



## CABINET

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane, Ashford, Kent TN23 1PL on **Thursday, 31st March, 2022 at 7.00 pm.**

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The Members of the Cabinet are:-

Councillor Clarkson – Leader of the Council  
Councillor Bartlett – Deputy Leader and Portfolio Holder for Port Health  
Councillor Bell – Portfolio Holder for Planning and Development  
Councillor Buchanan – Portfolio Holder for Environment and Land Management  
Councillor Clokie – Portfolio Holder for Housing  
Councillor Feacey – Portfolio Holder for Community Safety and Wellbeing  
Councillor Forest – Portfolio Holder for Culture, Leisure and Tourism  
Councillor Iliffe – Portfolio Holder for Regeneration and Corporate Property  
Councillor Pickering – Portfolio Holder for Human Resources and Customer Services  
Councillor Shorter – Portfolio Holder for Finance and IT

### **IMPORTANT INFORMATION FOR THE PUBLIC ABOUT THIS MEETING**

**Members of the Press and public are permitted to attend this meeting in person. Anyone attending will be requested to follow the measures introduced by the Council in order to manage the risk of COVID-19. This includes wearing face coverings until seated and not attending the meeting if you are displaying any symptoms of, or have tested positive for, COVID-19. You may also wish to consider taking a Lateral Flow Test no longer than 24 hours before attending the meeting.**

**NB: Under the Council's Public Participation Scheme, members of the public can submit a petition to the Cabinet if the issue is within its terms of reference or ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers)**

### Agenda

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1. Apologies	
2. Declarations of Interest	1 - 2

To declare any interests which fall under the following categories, as explained on the attached document:

- a) Disclosable Pecuniary Interests (DPI)
- b) Other Significant Interests (OSI)
- c) Voluntary Announcements of Other Interests

See Agenda Item 2 for further details

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	To approve the Minutes of the Meeting of the Cabinet held on the 24 <sup>th</sup> February 2022.	
4.	<b>To Receive any Petitions</b>	
5.	<b>Leader's Announcements</b>	
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15.	<b>To Consider Passing the Following Resolution to Exclude the Public</b>	
	That pursuant to Section 100A(4) of the Local Government Act 1972 as amended the public be excluded from the meeting during consideration of the following item as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of	

exempt information hereinafter specified by reference to Paragraphs 1, 3 and 5 of Part 1 of Schedule 12A of the Act.

- |     |                                                                             |         |
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To receive and note confidential set of notes.

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DS  
23 March 2022

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## Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted).

However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency alone, such as:

- Membership of amenity societies, Town/Community/Parish Councils, residents' groups or other outside bodies that have expressed views or made representations, but the Member was not involved in compiling or making those views/representations, or
- 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.

[Note: Where an item would be likely to affect the financial position of a Member, relative, close associate, employer, etc.; OR where an item is an application made by a Member, relative, close associate, employer, etc., there is likely to be an OSI or in some cases a DPI. ALSO, holding a committee position/office within an amenity society or other outside body, or having any involvement in compiling/making views/representations by such a body, may give rise to a perception of bias and require the Member to take no part in any motion or vote.]

### **Advice to Members on Declarations of Interest:**

- (a) Government Guidance on DPI is available in DCLG's Guide for Councillors, at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5962/2193362.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5962/2193362.pdf)
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, and a copy can be found in the Constitution alongside the Council's Good Practice Protocol for Councillors dealing with Planning Matters. See <https://www.ashford.gov.uk/media/2098/z-word5-democratic-services-constitution-2019-constitution-of-abc-may-2019-part-5.pdf>
- (c) Where a Member declares a committee position or office within, or membership of, an outside body that has expressed views or made representations, this will be taken as a statement that the Member was not involved in compiling or making them and has retained an open mind on the item(s) in question. If this is not the case, the situation must be explained.

**If any Member has any doubt about any interest which he/she may have in any item on this agenda, he/she should seek advice from the Director of Law and Governance and Monitoring Officer, or from other Solicitors in Legal and Democracy as early as possible, and in advance of the Meeting.**

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# Agenda Item 3

CA

Published 1<sup>st</sup> March 2022

Decisions effective from the 9<sup>th</sup> March 2022 unless they are called in or are recommended to the Council for approval

## Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **24<sup>th</sup> February 2022.**

### Present:

Cllr. Clarkson (Chairman);  
Cllr. Bartlett (Vice-Chairman);

Cllrs. Bell, Buchanan, Clokie, Feacey, Forest, Iliffe, Pickering, Shorter

### Also Present:

Cllrs. Burgess, Harman, Sparks.

### In attendance:

Chief Executive, Deputy Chief Executive, Solicitor to the Council and Monitoring Officer, Head of Finance and IT, Head of Corporate Property and Projects, Economic Development Manager, Accountancy Manager, Compliance and Data Protection Manager, Senior Communications Officer, Member Services Manager.

## 290 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a Voluntary Announcement as he lived close to the Sevington Inland Border Facility	298

## 291 Minutes

### Resolved:

**That the Minutes of the Meeting of the Cabinet held on the 27<sup>th</sup> January 2022 be approved and confirmed as a correct record.**

## 292 Leader's Announcements

The Leader said that whilst he had no particular announcements this evening, he did want to reflect on the recent storms. Many areas had experienced power cuts and he had also been surprised at how much of the mobile phone network had been affected. He thought the Council's own systems had held up tolerably well and he wanted to thank staff who had worked extra, and with other agencies, to assist. He would be holding an ACER meeting shortly in order to undertake a debrief. The Portfolio Holder for Environment and Land Management advised that Biffa had

begun the waste collection two hours early that past Friday and had remarkably managed to complete three quarters of the day's round before Storm Eunice had become too much. Aspire had also been flooded with calls about fallen trees and had worked right through to Saturday evening to respond. The Cabinet wanted to record its collective thanks to Biffa and Aspire for working above and beyond.

## **293 Report of the Budget Scrutiny Task Group**

The Portfolio Holder introduced the report and advised that the Overview and Scrutiny Budget Task Group had scrutinised the Council's draft 2022/23 budget over four meetings. The Task Group had made six recommendations for the Cabinet to consider when making its final budget proposals to recommend to Council. He thanked the Task Group for a good piece of work and confirmed that the Cabinet fully accepted the six recommendations.

### **Resolved:**

- That**
- (i) it be noted that the Task Group considers the Council's draft budget for 2022/23 is sound and that mitigation plans are in place for any increases to borrowing interest rates during 2022/23.**
  - (ii) it be noted that the Task Group considers the Council's reserves position is sufficient to manage the economic risks to the 2022/23 budget.**
  - (iii) it be noted that the Task Group supports Cabinet's recent decision to have regular monitoring of delivery against Service savings targets, through the quarterly budget monitoring reports in 2022/23.**
  - (iv) it be noted that the Task Group have concerns over the ability to deliver the savings target in the Planning and Development Service for the next budget year.**
  - (v) it be noted that delivery of the Henwood project needs to be timely in order to meet the savings targets in the next financial year.**
  - (vi) it be noted that the Task Group supports the invest-to-save approach regarding homelessness prevention proposals following the Service review in 2021/22.**

## **294 Budget 2022/23**

The report presented the final Draft 2022/23 Budget which would be recommended to the Full Council for approval. The Budget had been built against a backdrop of rising inflation and continued economic uncertainty following the Covid-19 pandemic and the full impact of the EU Exit (including Ashford's own Port Health operation) still to be understood. There was also continued uncertainty over the long term



Government funding of Local Authorities and, although the Government departments received a multi-year settlement, this only transpired in to a single year settlement for the Council as the Government's Fair Funding and Spending Reviews continued to be delayed. The budget had also been built to support the Council's new Corporate Plan, which had been developed to support the Borough's growth and supported the Government theme of 'Build Back Stronger'. The report also covered the Housing Revenue Account (HRA) which included an average increase in rents of CPI + 1% in line with Government guidance. Where this increase would take properties above the Local Housing Allowance rate, then the rent would be capped at that level to ensure it was fully covered by benefits, limiting financial strain on tenants. The report also reflected the HRA Business Plan which was presented to the Cabinet in December.

