury, Herne Bay and Whitstable unparished areas to call-in a planning application to the planning committee, and
- remove the trigger of 4 or more objections forcing an application to planning committee.

This section of the meeting lasted for 1 hour 20 minutes.

There were 7 pre-recorded public speakers – all but one of them asking for the proposal to be rejected. They argued that the right of call-in is not abused, that local knowledge, given voluntarily was a valuable resource, and that this was non-democratic. There were 17 pages of detailed written representations. Parish councils take their responsibility carefully, there are only a tiny number of call-ins, but very significant parish council time devoted. Members of the planning committee can go against the officer recommendation.

Simon Thomas, Head of CCC Planning explained that the proposal is about strengthening the role of Ward Cllrs, not about taking input away from parish councils and amenity groups. 50% of applications that are taken to committee are by the 4 or more trigger and objectors have often not been in contact with the ward councillor. The proposal would strengthen the role of the councillor and they could act as a broker. Government advice is to determine applications under officer delegated authority unless the application:

- is in the wider public interest
- does not accord with the Canterbury District Local Plan
- is made by either an officer or councillor.

Cllr Ben Fitter-Harding proposed and Cllr Flack seconded the proposal for removal.

Members discussed this item.

An amendment was suggested by Cllr Cornell (Labour) that the proposal should go out to consultation. He felt the rule of 4 benefited those in high density areas and not all areas are represented by parish councils. He felt consultation to seek alternative options should be undertaken, such as looking at the rule of 4 only applying to those from different households.

Some members felt that it right that elected ward members should be the one to call in. They also argued that whipping of councillors does not take place and any evidence of it should be reported to either the CCC Monitoring Officer or the Police, or both.

Other comments included that ward councillors and parish council's views do not always align; that ward councillors should not have to act as arbitrators; that the removal would lead to both more applications going to committee and more work for ward councillors and officers; parish councils and amenity groups provide free, skilled, information and local knowledge to CCC; officers are not always right; the proposals are unnecessary and undemocratic, and that the system works pretty well now and decisions are usually right.

However when the amendment to go to further consultation was put to the vote the motion fell by 4 Cllrs for, and 6 against. (Voting and comments through the meeting was strictly on party political lines; 6 Conservative and 4 Labour or Lib Dem).

The proposal therefore to remove the right of call-in and remove the trigger of 4 objections was put to the vote and was carried 6/4 – so the right and trigger will no longer exist.

Parish Councils will still be statutory consultees on all applications in their parish (this is a legal requirement) and be able to speak at the planning committees but only on any application that is called-in to a meeting.

Ward Councillors can also speak to the planning meeting on a parish council's behalf.

Parish Councils and members of the public should still continue to make representations on applications.

Cllr Barbara Flack (Chair of the newly abolished Rural Forum) explained that all applications are considered on their merits, policy and the NPPF; working with ward councillors will give greater

strength; parish councils can contact the Planning Officer and Head of Planning going forward; parish councils can suggest items for S106 agreements; that they can suggest modifications and amendments to any scheme; and that the future approach would not take anything away but enhance and strengthen the role of everyone.

The above decision was to be ratified at the CCC Committee of Council at their meeting on Thursday 15 October 2020 at 4pm. However, this meeting had to be abandoned after 30 minutes due to technical difficulties where it did not livestream, and is now rescheduled for 22 October 2020. The Clerk will watch the meeting live on UTube and report back.

A further representation was sent as follows:

13 October 2020

To:

Colin Carmichael, CCC CEX; Simon Thomas, CCC Head of Planning; Matthew Archer, CCC Head of Corporate Governance

Robin Treacher, Chair, Canterbury area of the Kent Association of Local Councils

Membership of the Committee of Council: Councillor Baldock; Councillor Carnac;

Councillor Clark; Councillor Cook; Councillor Cornell; Councillor Dawkins; Councillor Dixey;

Councillor Eden-Green; Councillor Fitter-Harding; Councillor Flack; Councillor

Glover; Councillor Harvey-Quirke; Councillor Howes; Councillor Sole; Councillor I Stockley;

Councillor J Stockley; Councillor Wilson

Change to the call-in arrangements for planning applications, considered by the CCC Governance Committee on 7 October 2020 and to be considered again at the Committee of Council on Thursday 15 October 2020.