The Portfolio Holder introduced the report and directed Members' attention to the tabled paper which included four responses that had been received during the public consultation along with the Council's responses. He thanked those who had engaged with the process and had provided good quality responses/questions. He said that the headline fact for many would be that that the budget proposed a £5.00 rise in the Borough's annual Council Tax requirement. This would still leave Ashford as comfortably the lowest of any Kent District, whilst also maintaining some of the best services in the County, but he wanted to focus to be on the narrative in the report which was extremely useful in giving the detail of what they were all trying to deliver for the people of Ashford. He concluded by thanking the Council's excellent Treasury Management team for their continued hard work in delivering balanced budgets and good financial management.

Other Members focussed on the comparative Council Tax levels across Kent. Ashford's was still the lowest in the County by over £11 against the nearest and nearly £100 from the highest. This had not happened by accident and had been driven by this Administration.

**Resolved:**

- That**
- (i) the budget context be noted.**
  - (ii) the Chief Finance Officer be delegated powers to establish local discounts in Business Rates in accordance with Government policy.**
  - (iii) the summary of reserves at Table 6 and Appendix C of the report be noted.**
  - (iv) the Equality Impact Assessment in Appendix E to the report be noted.**
  - (v) the Housing Revenue Account budget for 2022/23 be approved.**
  - (vi) the estimated average rent increase of CPI + 1% (4.1% rise) be agreed, in accordance with Government guidelines, and that rent setting for the future continues to follow Government guidelines.**

- (vii) the Capital Plan 2022/23 to 2024/25 in Appendix G to the report be approved.**
- (viii) the ABC Exceptional Circumstances Policy as outlined in Appendix L to the report be approved.**
- (ix) the advice from the Chief Financial Officer concerning the robustness of the estimates and the adequacy of reserves, at Appendix M to the report, be noted.**

**Recommended:**

- That**
- (i) the Revenue Budget 2022/23 including the net budget requirement of £16,093,900 (excluding parish precepts), be agreed.**
  - (ii) the level of Discretionary and Statutory Fees to be levied from 1st April 2022 (as set out in Appendix D to the report) be agreed.**
  - (iii) the Band D council tax at £177.50 be agreed.**
  - (iv) the 2022/23 Capital Strategy at Appendix H to the report be approved.**
  - (v) the MRP Policy as set out in Appendix I to the report, the Treasury Management Strategy Statement at Appendix J to the report, and the Investment Strategy at Appendix K to the report be approved.**

## **295 Financial Monitoring – Quarter 3 Report**

The Portfolio Holder introduced the report which presented the Quarter 3 budget monitoring position up to 31<sup>st</sup> December 2021. The Quarter 3 forecast showed a year end forecast surplus of £224,000. A full break down of movements since Quarter 2 was shown in the report. The Housing Revenue Account (HRA) was forecasting an increase in operational spend since Quarter 2 monitoring of £474,000. Capital expenditure plans had reduced by £975,000 and a corresponding reduction in HRA reserve funding had been made. The report also provided an update on the Collection Fund, Capital Expenditure, Treasury Management and Reserve Movements. There were also a number of items in the 'Other Items' section of the report for the Cabinet to note.

**Resolved:**

- That**
- (i) the forecast outturn position for the General Fund and Housing Revenue Account be noted.**
  - (ii) the Collection Fund Position be noted.**
  - (iii) the contribution from reserves at Table 5 of the report be noted.**
  - (iv) the Treasury Management position be noted.**

- (v) the use of delegations under the 'Other Items' section of the report be noted.

**Recommended:**

- That (i) forward funding of £335,000, plus the relevant index, be made available to the Chilmington Management Organisation (subject to quarterly reviews).
- (ii) the Public Sector Decarbonisation Scheme project and the funding detailed at Appendix B to the report be approved.

## **296 Corporate Performance Report – Quarter 3**

The Portfolio Holder introduced the report which summarised performance against the performance indicators included in the Recovery Plan for Quarter 3 (1st October to 31st December 2021). A new Corporate Plan 2022-24 had been adopted by the Cabinet in November 2021 and this would inform Performance Reports from Quarter 1 of 2022/23.

**Resolved:**

That the performance data for Quarter 3 2021/22 be received and noted.

## **297 Adoption of Egerton Neighbourhood Plan**

The Portfolio Holder introduced the report which advised that following a successful referendum, it was now the Local Planning Authority's responsibility to formally 'make' (i.e. adopt) the Egerton Neighbourhood Plan, which would grant the Plan Development Plan status for decision making purposes. Formally 'making' the Plan must be agreed by Full Council, therefore this report asked the Cabinet to endorse and recommend it on.

**Recommended:**

That the Council 'make' the Egerton Neighbourhood Plan 2021 – 2040 (incorporating the modifications recommended by the Examiner) in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004.

## **298 Ashford Port Health Delegations**

The Leader introduced the report which sought to formally delegate the necessary powers to the Head of Port Health so that the Council could exercise the functions required to provide a Port Health Service at the Sevington Inland Border Facility.

The Leader asked if a provision could be added making it clear that the Head of Port Health should bring to the attention of the Leader and Cabinet or Council (as appropriate), any significant matters arising regarding the powers and duties of the

Port Health Authority (exception reporting). The Solicitor to the Council and Monitoring Officer advised that this would be picked up in the Minutes of the Meeting, similar to the addition suggested by the Leader at the Selection and Constitutional Review Committee.

The Deputy Leader advised that following the request made by the Council in October 2020 work to designate a buffer zone between the Inland Border Facility and the village of Mersham was underway and this was a pleasing development.

**Resolved:**

**That subject to the addition above, the delegated powers set out in the Annex to the report be approved, in so far as they relate to ‘Executive Functions’.**

## **299 Rolvenden – Land Acquisition within the HRA**

The Portfolio Holder introduced the report which advised of an ‘in principle’ deal to purchase land in Rolvenden in order to deliver affordable housing to those with either a local need or local connection to the Parish.

There was a discussion about the Council’s trailblazing approach to delivering these types of projects and how they had been approached by other East Kent Authorities who were keen to learn from them. It was confirmed that there was legal provision to undertake this type of work for others on a commercial basis and that was something this Council may wish to pursue.

**Resolved:**

- That**
- (i) the acquisition being made under delegated authority afforded to Housing Services under recommendation (viii) of the Cabinet report agreed in December 2020, be noted and endorsed.**
  - (ii) the acquisition price of the land as detailed at Exempt Appendix B to the report, be noted.**

## **300 New Senior Structure**

The Leader introduced the report which proposed a revised Senior Management Structure with sufficient strategic capacity to successfully deliver the Council’s ambitious Corporate Plan. He said that this restructure had been in abeyance since around 2018 due to various factors, but now was the right time to bring this forward in order to assist with recruitment, retention and career progression of staff.

The Chief Executive advised that the structure had been through a thorough consultation process and whilst it was fair to say that the proposals had been challenged, in her view the majority of objections had been around pay rather than the proposed structure itself or the process followed. There had been amendments made as a result of the consultation process and she had a lot of faith in the proposals being put forward. The retention of staff and being able to properly reward

those staff was a huge consideration for Management Team as the cost of churn in an organisation was huge, both financially and in terms of resilience.

**Recommended:**

- That
- (i) the new Senior Structure be adopted.
  - (ii) the costs associated with the early release of pension in the event that a redundancy results, (as set out in the Exempt Appendix to the report), be approved.
  - (iii) the potential redundancy costs set out in the Exempt Appendix to be report be noted.
  - (iv) the recommendation to cap the cost of living increases to pay scales MG1, MG2, MG3 and MG4 at 1.5% for 2022/23 be approved.

### **301 Greater Ashford Borough Environment and Land Mapping Commission – Notes of 18<sup>th</sup> January 2022**

**Resolved:**

That the Notes of the Meeting of the Great Ashford Borough Environment and Land Management Commission held on the 18<sup>th</sup> January 2022 be received and noted.

### **302 Compliance and Enforcement Board – 25<sup>th</sup> January 2022**

**Resolved:**

That the Notes of the Meeting of the Compliance and Enforcement Board held on the 25<sup>th</sup> January 2022 be received and noted.

### **303 Climate Change Advisory Committee – 13<sup>th</sup> and 17<sup>th</sup> January 2022**

**Resolved:**

That the Notes of the Meetings of the Climate Change Advisory Committee held on the 13<sup>th</sup> and 17<sup>th</sup> January 2022 be received and noted.

### **304 Schedule of Key Decisions to be Taken**

**Resolved:**

**That the latest Schedule of Key Decisions as set out within the report be received and noted.**

### **305 Exclusion of the Public**

**Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following item, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

### **306 Project Green**

The Leader and Portfolio Holder introduced the exempt report and drew attention to the Tabled Papers which included some further confidential detail.

Members expressed their support and excitement for the proposals.

**Resolved:**

**That KCC, Sir Paul Carter and Locate in Kent be thanked for their efforts in bringing forward this project.**

**Recommended:**

**That (i) responsibility be delegated to the Chief Executive, in consultation with the Executive Leader of the Council, subject to satisfactory oversight of a Due Diligence Working Group which would include the Chair of Overview and Scrutiny and the Portfolio Holders for Finance and IT and Regeneration and Corporate Property, and the final terms of the Acquisition and Lease being within the financial envelope to recover the cost through the lease, to agree: -**

**(a) Subject to the grant of planning application, and the completion of construction, terms for the purchase of the building and wider site as outlined in the report. and**

**(b) Heads of Terms for an Agreement for Lease and Lease to the Tenant (on the basis that the financial terms of the Lease are (subject to independent valuation advice), sufficient to cover**

**the costs of (a) above and holding costs for the building for the duration of the Lease).**

- (ii) the Solicitor to the Council and Monitoring Officer be authorised to negotiate, finalise and complete all necessary legal agreements and other documents to give effect to the above.**
- (iii) there will be a future report covering the establishment of the park and its maintenance regime.**
- (iv) a budget allocation of £150,000 be agreed to complete the due diligence in line with the above recommendations.**

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**Agenda Item No:**

**Report To:** Cabinet

**Date of Meeting:** 31 March 2022

**Report Title:** Adoption of Stodmarsh Operational Statement

**Report Author:** Simon Cole, Head of Planning and Development  
**Job Title:**

**Portfolio Holder:** Cllr. Neil Bell

**Portfolio Holder for:** Portfolio Holder for Planning & Development

**Summary:**

Ashford Borough Council continues to respond to the various issues that have arisen from the need for new housing and other developments to achieve 'nutrient neutrality', due to the deterioration of Stodmarsh Lakes – a network of nationally and internationally protected lakes in the neighbouring Canterbury district. This follows Natural England Advice issued in July 2020.

In July 2021 Cabinet agreed to seek to create nutrient mitigation through the creation of new strategic wetlands within the borough. Doing so will enable new residential development to be granted planning permission and accord with the Habitats Regulations.

The Council continue to also pursue other strategic responses to deal with the wider Stodmarsh nutrient issue, including working with other LPAs to deliver a catchment wide strategy (work ongoing) and the lobbying of Government to assist with the delivery of nutrient mitigation, including through upgrades of Wastewater treatment works in the Stour catchment. The wetland part of the solution is seen as complementary to this wider response.

Accordingly, this report sets out the progress to date and seeks the Cabinet's agreement that an Operational Statement is adopted as a means of informing the development industry, stakeholders and the public of important principles relating to the progression of new wetlands in the Borough. The Statement has been prepared in partnership with the Environment Agency, Natural England and Kent County Council.

**Key Decision:** NO

**Wards Affected (though not significantly):** Wards (wholly or partially) located in the Stour Catchment: Aylesford & East Stour, Beaver, Bircholt, Bockhanger, Bybrook, Charing, Conningbrook & Little Burton Farm,

Downs North, Downs West, Furley, Goat Lees, Godinton, Highfield, Kennington, Kingsnorth Village & Bridgefield, Mersham, Sevington with Finberry, Norman, Park Farm North, Park Farm South, Repton, Roman, Saxon Shore, Singleton East, Singleton West, Stanhope, Upper Weald, Victoria, Washford, Weald Central, Weald North, Weald South, Willesborough, Wye with Hinxhill

**Recommendations: The Cabinet is recommended to:-**

- I. Note the progress on the project to date, and**
- II. Agree to adopt the appended Operational Statement as a document that informs the public and other stakeholders of material considerations likely to be reflected in the Council's decision-making on relevant planning applications, and to that end to be published on the Council's website, and**
- III. Authorise the Head of Planning & Development, in consultation with the Portfolio-Holder for Planning & Development, to make or agree to non-strategic changes or updates to the Operational Statement as may be required, in liaison with the other signing bodies.**

**Policy Overview:** The Conservation of Habitats and Species Regulations 2017 (as amended) and recent case law have provided the legal framework for granting planning permissions for development that may have a significant impact on the internationally-protected habitats at Stodmarsh.

Legal advice sought by the Council has confirmed that this issue is a significant material consideration in determining planning applications.

Many housing applications in the Stour catchment have been unable to be determined. This 'hold' on granting permissions will continue until strategic wetlands are delivered which release nutrient mitigation for affected schemes.

The Local Plan 2030 does not contain a specific policy for nutrient neutrality, as Natural England did not raise this as an issue during the Local Plan preparation. However, Policy ENV1 is relevant to the wider issue of biodiversity and conserving the environment. This reinforces the importance of protecting the environment from the impacts of development.

**Financial Implications:** There are no direct financial implications resulting from the specific recommendations in this report.

**Legal Implications:** Decisions on planning applications in Ashford Borough,

*Text agreed by  
Principal Solicitor –  
Strategic  
Development on 23  
March 2022*

whether for development involving overnight accommodation or for wetlands, are taken by the Council's Planning Committee or Officers based on the development plan and other material considerations; wherever applicable, these considerations would include those referred to in the proposed Operational Statement. The Operational Statement does not form a statement of Council policy, but is a most useful means of publicising relevant material considerations to the public and the development industry. The Operational Statement will be kept under review as work continues on avoiding and mitigating potential impacts on Stodmarsh from certain types of development.

**Equalities Impact Assessment:**

See Attached.

**Data Protection Impact Assessment:**

None.

**Risk Assessment (Risk Appetite Statement):**

Not applicable.

**Sustainability Implications:**

Nature based solutions, such as the creation of strategic wetlands, will provide the opportunity to provide multi-functional benefits – which in turn could help contribute to wider 'greener' goals of the Council.

Working directly with Natural England and the Environment Agency will clearly ensure that these objectives are met in the most optimum way possible.

**Other Material Implications:**

The wider Stodmarsh 'issue' is a significant one for the Council and not something which the Council has faced before. Nor was it an issue raised by Natural England as part of the Council's Local Plan formulation, meaning no plan-led solution was or has yet been progressed.

As it stands, many planning permissions for new housing in large parts of the borough have been on hold for over a year – including several areas which are earmarked for significant new development up to 2030 in the Local Plan.

The significance has already been recognised in the form of appointing expert consultants to help provide a strategy that can work within the borough at the Council's expense.