We understand that the vast majority of the parish councils in the Canterbury district made written or verbal representations objecting to the proposal to withdraw the right of call-in by parish councils (and the relevant urban equivalent amenity groups), together with removing the trigger of 4 or more objections sending an application to the planning committee.

The district's parish councils therefore are dismayed and disappointed at the Governance Committee resolving to withdraw both elements in the planning process.

Parish Councils are statutory elected bodies, and are a safeguard for democracy, accusations of party politics, and they protect and empower people who find it hard to engage in the planning process.

These measures if ratified will disincentivise many parish councillors to be involved in planning, who are currently actively involved in planning, to the detriment of quality and standards of build. CCC has admitted in its own report that there is no financial implication for doing so.

Cllr Flack (the Chair of the newly abolished Rural Forum) commented during the meeting that CCC were not taking anything away, but were rather enhancing and strengthening the process. However, removing something rarely enhances or strengthens.

To only allow call-ins via ward councillors is considered short sighted and problematic.

Examples were given by speakers at the Governance meeting of where the ward councillor view does not concur with that of the parish council. This could be worsened in parish councils represented by just a single ward councillor.

Parish Council involvement in planning applications and on occasion speaking directly to the case officer, and often directly to concerned residents, saves time for ward councillors.

Some city councillors at the Governance committee stated that they would not be happy to act as arbitrators, and with any request made to them for a call-in, would do just that.

We support the view of some of them too, who expressed that the changes would increase the workload of both ward councillors, and that of officers too. The Governance committee report states that these changes are to help with the concerns about officers' capacity.

The appendix in the report gives detailed numbers of call-ins for the years 2018-2019 and 2019-2020:

	2018-2019	2019-2020	Total:
Total no. of call-ins	125	74	
For the trigger of 4 or more	71	36	53% of the total over the two-year period
Parish Council/amenity body call-in	5	8	Less than 8% of the total over the two-year period

We would urge that the councillors on the Committee of Council are able to vote on each withdrawal proposal as a separate item.

It is clear that the number of call-ins by parish councils is very small indeed, but there is a significant contribution in parish councils' voluntary time and input. A separation of the voting for the two withdrawals may enable the right of call-in for parish council and amenity groups to be retained.

It seems sensible for the trigger of 4 to either be removed or adjusted – a suggestion could be for the trigger number to rise to 8 – and for objectors to be from separate households / not related. Furthermore, perhaps mandatory contact with the relevant ward councillor should be introduced if the trigger level mechanism was retained but with a higher trigger, so that the ward councillor may act as a broker for improvements/amendments if appropriate, to make an application more acceptable.

We do hope that the Committee of Council members will see the strength of feeling that this item has caused throughout our sector, unifying those concerned. However, we would conclude this representation, that, if the proposal is ratified on 15 October 2020, that we would urge and welcome a review of the arrangements in 6-12 months' time, to see if they are working, or whether consideration to reverting to the system we had would in fact work better for all.

CCC Cllr Louise Harvey-Quirke received lots of representations from parish councils in her ward and contacted the CCC Leader, Cllr Ben Fitter-Harding who gave the following response on 14 October 2020:

“As the elected councillors of the planning authority it really should come to us to determine which applications go to a Planning Committee meeting rather than be dealt with by the planning team. For a long time we've allowed numerous other routes into Planning Committee, resulting in meetings that are bloated and committee members who are overworked, often needlessly.

By working with a ward councillor, a parish council can influence the planning process at a much earlier stage, with better outcomes as a result. The ward councillor has the access to the planning authority, and so can help with mediation, conditions and even S106 agreements to benefit the wider community, all things that are very difficult to try and implement 'on the hoof' at committee. Baking in the need for a ward councillor to be involved will result in better planning outcomes, something that parish councils will see the benefit of over time - and, indeed, many already work in this way and will notice no change at all.

On the number of objections rule, my question here has always been 'why four?' And, then, 'why eight?' Just because someone can get a lot of their friends to write in an objection shouldn't determine whether or not something goes to planning committee. This way, the ward councillor will again be involved at an earlier stage and have the ability to work with the planning department to determine whether or not it's in the public interest to hear the application at committee or whether, actually, there are changes that can be made to make the application more acceptable to the parties concerned.

The changes we're making as a group help focus the limited resources that the Council has on the best planning outcomes for our residents. Of this I am confident. But I do, of course, take the comments we are receiving very seriously, and I and numerous others including the Head of Planning have been writing personal responses to those concerned to allay their concerns.”

Ben Fitter-Harding, Leader, Conservative Councillor for Chestfield Ward, Canterbury City Council

Important information for planning applications in and around Canterbury and Herne Bay

Natural England has issued water quality advice that will have an immediate impact on planning applications for new homes in and around Canterbury and Herne Bay areas.

New water quality advice from Natural England

Natural England has said that an appropriate assessment must be carried out before CCC can agree any new housing development which discharges waste water to the Stour Valley river catchment area. This assessment must include any necessary mitigation measures. This is to ensure that new development does not cause any further deterioration of water quality at Stodmarsh.

The Stodmarsh Nature Reserve is protected under European Law and is managed by Natural England. Natural England has identified that the water quality in the lakes has deteriorated. The water quality targets have also recently been tightened.

This means that before CCC approves any new housing development within the River Stour catchment area, or that would discharge waste water into it, applicants need to satisfy Natural England that they have made sure there are enough mitigation measures in place to stop this happening.

When Natural England made CCC aware they may not be supporting applications for planning permission on their strategic housing sites, such as South Canterbury, CCC started working with them on the types of mitigation measures they might find acceptable and reached broad agreement, CCC has been working on the details ever since and has come to the conclusion the new environmental information that has been uncovered means CCC has a moral and legal obligation to consult with the public.

The South Canterbury site that was due to be heard for a decision at the planning meeting on 01 October 2020 has therefore been deferred.

Details on the consultation and how people can have their say will be released shortly.

You can [download the full advice note from Natural England](#).

Areas where the new water quality advice applies

The advice applies to the Stour Valley river catchment area ([see Appendix 1 of the Natural England advice](#)), which covers the southern and central areas of Canterbury District.

It also applies to developments outside of the Stour Valley, but which would connect to a Waste Water Treatment Works (WWTW) which discharges into the Stour Valley. This includes:

Canterbury (Sturry) WWTW

Herne Bay (Great Stour) WWTW

Westbere WWTW

Chartham WWTW

Newnham Valley WWTW

The Clerk will contact the Clerk to Hersden about the Natural England documentation as explained above and ask if there has been any correspondence/impact on the Hoplands Farm or Old Colliery developments.

Correspondence from the Mayor of Fordwich – “Fordwich looking forward” and two potential development sites

An email from the Mayor of Fordwich, Cllr Philip Lewis, was received on 24 September 2020, giving the latest information on potential developments in the town, as follows:

“Two potential building development sites have sprung to the fore in the last months; The Old Nursery site to the south, and the Bretts site to the North. At the same time much of the river bank, the roads and the river itself have been overwhelmed by numbers of people wanting to come to enjoy our most beautiful stretch of the river Stour, and the town and countryside around it. Such was the feeling of being submerged, that a Town meeting was held on 10th September in the church.

It was attended by just over 10% of the population, with many others expressing their support but not wanting to attend because they were shielding themselves, or otherwise occupied. The Town council had already expressed its opposition to any development on the Old Nursery site to the potential developers. At the meeting while expressing distress at the problems facing the town, there was a ground swell of opinion in favour of establishing a residents' group to look at how we would like to see Fordwich in 2030. This has begun to focus down to working towards establishing what could be called Fordwich Historic country Park.

Ideally this would involve the wet woodland to the North and along the river bank held largely by Bretts, having a car park and the usual country park facilities, including accessible footpaths leading into the network of footpaths that presently exist along the river and round Westbere lake. To the South of the town, there would be a car park and similar facilities, accessible footpaths leading on to the Stour Valley Way and up towards Stodmarsh and Stodmarsh Road.

With country park status it would, hopefully, be easier to manage and protect the watermeadows and the river bank making it safer to launch the plethora of vessels that have taken to the water this year, and to facilitate greater safety on the water itself, whilst protecting the environment and the privately owned land along the river. Within the town itself, the aim would be to work towards making the rat run more difficult, the pavements safer, parking for residents possible, and for the story of Fordwich and its historic core to be recognised, explained and enjoyed.

In the Appraisal of Fordwich dated 1989 this sentence appears, "From now until a hundred years into the future, the 'town' we leave to our great-great-grandchildren will be the 'town' we have made." It was felt at the meeting on 10th that we have one opportunity both to preserve the best, conserve what we can, whilst offering education and enjoyment of the beauty of this area. At the same time working also to make a little impact on climate change and the preservation of biodiversity.