**Exempt from Publication:**

**NO**

**Background  
Papers:**

**Stodmarsh Operational Statement [Appendix 1]**

**Contact:**

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## Report Title: Adoption of Stodmarsh Operational Statement

### Introduction and Background

1. In July 2020, Natural England issued Advice to the Local Planning Authorities located in the Stour catchment setting out the deteriorating water quality at the Stodmarsh Lakes. This Advice covered part of the Ashford borough as well as the districts of Canterbury, Dover, Folkestone & Hythe, and Maidstone.
2. In order for affected development proposals to progress through the planning system, they are required to demonstrate that they can deliver 'nutrient neutrality', often through delivering suitable mitigation, in a way which is consistent with the Advice.
3. The Council are committed to responding to the wider Stodmarsh nutrient issue in a strategic way. This approach is deemed necessary given the significant spatial area, the complexities of finding a solution, the number of different organisations involved, and the practical implications arising from the issuing of the Advice. Doing so provides the best mechanism for releasing the current 'hold' on housing growth within East Kent.
4. As part of this strategic approach, the East Kent authorities (including Ashford) have been working together on a strategic, catchment-wide response to ensure that all the relevant elements associated with dealing with the wider Stodmarsh nutrient issue are addressed. The Council welcomes this strategic response and continues to be an active partner in delivering a co-ordinated response.
5. It is important to note that each of the affected districts have different challenges regarding the nutrient neutrality issue, as a consequence of the different circumstances of the districts and their respective development pressures. However, all the East Kent Councils are united in the need to deliver a range of strategic solutions that, in combination, will deal with the wider Stodmarsh nutrient issue and allow otherwise sustainably planned housing growth to progress, whilst also adhering to their respective environmental obligations.
6. The emerging catchment-wide strategic response, which is being prepared with support from the Kent and Medway Economic Partnership (KMEP), has focused on 4 key areas:
  - Lobbying Government to provide assistance to deliver the actions set out below.
  - Drafting a methodology to utilise "nutrient credits" from future and planned improvements to the Wastewater Treatment Works,
  - Promoting the hierarchy of delivering mitigation on-site where possible, before relying on off-site mitigation solutions, and

- Exploring ways in which the water regulatory process might be amended as a means of fast-tracking a joined up response that could benefit the impact of development on Stodmarsh Lakes.
7. In Ashford, the Council, alongside having involvement in the other strategic approaches set out above, is also actively progressing a borough scale strategic solution in the form of new strategic wetlands. This part of the solution sits alongside, and is viewed as complementary to the work of the East Kent strategic response, to deliver a co-ordinated catchment wide solution.
  8. It should also be noted that Canterbury City Council are supportive of the stance being taken by Ashford Borough Council. They are also working on a district wide mitigation strategy, similar to Ashford's, to identify the issues and the potential land availability for new strategic wetlands. They support the principles in the Operational Statement and agree the need to resist 'standalone' or 'off-site' wetlands, at this time, as a means of ensuring a strategic wetland solution can be delivered.
  9. It is anticipated that both Ashford's and Canterbury's mitigation strategies will eventually form part of the catchment-wide response.
  10. The Council has also recently (March 2022) received an updated nutrient neutrality methodology from Natural England, as part of the national roll-out of the nutrient neutrality advice. This does not affect the desire to deliver a strategic wetland solution within the borough. The updated methodology and advice will be published on the Council's website shortly.

## **Progress so far**

11. As of March 2022, work on the Council's response to the wider Stodmarsh nutrient issue includes:
  - Drafting an emerging Ashford Borough Mitigation Strategy that actively explores land based solutions within the borough for strategic wetlands in addition to development site solutions,
  - Seeking to acquire land for new strategic wetlands in the borough,
  - Involvement in a catchment-wide strategy, prepared by the affected East Kent Local Planning Authorities and the Kent and Medway Economic Partnership (KMEP),
  - Drafting and finalising an Operational Statement for the borough (see below),
  - Presentations and public updates given from the Council to the market so they are aware of the current situation and key next steps, and
  - Ongoing work with the Environment Agency, Natural England and the Council's appointed consultants about the various issues associated with delivering new wetlands in the borough.
12. Key future work areas include:
  - Planning applications for new strategic wetland or wetlands: Work to prepare and submit planning applications for the creation of the

strategic wetlands within the borough, once suitable land has been acquired for the purposes of creating strategic wetlands.

- Work to include the preparation and submission of relevant information to also support applications for the relevant environmental permits associated with the creation of strategic wetlands.
- The production of a Supplementary Planning Document (SPD) (title to be determined): The primary purpose of the SPD will set out how any future nutrient credit based system will work and how the Council will seek to apportion credits, if needed, in parallel with wetland delivery. This SPD will be prepared through the process set out in the relevant legislation, including public consultation. The SPD will also pass through Cabinet and Council for adoption.

13. A broad timetable for the delivery of the borough mitigation strategy and associated strategic wetlands is set out in the table below:

<b>Time</b>	<b>Steps</b>
Spring 2022	Land acquisition
Summer 2022	Strategic wetlands planning application
Summer 2022	Consultation/Adoption of SPD to accompany Borough Mitigation Strategy
Summer/Autumn 2022	Planning permissions for affected developments to be issued/considered as appropriate
Autumn 2022 – Summer 2024	Construction of wetlands
Autumn 2024	Wetlands fully operational

14. The Council's working assumption relating to the above, is as follows:

- Once a strategic wetland scheme has detailed planning permission, the Local Planning Authority will then be in a position from a nutrient neutrality point of view to be able to grant planning permission for relevant housing proposals.
- This position could only apply where a relevant housing proposer can demonstrate, through their application, that:
  - they have produced an Appropriate Assessment that shows that there is nutrient mitigation available to achieve 'neutrality' and:
  - they have followed the guidance and process set out in the Council's Supplementary Planning Document in respect of nutrient mitigation, and any apportionment (guidance yet to be produced).
- Those housing proposals that are granted planning permission on the basis of nutrient neutrality will have occupation restrictions applied. These will be removed once the relevant wetland is suitably advanced i.e. it is fully established and in place. This is likely to take two growing seasons.
- It is hoped that such occupation restrictions will not be needed in the medium to longer term as sufficient wetland areas will be being

advanced and constructed, as part of the borough wide strategic wetland solution. The aim must be to ensure that any future nutrient mitigation will relate to an already constructed and established wetland.

## **Operational Statement**

15. The ongoing progression of strategic wetlands within the borough has highlighted a number of complexities on account of the nature and context of the issue and spatial scale. These complexities include the technical aspects of the project, e.g. understanding the hydrological impacts and engineering requirements of any new wetland, as well as which parts of the river network are most receptive to such a solution.
16. The Council are not the only organisation that will be involved in creating and delivering strategic wetlands - a co-ordinated approach is needed, something which the Council have undertaken many times before to great success.
17. This joined-up approach includes the Environment Agency, both from a planning perspective as well as their permitting regime. It also includes Natural England given that they authored the Stodmarsh Advice, and their desire to make sure sustainable and effective solutions to achieve nutrient neutrality are secured, especially where they relate to nature based solutions.
18. Each partner, understandably, has its own specific focus and regulatory framework. However, by working in a collaborative way, the Council is ensuring that the best possible wetland solution can be delivered and more crucially has the 'buy-in' from the key partners at the start of the process.
19. The key objective which underpins the entire wetland project is to ensure that any future wetland/s make the best use of land. This is a key requirement of the National Planning Policy Framework (NPPF). Working with partners such as the Environment Agency and Natural England, in a strategic way, is crucial to achieving this objective.
20. The river corridor is an expansive, yet finite area of land. The catchment is in an area of water scarcity, which raises potential concerns about the ability to abstract water from the river for the purposes of a new wetland. It is therefore crucial that new strategic wetlands are able to be as effective as possible in terms of location, but also their scale, management and maintenance. Clearly, a strategic solution, which includes the involvement and support of the Environment Agency and Natural England, provides the best chance to ensure that the solution provides the maximum benefits.
21. It is within this wider context, that the 'Operational Statement' has been jointly prepared by Ashford Borough Council, KCC, the Environment Agency and Natural England. It is now presented to the Cabinet for agreement.
22. The objectives of the Operational Statement are threefold.
23. Firstly, it sets out in a clear and transparent way that the Council is committed to progressing a land based strategic wetland solution as part of the overall Stodmarsh project, and is currently working in partnership with the key bodies



in order to deliver this (subject, of course, to planning permission at the appropriate time).