Obviously with a vision of this type we are needing to embrace all who are involved and our neighbours. We recognise the need to work together as productively as possible.”

With best wishes,

Philip Lewis, Mayor of Fordwich

The Clerk was asked to reply to the Mayor, and thank him for the information, wish them well going forward and ask to be kept updated.

Canterbury City Council's Local Plan Transport Conference: Our future district to 2040

Work is now underway on the preparation of a new Canterbury District Local Plan, which will include a Transport and Movement Strategy, looking forward to 2040.

New housing and employment will place demand on transport networks and CCC needs to identify the right strategy and specific measures to address these impacts.

CCC will hold a virtual conference to discuss the transport and movement challenges and opportunities facing the district over the next 20 years on 21 October 2020.

The Clerk will attend and report back.

New applications:

*CA/20/02172 - 8 Walnut Tree Lane, Westbere, Canterbury, Kent, CT2 0HG,
Conversion of existing garage to form ancillary annexe, together with pitched roof*

The following application was lodged on the weekly list dated 28 September 2020 for the neighbouring parish of Hersden:

CA/20/02050 – Former Chislet Colliery, Hersden

Land to the south of Island Road (A28)

EIA scoping opinion request in relation to a mixed-use development for up to 370 dwellings, open space, community ecological park, hard and soft landscaping and associated infrastructure: on the former Chislet Colliery land, south of Island Road, Hersden, with access from a new junction from Island Road, Hersden

Notifications:

*CA/20/01646 - Gate House, 26 Walnut Tree Lane, Westbere, Kent, CT2 0HG
Single-storey rear and side extension. GRANTED by CCC*

*CA/20/01621 - 12 Westbere Lane, Westbere, Canterbury, Kent, CT2 0HH
Ground floor and lower ground floor rear extension. REFUSED by CCC*

10. Financial matters

The payments totalling £909.65 were authorised.

NOTED that the Appendix 3 Finance Schedule will be signed by the Chairman of the meeting and returned to the Clerk by post.

NOTED that since the last meeting the bank statements and bank reconciliation for March, April, May, June, July and August 2020 have been scrutinised and signed by Cllr Morcom.

When meetings are able to be resumed in person - TO RECEIVE the bank statements and bank reconciliation for September and October 2020, and TO RESOLVE the signature of a councillor other than the Chairman thereon;

RECEIVED an End of Quarter 2 income and expenditure against precept/budget headings and NOTED this has been uploaded to the website to satisfy Transparency Regulations.

Grass cutting and grounds maintenance contract for 2021 season

The current grass cutting and grounds maintenance contractor has confirmed that there would be no uplift in his tender for the 2021 season. Cllr Harlow proposed and Cllr Morcom seconded and all councillors were in agreement that he be offered the contract for 2021.

Any further cuts of CB92 public footpath from Walnut Tree Lane to Fordwich Lakes

The footpath from Walnut Tree Lane along the railway line gets overgrown and is usually the responsibility of Network Rail to maintain. Network Rail, however, have advised that they were unable to schedule any staff or contractors due to coronavirus. The parish council felt that the COVID crisis makes the work all the more important because of the extra use the route is getting, and the fenced, narrow path is narrowed further by the vegetation - making it even more difficult for social distances to

be maintained by those using it. The parish council therefore in June and July authorised a one off cut of the path for a one-off payment. The cost of this is £50 per occasion – and the expenditure will be allocated against the grant given by KCC Alan Marsh to mitigate the effects of coronavirus.

At the September 2020 parish council meeting, For the footpath at the bottom of Walnut Tree Lane alongside the railway line to the lakes, the parish council asked the Clerk to contact Network Rail again about maintenance of the path in the future, and make an offer to Network Rail that Westbere Parish Council do the maintenance in future at a rate of £50 per occasion and invoice Network Rail accordingly.

The Clerk confirmed she has written to a Network Rail contact but there has been no reply yet.

Climbing inspection for feature tree in the Churchyard

The suggestion for a sculpture if and when the feature tree in the churchyard may need to be felled has been abandoned. Cllrs resolved at their March 2020 parish council meeting to commission a climbing inspection for this feature tree at this time to inform the parish council of its condition.

NOTED that the Clerk commissioned a climbing inspection on 10 October 2020.