24. Secondly, the Statement sets out a series of key actions and principles that the parties (signatories to the Statement) agree to, in order to ensure that a collaborative approach continues.
25. Thirdly, the Statement highlights a number of the key complexities associated with achieving future wetlands in the borough in a way that makes best use of land. This includes how the Council intends to deal, in the short to medium term, with certain types of wetland applications.
26. The approach as outlined is considered to be necessary to avoid a 'first come first served' position emerging, where available hydrological capacity to deliver functional wetlands in the catchment may be utilised to support unplanned or otherwise unacceptable development and thus frustrate the ability for the Council to deliver its Local Plan targets or other suitable development proposals.
27. The Statement is considered to be a short term position pending progress on the procurement and delivery of strategic wetlands. It may be in future that the position is revised once the capacity for mitigation from any strategic wetland solution is better known and the Environment Agency are able to accurately assess the overall hydrological position relating to abstraction from the Stour in the context of their other duties around water quality. Therefore, it is envisaged that the Council will revisit any guidance on this matter in due course.
28. Additionally, further position statements or agreements with key partners may also be required in the future given the complexities, scale of the area impacted, and the amount of new housing on 'hold' because of the wider Stodmarsh issue. This will be done as part of the ongoing catchment wide strategy.

## **Proposal**

29. The proposal in front of Cabinet is to note the progress of the Council's response to the Stodmarsh issue and agree to adopt the Operational Statement in Appendix 1 as a as a document informing the public and other stakeholders of material planning considerations likely to be reflected in the Council's decision-making on relevant planning applications, and to that end to be published on the Council's website and kept under review as necessary.

## **Implications and Risk Assessment**

30. The wider risks associated with the Stodmarsh issue are broad and are explained in the July 2021 Cabinet report. These risks have not significantly altered.
31. Officers are of the opinion that there is a greater risk from not producing an Operational Statement. Providing the development market with a clear steer as to the Council's approach and intentions on this issue is seen as a vital tool in being transparent and providing a steer to potential applicants. The support

of Natural England and the Environment Agency to the Operational Statement provides further clarity for the development industry.

32. Swift action is required by the Council to ensure that strategic wetlands are delivered and are not prejudiced by an ad-hoc piecemeal 'first come first served' approach. The Operational Statement seeks to prevent this situation and sets out that, as with the planning of any important infrastructure, a carefully considered strategic approach that involves the relevant stakeholders is the optimum way to proceed.

## **Equalities Impact Assessment**

33. Members are referred to the attached Assessment.

## **Other Options Considered**

34. One other option is not to adopt the Operational Statement. This is covered in the risks above.

## **Next Steps in Process**

35. Work will continue on the Council's response to the nutrient neutrality issue. This will include the preparation of new documents, strategies or actions which assist in the preparation of the strategic response to this issue, including the strategic wetland delivery. The proposed Supplementary Planning Document will be a key component of this strategy and will be consulted on as per the normal preparation process and reported back to Cabinet and Council when needed.
36. Work will also continue on the catchment wide strategic response and the Ashford and Canterbury ongoing mitigation strategies will help shape this response moving forward.

## **Conclusion**

37. As clearly illustrated above, the Council are still taking a proactive approach to lead and deliver a solution, to remove the current block on housing growth within the borough. By agreeing the recommendations, the Council can continue to retain control over the process and ensure that the strategic solutions, including strategic wetlands in the borough, are delivered in a timely manner through a co-ordinated structured approach with key partners.
38. Establishing and publicising the Council's and other key partners' intentions in a clear and transparent way is considered the right thing to do, so all parties and the public are aware of the current state of play and relevant material considerations.

## **Portfolio Holder's Views (Cllr Neil Bell)**

39. It should not be underestimated that the wider Stodmarsh issue remains a significant challenge for the Council. There continues to be a 'hold' to the granting of planning permissions for new housing in otherwise highly

sustainable locations, as identified through the Council's Local Plan. In response, the Council continue to take a proactive and pragmatic stance through their pursuit of new strategic wetlands within the borough, as a means of providing nutrient mitigation for development in the future. This response, alongside working with others on the catchment-wide strategy, demonstrates that the Council is doing all it can to remove this hold and move forward as swiftly as possible. The Report clearly sets out this progress.

40. Pursuing the creation of new strategic wetlands is not straight forward and it is welcomed that Natural England and the Environment Agency are working in partnership with the Council to help deliver the solution. The Operational Statement clearly expresses that all parties are united in what they want to achieve and how they intend to deliver the solution. In doing so, it also gives the market and other stakeholders clarity about how the Council will progress new strategic wetlands, in a way that is consistent with the Council's emerging Stodmarsh Mitigation Strategy. I therefore wholeheartedly recommend to Cabinet to approve the Operational Statement.

## **Contact and Email**

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### **Parties to this Operational Statement**

This Operational Statement has been prepared by Ashford Borough Council, the Environment Agency, Kent County Council and Natural England.

### **Spatial scope of this Operational Statement**

This Operational Statement applies to the Stour catchment area of Ashford borough.

### **Primary purpose of the Operational Statement**

The primary purpose of the Statement is to provide clarity to the market as to how the respective decision makers and key stakeholders are progressing the many aspects and complexities associated with the wider Stodmarsh nutrient issue, with a specific focus on potential future strategic wetlands.

Each party is united in its desire to find a strategic solution in the form of the delivery of a new wetland area and have adopted a partnership approach to realise this desire. However, it needs to be understood that each party has their own framework within which they are working within.

In broad terms, and in the context of this Operational Statement, this is summarised below:

- Ashford Borough Council is the decision maker in relation to determining planning applications within its administrative boundary. As the Local Planning Authority, it also has responsibility for the preparation of a Local Plan for the borough and facilitation of the implementation of that Plan.
- The Environment Agency (EA) are a statutory consultee in the planning process, providing expert advice to Local Planning Authorities, Minerals and Waste authorities, and communities on the production of development plans, and on individual planning proposals. Accordingly, this Statement clearly articulates their in-principle view regarding the issue of progressing a new strategic wetland and in doing so will help shape their advice for relevant planning applications.

In addition, they are responsible for deciding whether to grant environmental permits relating to the water environment, through their permitting regime, which is a separate part of the overall process.

- Natural England (NE) is responsible for promoting nature conservation and protecting biodiversity, including ensuring that the network of habitat sites is appropriately maintained or restored to a favourable condition. In this case, NE is the appropriate nature conservation body and provides advice in relation to the habitat sites which the decision maker must have regard to. This Statement will help shape their advice for future planning applications, so a consistent

message is delivered. NE has also published the relevant advice<sup>1</sup> which should be read in conjunction with this Statement.

- Kent County Council (KCC) are a statutory consultee in the planning process and have played an important role in the emerging strategic wetland solution within the borough. They play a key co-ordination role, helping to ensure that a joined up approach is progressed across the county and provide a strong voice to Government to help ensure that infrastructure comes forward in a sustainable way that will deliver the growth and development aspirations of the County.

Within the context above, the following Key Principles and Key Actions are agreed by Ashford Borough Council and the Environment Agency and are broadly endorsed by Natural England and Kent County Council.

### **Key Principles**

- **Principle 1** - *A co-ordinated and strategic nutrient mitigation solution addressing planned development and associated infrastructure within Ashford borough should be pursued to tackle the issues raised by the Natural England Stodmarsh Advice.*
- **Principle 2** – *A cost-effective land based strategic nutrient mitigation solution shall be delivered which will enable sustainably planned housing development within Ashford borough to achieve nutrient neutrality, so that housing developments can progress swiftly through the appropriate mechanisms.*
- **Principle 3** – *The land based strategic solution will be delivered and maintained in such a way to provide suitable and sustainable environmental responses that prevent further deterioration of the Stodmarsh Lakes from phosphorus and nitrogen associated with the development of overnight accommodation in the Stour catchment.*
- **Principle 4** – *A partnership approach, which is adopted and/or endorsed by the parties in this Operational Statement, will be of paramount importance to deliver Principles 1 – 3 to tackle the issues raised by the Natural England Stodmarsh Advice.*

### **Key Actions**

- **Action 1.** *Ashford Borough Council, with support from NE and EA, will pursue the creation and delivery of publically owned and managed strategic wetland(s) in the Stour Catchment, for the purposes of generating*

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<sup>1</sup> Natural England Advice available to view at: <https://www.ashford.gov.uk/nutrient-neutrality-developer-information>

*nitrogen and phosphorus ‘credits’ to release delivery of planned housing development within Ashford Borough<sup>2</sup>,*

**Action 2.** *Continue to raise with Government the need to secure a short, medium and long term solution to the Stodmarsh issue to ensure that sustainable housing delivery in East Kent does not continue to be stalled,*

**Action 3.** *Continue to work together with other partner agencies, such as the Kent and Medway Economic Partnership (KMEP), the South East Local Enterprise Partnership (SELEP) and Southern Water, as part of a collaborative framework to ensure that all strategies are aligned, produced and implemented as swiftly as possible, and*

**Action 4.** *The next iterations of the relevant Local Plans will be cognisant of the potential need to identify suitable land, should further land based strategic solutions be required as a means of providing a plan-led response to the Stodmarsh issue and the need for ‘nutrient neutrality’.*

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### **Applicability to planning decisions – Ashford Borough Council Position**

The Operational Statement should be read as a whole and, where relevant, will be a matter to be taken into account as a material planning consideration in planning decisions made by Ashford Borough Council.

There are many complexities and sensitivities associated with delivering new wetlands (see ‘The Key Considerations Associated with Wetland Delivery’ section below), which need to be balanced appropriately to deliver a suitable and long term sustainable solution.

Accordingly, the Council will continue to support new wetlands that mitigate sustainable housing proposals in a way that complements the delivery of the emerging strategic wetland solution. On-site wetlands which are in line with the requirements set out in the Natural England Advice Note and which have the support, when needed, of the Environment Agency will therefore generally be supported. Doing so, is consistent with the Council’s emerging Stodmarsh Mitigation Strategy.

However, the Council will continue to resist ‘standalone’ wetlands or ‘off-site’ wetlands which are being proposed to generate nutrient mitigation that is:

- not clearly attributable to a specific housing proposal, or
- clearly attributable to a specific housing proposal, but that proposal is not seeking to deliver new housing on either a site allocated in the Council’s Local Plan 2030 or that would deliver significant and wider planning benefits (for example, a sustainable brownfield site),

unless it can be clearly and unequivocally demonstrated by the applicant that the creation of such wetlands would not prejudice the ability to deliver the scale and form

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<sup>2</sup> Wider collaboration, outside of the parties of this Operational Statement, which contributes to the delivery of a strategic solution will be welcomed.

of new strategic wetlands necessary to release all development necessary to successfully deliver the development targets set out in the Ashford Local Plan to 2030.

This position is needed at this stage as there is only a finite area of land which may be suitable for the delivery of a strategic wetland solution, one which makes the best use of land - a key requirement of the National Planning Policy Framework.

Accordingly, and given the wider complexities of delivering new strategic wetlands, the Council should not be granting planning permission for new wetlands that may, in any way, prejudice their delivery. Any release of land for new wetlands areas should, at this time, be limited to those proposals which deliver those sites allocated in the Council's Local Plan 2030. These are sites which have been rigorously tested as being 'sound' in planning terms.

Failure to adopt this position would mean that the delivery of 'critical' infrastructure, needed to support new housing growth, would be planned in an ad-hoc and 'first come first served' basis. This clearly needs to be avoided, and is in direct conflict with the underlying principle of the planning system to be, and remain, plan-led.

For the avoidance of doubt, the Council are not suggesting that this stance on standalone, or 'off-site' wetlands will continue for a significant period of time. However, there must be caution applied until such time as any strategic wetland solution is suitably advanced.

Clearly, by working in partnership with Natural England and the Environment Agency, the Council is ensuring that the most optimum solution is delivered as swiftly as possible.

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## **Context**

This Operational Statement sits within the progression of a strategic and co-ordinated solution to the nutrient neutrality issue that has arisen as a consequence of the Natural England Advice issued in July 2020 (updated in November 2020)<sup>3</sup>.

Ashford Borough Council has drafted a Cabinet Report in March 2022 which sets out how the strategic wetland solutions fits within the wider response to the Stodmarsh nutrient issue. The March 2022 Cabinet Report<sup>4</sup> should be read in tandem with this Operational Statement.

Further details about the response to the wider Stodmarsh nutrient neutrality issue, and the Council's response are available on the Council website at: <https://www.ashford.gov.uk/nutrient-neutrality-developer-information>

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## **Stodmarsh Lakes**

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<sup>3</sup> Natural England Advice available to view at: <https://www.ashford.gov.uk/nutrient-neutrality-developer-information>

<sup>4</sup> Link to March 2022 Stodmarsh Cabinet Report - [Agenda for Cabinet on Thursday, 31st March, 2022, 7.00 pm - Modern Council \(moderngov.co.uk\)](#)

The Stodmarsh Lakes lie east of Canterbury and is a Special Protection Area (SPA), Ramsar site, Special area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI) and parts are a National Nature Reserve (NNR). It is a site of national and international importance for a range of water dependent habitats and wildlife.

The Stodmarsh Lakes are 'partially' fed by the Great Stour and water entering the watercourses in the Stour catchment. This catchment covers a significant portion of East Kent, including the Local Authorities of Maidstone, Ashford, Folkestone & Hythe, Canterbury and Dover. Map 1 shows the administrative boundaries of Ashford and the extent of the Stour catchment.

As per the Natural England Advice, any development (providing overnight accommodation) within the Stour catchment is impacted by the requirement for nutrient neutrality, and is therefore considered within the scope of the Nutrient Mitigation Framework. In addition to developments within the catchment, those which lie outside of the catchment, but which discharge to a Wastewater Treatment Works (WwTW) in the catchment are also covered by the Advice. Other types of business or commercial development, not involving overnight accommodation, will generally not need to be included in the assessment unless they have other (non-sewerage) water quality implications. It is assumed that anyone living in the catchment also works and uses facilities in the catchment, and therefore wastewater generated can be calculated using the population increase from new homes and other accommodation. This removes the potential for double counting of human wastewater arising from different planning uses.

This Operational Statement relates to the area of the Stour Catchment that falls within the administrative area of Ashford.