Capital grant application for 2020-2021

A capital grant of £241.58 was awarded by CCC and has been paid, for the planting of a mature replacement tree on the green to become the feature tree when the Cherry tree finally needs total removal. It is believed to have 2-3 years of life left. The new tree is planned to go to the side of the existing feature tree - between it and the upright village sign on the corner.

TO NOTE that the Clerk has placed an order on 10 October 2020 to go ahead with the supply of a 10-12 foot mature Snow Goose Cherry tree and protective cage.

The future of Concurrent Function Funding

Canterbury City Council is considering the future options for the concurrent functions funding budget. A written response to the Options Consultation was sent to CCC on 11 April 2020.

The parish councils in the district have concerns around increased precept implications, double taxation and a desire to have this consulted at the Rural Forum prior to a decision.

At the CCC Council Extraordinary meeting held 20 August 2020, for Concurrent Function Funding and its future post April 2021, it was agreed to convene a special meeting of parish representatives and rural ward councillors. This was held on 19 October 2020:

The Clerk attended.

CCC has recognised that the current COVID situation has seen the district's residents making more use of the district's and parishes' facilities, and that there are massive benefits, especially for health and well-being.

There was an officer presentation. There are now revised proposals – that will be presented to the CCC Community Committee on 25 November 2020.

The revised proposals are to:

- i) Not make any changes for 2021-22 and fund the parish councils at the same level as 2020-21.
- ii) Undertake an Audit of the current levels of provision compared to the urban areas, and then consider funding Options for 2022-2023 in line with the average costs incurred across all parish councils for the maintenance of this provision.
- iii) Remove the £20k contingency fund.

There was a lot of discussion. What the audit will look like, ask, include, is yet to be determined, and CCC will ask parishes to provide the necessary information from December to February 2021 with a drafting of Options in March 2021.

So overall a year's reprieve is welcomed. The future remains uncertain although the CCC Cllrs present (who included Cllr Ben Fitter-Harding as Leader and Cllr Georgina Glover as Westbere's ward cllr) did appreciate things like the double taxation issue, that equity between urban/rural residents should be fairer and that parishes obtain value for money, etc.

The special rural meeting was chaired by Councillor Barbara Flack in her role as Rural Forum Chair for the City Council. The viewpoints and recommendations made during the 19 October meeting will be summarised in the final Committee report for the meeting on 25 November and the full minutes of the meeting attached as an Appendix.

Website Accessibility Regulations

There is a need to migrate to a new website provider to satisfy the website accessibility regulations WCAG 2.1 Level AA Standards. KCC as the existing website host are not compliant. The parish council resolved at their 21 January 2020 meeting to appoint Cantium Business Solutions as the new website host with a three-year contract. Cantium had said that their offering was subject to 100 plus Kent parishes signing up, and they confirmed on 28 January 2020 that the majority of them had. However, an email received on 01 October 2020 advises that unfortunately they have not secured the required numbers, so the parish council must now source an alternative provider. KCC has agreed that due to COVID-19 their hosting service can be extended to 1 January 2021. To be let down this late-in-the-day by Cantium is most unsatisfactory as the date for website compliance was 23 September 2020 and their email came after that date, resulting in the parish council currently being non-compliant and having to source an alternative urgently before the end of the year. The Clerk has collated a summary of everything that has occurred in the last 12 months with Cantium so that the necessary Cabinet Minister at KCC is made aware of the issues this has caused.

The Clerk has sourced an alternative provider, Eyelid Productions, to host a new website and who has confirmed that they can meet the 31 December deadline required, provided the parish council instruct them by 31 October 2020.

The Eyelid Productions quotation is infact significantly cheaper in Years 2 and 3 than the Cantium package.

Ideally the parish council would seek a second tender, however, in view of this now being an emergency item, and under the Transparency Regulations the parish council must have a website, and the fact that under the Section 101 delegation now in place earlier this year which would allow acceptance of the quotation outside of a meeting anyway, Cllr Morcom proposed and Cllr Wilson seconded and all Councillors resolved to appoint Eyelid Productions as the new website host.

The Clerk has updated the pages on the parish council website ahead of the migration of information to a new website.

The parish council must also publish an Accessibility Statement. The Clerk has devised one and uploaded this to the website in September 2020.