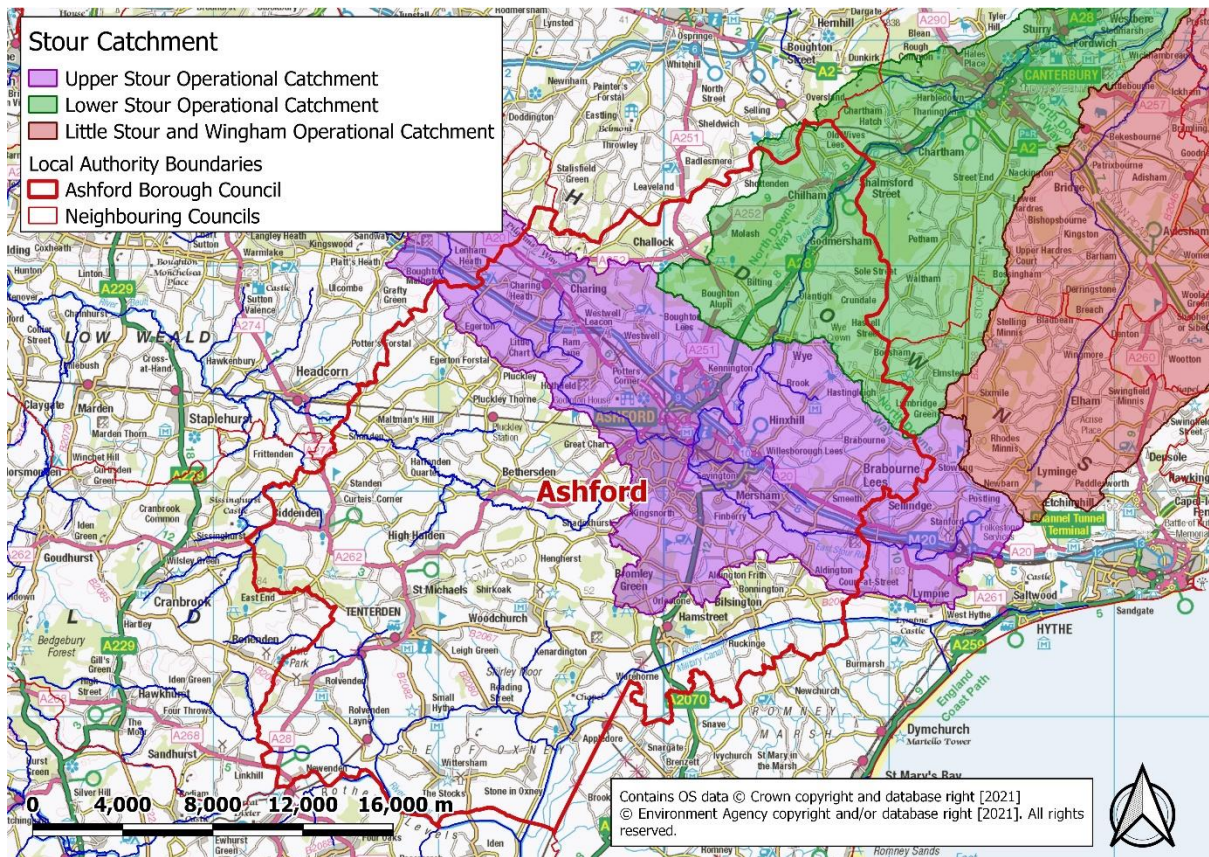


Figure 1: Stour catchment

## On-site mitigation

All parties recognise that it is possible in some cases for development of new overnight accommodation to achieve nutrient neutrality via on-site solutions. On-site mitigation measures include, but are not limited to, increasing open space provisions within developments, built-in water efficiency measures, Sustainable Drainage Systems (SuDS) schemes extensively based on wetlands (rather than ponds or detention basins), and garden and pet waste management.

This Operational Statement is cognisant of this context, and focuses largely on the issue of delivering off-site wetlands to achieve nutrient neutrality for development proposals which are unable to provide on-site mitigation.

## The key considerations associated with strategic wetland delivery

For the purposes of this Operational Statement, the term 'Wetland' means one which relies on the abstraction or transfer of water from the River Stour and its tributaries.

Strategic wetland(s) might be in the form of one large wetland, or a series of carefully planned wetlands.

Wetlands are an efficient nature-based mechanism for removing nutrients from surface water runoff and rivers. Wetlands which rely on the abstraction and transfer of water from watercourses to provide a source of incoming nutrients, or rely on the

re-routing of a watercourse through a proposed wetland, are most effective at nutrient mitigation and provide the highest degree of certainty.

Whatever land based solution is delivered, it needs to make sure that it makes the most efficient use of land – a key requirement of the National Planning Policy Framework (NPPF). It also needs to balance all the wider requirements as listed in this paper. Failure to adopt such a strategic approach could prejudice the delivery of a strategic solution and that cannot be risked at this stage.

All parties agree that the following are the key considerations associated with strategic wetland delivery and why a balanced and co-ordinated approach is necessary.

- **The spatial restrictions:** Any strategic wetland solution will need to be delivered within the Stour catchment, ideally proximal to the River Stour and its tributaries, to deliver the necessary nutrient offsetting. It has been identified that there are particular areas within the catchment which are most suitable for the creation of wetlands due to various technical constraints. These constraints include, but are not limited to, topography, geology, ecological sensitivity, and variations in flow level and nutrient level in waterbodies within the catchment area. Consequently, there is a limited area of land within the catchment which satisfies all of the technical constraints and can be relied on for the successful implementation of wetlands.
- **Implications on The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017:** It is necessary for all wetland schemes to comply with the Water Environment Regulations Framework Directive objectives for the connected and surrounding water bodies. The purpose of the wetland will be to improve the physio-chemical conditions of the relevant waterbody, and ultimately the Great Stour River at Stodmarsh Lakes, by reducing the concentration of phosphorus and nitrogen nutrients within the water. There is, however, the potential for a wetland scheme to affect other Water Environment Regulations 'quality elements', of which the most relevant are biological and hydro-morphological.
- **Water Stress:** The Stour Catchment is located in a Water Stress area and as such any abstraction of water will require a permit from the Environment Agency. It is anticipated that abstraction of water from the River Stour and/or its tributaries will be required to serve the strategic wetlands.
- **Technical requirements:** As previously stated there are a number of technical constraints affecting the suitable location of wetlands within the catchment. Therefore careful consideration is required to ensure that the wetlands are suitably designed to provide sufficient nutrient mitigation, make efficient use of the land and meet the requirements set out in the Natural England Stodmarsh Advice<sup>5</sup>.

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<sup>5</sup> Natural England Advice available to view at: <https://www.ashford.gov.uk/nutrient-neutrality-developer-information>

Any wetland creation will require planning permission. In addition a range of permits may be required from the Environment Agency, relating to wastewater discharge, water abstraction, waste management and surface water management.

- **Flood risk:** As wetlands are constructed largely in the floodplain they must also be designed to ensure no adverse effect in terms of flood risk
- **Multi-functionality:** Delivering wetlands on a strategic scale has the potential to deliver ecological benefits, such as new habitat creation and increased biodiversity. Although it is recognised that wetlands will be designed with nutrient removal as the primary objective, a partnership approach will allow any proposed wetland scheme or schemes to maximise any co-benefits relating to flood risk alleviation, biodiversity gain / habitat creation, carbon sequestration, tree planting, river channel restoration works as well as education and public amenity.
- **The need to work in partnership with all parties:** It is recognised that for a public body partnership to deliver a wetland scheme it will require approval from both the Environment Agency and Natural England through the planning process and Environmental Permitting Regulations. It is therefore paramount that the delivery of strategic wetlands is based on a partnership approach, with endorsement from both the Environment Agency and Natural England. This is to address and resolve any potential issues at an early stage regarding permitting and/or certainty relating to the Habitat Regulations, to enable timely delivery of strategic wetlands.
- **The need to be flexible:** The delivery of wetlands of the required scale may not be possible on a single site or in a single construction window within a single borough/district. It may be suitable to deliver a series of smaller wetlands forming a strategic wetland network or phase the wetland creation. It is considered that wetland delivery on any reasonable scale should be pursued by the public body partnership, in the first instance, to begin to release development as soon as possible.

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## Future Issues and Actions

This Operational Statement aims to confirm the immediate actions that are needed in relation to nutrient neutrality, but there are also a number of issues that have a longer time horizon. These issues include (but are not limited to):

- Ensuring consistency of approach and advice (including advice given to developers and land agents);
- Maintaining collaborative approach towards the preparation and publication of the Nutrient Mitigation Framework components;

- Complexities associated with the delivery of strategic wetlands, including planning permission, permitting/environmental licences, construction and maintenance;
- Involvement of other relevant bodies to ensure the primary objective can be delivered and managed in perpetuity.

Future amendments to this Operational Statement, or additional standalone Operational Statements, may be required to set out in detail how the parties intend to address these (and other) strategic issues.