11. Clerk Report

NOTED that the Clerk will attend the KALC free of charge Net Zero/Environment event on 3 November in partnership with Kent County Council and the Kent & Medway Environment Board. Speakers from Kent County Council, National Association of Local Councils, Kent & Medway Environment Board and KALC will look at raising awareness of the work that is taking place at national, county and local level on climate change and what we can all do to encourage increased participation and action to deliver Net Zero for Kent.

Dip/possible subsidence in Westbere Lane

There is a stretch of Westbere Lane towards the convent that is dipping badly and is possibly subsiding – this was logged with Kent Highways and the Clerk asked that an inspection/road survey be considered. (Reported 29 July 2020 reference number **516690**) – status of this report on 10 October 2020 was that it was still under enquiry.

WVPS Remembrance Day event on the Village green on Sunday 8 November 2020

The WVPS would like to hold a Remembrance Day event on the Village green on Sunday 8 November 2020 and are anxious to do so within Covid regulations. (Although they might change by then) WVPS are thinking of only a short service (15 mins) with readings and prayers & music played but not sung. Advice has been sought from the CCC Events Officer who says:

“I would agree with your interpretation of the Covid regulations in that there is nothing which specifically precludes the activity that you have planned. There are a number of Remembrance Services that will be taking place across the district.

There are some factors that do need to be considered if you are anticipating more than 30 people to attend. The event needs to be organised by or on behalf of a business or public body. I assume in this case that the organisers will effectively be the Village Preservation Society on behalf of the Parish Council. Additionally, you will need to complete a covid risk assessment to be compliant with the regulations. There is no specific standardised form for this but a number of generic Risk Assessment forms are available on line which you may wish to use.

The factors that need to be considered include:-

Advice - People need to be made aware that they should not attend if displaying symptoms and should make you aware of a subsequent positive test.

Social distancing - As it is outside you should be able to maintain the social distancing of 2 metres between groups (no single group should be bigger than 6)

Masks - Advised but are not required for an outdoor space providing the distancing is maintained.

Access / Exit points and a one-way movement system if there are pinch points of less than 2m.

Track and trace - Although not an enclosed space it would be advisable to have the contact details of those attending.

Musical instruments - Singing. Recorded music does not present an issue and you have already stated there will be no singing.

In terms of permissions, as long as you have that of the landowner, the Parish Council, there is no further requirement for permissions. You would not need to apply to the City Council for agreement to the event taking place. I presume that there is no intent to close Church Lane which negates any traffic management requirements.

I am in communication with the police who have an overall command structure in place for Remembrance Sunday for safety and security and I can make them aware of your event, though it would be for information only. I have attached a copy of the most recently updated guidance. It is lengthy but you may find some sections on relevance."

All councillors (except Cllr Laws who abstained as he declared an interest in this event) were happy that the land be used for purpose, subject to the latest coronavirus restrictions/guidance to be in force at the time.

12. Coronavirus risk assessments

NOTED that the Clerk has completed further Risk Assessments around Coronavirus risks for September and October 2020

13. BT Community Fibre Partnerships

As reported at the last meeting a resident is leading re exploring **BT Community Fibre Partnerships** to get high speed broadband to more households in the village with Fibre to Cabinet service. FTTP can be supplied to just a small handful of homes or to the entire village but will require a contribution (of £300 to £1,500 per home) from residents interested, although the more people who come on board, the cheaper it will be. Plus, the government's UK Rural Gigabit Broadband Connectivity Programme pays £3,500 to businesses and £1,500 to homes to help cover the costs.

In order to get a better picture of what it would cost per household, for a £250 fee, Open Reach will conduct a survey. In order for the survey to be completed, numbers of interested households needed to be established, so that the survey may be completed and options established. The parish council resolved at their September 2020 meeting to pay for this fee.

The resident offered to take the lead in the first instance, and needed the name and postal address of interested parties. NOTED that since the last meeting this has been advertised with a leaflet drop to all households by Cllrs. As reported above there have been 35 expressions of interest so far, with a deadline to respond by 31 October.

Cllr Harlow will speak to the resident with an update from this meeting and speak again after the 31 October deadline. Cllr McLean advised he was happy to support the resident championing this.

14. Possible lengthening of the Sturry train station platforms

Westbere Parish Council has had a long desire to try and get Network Rail to lengthen the platforms at Sturry station to avoid train overhang across the level crossing, thereby enabling the barrier down time to be reduced and keep the traffic flowing.

As reported at the September 2020 parish council meeting, Network Rail retains the objective of completing the East Kent Resignalling Scheme – phase 3, which includes the section of route between Canterbury West and Ramsgate via Sturry and Minster. At present this scheme is not scheduled for short-term delivery, but if this scheme were to be brought forward to Network Rail's existing Control Period (CP6: 2019-2024), there might be an opportunity to include the required re-positioning of signals in the vicinity of Sturry station. If this could be combined with a change to the SDO arrangements, whereby passengers were enabled to board and alight from the rear 6 coaches only in both directions (as the newly located signals further along the route on the Up side would permit this), then the platform lengths could remain as they are and the level crossing would be clear of the rear of stopping trains at all times.

Westbere Parish Council now has the support of their local MP, Sir Roger Gale. Sir Roger Gale has this month raised this with Chris Heaton-Harris MP, Minister of State Department for Transport, and passed him all correspondence with a view to him requesting the inclusion of the East Kent Resignalling Scheme - phase 3 in the planned outputs for the current Control Period (CP6: 2019-2024), to include the proposed re-siting of signals in the vicinity of Sturry as described above.

15. Meeting dates for 2021

The following dates for parish council meetings for 2021 were agreed: Third Tuesday of each month: 19 January, 16 February, 16 March, 20 April, 18 May, 15 June, 20 July, No meeting in August, 21 September, 19 October, 16 November, No meeting in December.

16. Informal working group meeting to discuss the precept/budget for 2021-2022

The parish council needs to discuss a precept/budget for the next financial year. The Clerk explained that this cannot be finalised until after the CCC meeting of 25 November is held and the future of concurrent function funding is determined. The precept must also be ratified at a full parish council meeting.

The Clerk will compile some draft figures and it was agreed that these would be discussed at a closed informal virtual meeting, which all councillors will be invited to attend, on Tuesday 17 November 2020 at 6pm.

17. Date and time for the next full Parish Council meeting/virtual meeting

The next virtual meeting was set for Tuesday 01 December 2020 at 6pm.

The meeting closed at 7.15pm.

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Signed: Cllr Stephen Laws, Chairman of the meeting

Date:

Appendix

CPRE short guide to the Planning White Paper	September 2020
Planning White Paper - a short video guide for communities	
<i>There are eight major changes:</i>	
1. How much housing to plan for:	
- Central government will dictate numbers without consultation, based on a formula – it will be legally binding	
- Drive for 300,000 homes every year – substantially more than now.	
2. Currently there is a discretionary planning system – every proposal is judged on its own merits – with two chances for people to comment:	
i) Consultation on policies and site allocation in the Local Plan	
ii) Consultation on the actual planning application.	
<i>The new system will divide all land in a new style Local Plan into three zones:</i>	
a) Growth – large scale mainly greenfield sites for urban extensions.	
The principle of development will be automatically granted.	
b) Renewal – the re-using of brownfield and under-used sites.	
The principle of development will be automatically granted.	
c) Protection – green belt/national parks/conservation areas.	
The normal planning application process will be retained. But protected does NOT mean no development.	
3. The new style Local Plans won't contain the development management policies that applications are judged against – these will all be centralised within the National Planning Policy Framework.	

There will be no opportunity to comment on which applications are assessed (for all 3 new zones including the protected zone.)

4. Design standards and design code - Design codes must be about places not just buildings. Where no local code exists, the default will be to the centralised one.

5. The government wants to halve the time it takes to develop a Local Plan
In future there will be just one or two six-week consultation slots – then that's it for five years.

6. Permitted development – a wide-open loophole enabling poor development.
Previously 'permitted development' allowed conservatories/extensions to a home or an outbuilding without needing planning permission.

The White Paper extends permitted development – for example, conversion of an office building, restaurant or shop into flats, without minimum space standards and without consultation either.

7. The White Paper proposed to do away with the two existing systems for securing contributions from developers for affordable housing and community infrastructure, i.e. S106 agreements and the Infrastructure Levy.

In future the government will bring in a new centrally operated Community Infrastructure Levy. This has two risks:

- It will raise more money in areas where land values are high, thereby limiting what is available in areas needing regeneration, eg former mining towns.
- The Government will prioritise First Homes To Buy, over shared ownership/social rent options.

8. Neighbourhood Plans could be affected - The new style Local Plans with mandatory top down housing requirements and no longer having any development management policies may make existing neighbourhood plans out of date.

The government consultation on the White Paper ran until 29 October 2020.