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DRAFT

**Operational Statement agreed by:**

On behalf of Ashford Borough Council	On behalf of Environment Agency
Signed:	Signed:
.....	.....
(POSITION)	(POSITION)

**Operational Statement broadly endorsed by:**

On behalf of Natural England	On behalf of Kent County Council
Signed:	Signed:
.....	.....
(POSITION)	(POSITION)

DRAFT

# Equality Impact Assessment

1. An Equality Impact Assessment (EIA) is a document that summarises how the council has had due regard to the public sector equality duty (Equality Act 2010) in its decision-making. Although there is no legal duty to produce an EIA, the Council must have **due regard** to the equality duty and an EIA is recognised as the best method of fulfilling that duty. It can assist the Council in making a judgment as to whether a policy or other decision will have unintended negative consequences for certain people and help maximise the positive impacts of policy change. An EIA can lead to one of four consequences:

- (a) No major change – the policy or other decision is robust with no potential for discrimination or adverse impact. Opportunities to promote equality have been taken;
- (b) Adjust the policy or decision to remove barriers or better promote equality as identified in the EIA;
- (c) Continue the policy – if the EIA identifies potential for adverse impact, set out compelling justification for continuing;
- (d) Stop and remove the policy where actual or potential unlawful discrimination is identified.

## Public sector equality duty

2. The Equality Act 2010 places a duty on the council, when exercising public functions, to have due regard to the need to:
- (a) Eliminate discrimination, harassment and victimisation;
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it (ie tackling prejudice and promoting understanding between people from different groups).

3. These are known as the three aims of the general equality duty.

## Protected characteristics

4. The Equality Act 2010 sets out nine protected characteristics for the purpose of the equality duty:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership\*
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

\*For marriage and civil partnership, only the first aim of the duty applies in relation to employment.

## Due regard

5. Having 'due regard' is about using good equality information and analysis at the right time as part of decision-making procedures.
6. To 'have due regard' means that in making decisions and in its other day-to-day activities the council must consciously consider the need to do the things set out in the general equality duty: eliminate discrimination, advance equality of opportunity and foster good relations. This can involve:
- removing or minimising disadvantages suffered by people due to their protected characteristics.
  - taking steps to meet the needs of people with certain protected characteristics when these are different from the needs of other people.
  - encouraging people with certain protected characteristics to participate in public life or in other activities where it is disproportionately low.

7. How much regard is 'due' will depend on the circumstances. The greater the

potential impact, the higher the regard required by the duty. Examples of functions and decisions likely to engage the duty include: policy decisions, budget decisions, public appointments, service provision, statutory discretion, decisions on individuals, employing staff and procurement of goods and services.

8. In terms of timing:

- Having 'due regard' should be considered at the inception of any decision or proposed policy or service development or change.
- Due regard should be considered throughout development of a decision. Notes shall be taken and kept on file as to how due regard has been had to the equality duty in research, meetings, project teams, consultations etc.
- The completion of the EIA is a way of effectively summarising this and it should inform final decision-making.

### Armed Forces Community

9. As part of the council's commitment to the Armed Forces Community made through the signing of the Armed Forces Covenant the council's Cabinet agreed in November 2017 that potential impacts on the Armed Forces Community should be considered as part of the Equality Impact Assessment process.

10. Accordingly, due regard should also be had throughout the decision making process to potential impacts on the groups covered by the Armed Forces Covenant:

- Current serving members of the Armed Forces (both Regular and Reserve)
- Former serving members of the Armed Forces (both Regular and Reserve)
- The families of current and former Armed Forces personnel.

### Case law principles

11. A number of principles have been established by the courts in relation to the equality duty and due regard:

- Decision-makers in public authorities must be aware of their duty to have 'due regard' to the equality duty and so EIA's must be attached to any relevant committee reports.
- Due regard is fulfilled before and at the time a particular policy is under consideration as well as at the time a decision is taken. Due regard involves a conscious approach and state of mind.
- A public authority cannot satisfy the duty by justifying a decision after it has been taken.
- The duty must be exercised in substance, with rigour and with an open mind in such a way that it influences the final decision.
- The duty is a non-delegable one. The duty will always remain the responsibility of the public authority.
- The duty is a continuing one so that it needs to be considered not only when a policy, for example, is being developed and agreed but also when it is implemented.
- It is good practice for those exercising public functions to keep an accurate record showing that they have actually considered the general duty and pondered relevant questions. Proper record keeping encourages transparency and will discipline those carrying out the relevant function to undertake the duty conscientiously.
- A public authority will need to consider whether it has sufficient information to assess the effects of the policy, or the way a function is being carried out, on the aims set out in the general equality duty.
- A public authority cannot avoid complying with the duty by claiming that it does not have enough resources to do so.

The Equality and Human Rights Commission has produced helpful guidance on "Meeting the Equality Duty in Policy and Decision-Making" (October 2014). It is available on the following link and report authors should read and follow this when developing or reporting on proposals for policy or

service development or change and other decisions likely to engage the equality duty. [Equality Duty in decision-making](#)



<b>Lead officer:</b>	Simon Cole
<b>Decision maker:</b>	Cabinet
<b>Decision:</b> <ul style="list-style-type: none"> <li>• Policy, project, service, contract</li> <li>• Review, change, new, stop</li> </ul>	Adopt the Stodmarsh Operational Statement
<b>Date of decision:</b> The date when the final decision is made. The EIA must be complete before this point and inform the final decision.	31 March 2022
<b>Summary of the proposed decision:</b> <ul style="list-style-type: none"> <li>• Aims and objectives</li> <li>• Key actions</li> <li>• Expected outcomes</li> <li>• Who will be affected and how?</li> <li>• How many people will be affected?</li> </ul>	The aim of the Stodmarsh Operational Statement is to set out how the parties are working together in partnership to deliver a strategic solution to the Stodmarsh issue. The Operational Statement also sets out how the Council will progress new strategic wetlands.
<b>Information and research:</b> <ul style="list-style-type: none"> <li>• Outline the information and research that has informed the decision.</li> <li>• Include sources and key findings.</li> </ul>	Discussions have been held with Environment Agency and Natural England to discuss about the issues associated with delivering strategic wetlands and the actions required to work through this goal in a partnership approach.
<b>Consultation:</b> <ul style="list-style-type: none"> <li>• What specific consultation has occurred on this decision?</li> <li>• What were the results of the consultation?</li> <li>• Did the consultation analysis reveal any difference in views across the protected characteristics?</li> <li>• What conclusions can be drawn from the analysis on how the decision will affect people with different protected characteristics?</li> </ul>	Discussions have been held with Environment Agency and Natural England to discuss the approach towards strategic wetlands and nutrient neutrality within the borough of Ashford.

**Assess the relevance of the decision to people with different protected characteristics and assess the impact of the decision on people with different protected characteristics.**

When assessing relevance and impact, make it clear who the assessment applies to within the protected characteristic category. For example, a decision may have high relevance for young people but low relevance for older people; it may have a positive impact on women but a neutral impact on men.

<b>Protected characteristic</b>	<b>Relevance to Decision High/Medium/Low/None</b>	<b>Impact of Decision Positive (Major/Minor) Negative (Major/Minor) Neutral</b>
<u>AGE</u> Elderly	None	Neutral
Middle age	None	Neutral
Young adult	None	Neutral
Children	None	Neutral
<u>DISABILITY</u> Physical	None	Neutral
Mental	None	Neutral
Sensory	None	Neutral
<u>GENDER RE- ASSIGNMENT</u>	None	Neutral
<u>MARRIAGE/CIVIL PARTNERSHIP</u>	None	Neutral
<u>PREGNANCY/MATERNITY</u>	None	Neutral
<u>RACE</u>	None	Neutral
<u>RELIGION OR BELIEF</u>	None	Neutral
<u>SEX</u> Men	None	Neutral
Women	None	Neutral
<u>SEXUAL ORIENTATION</u>	None	Neutral
<u>ARMED FORCES COMMUNITY</u> Regular/Reserve personnel	None	Neutral
Former service personnel	None	Neutral
Service families	None	Neutral

<b>Mitigating negative impact:</b> Where any negative impact has been identified, outline the measures taken to mitigate against it.	N/A
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<b>Is the decision relevant to the aims of the equality duty?</b> Guidance on the aims can be found in the EHRC's <a href="#">Essential Guide</a> , alongside fuller <a href="#">PSED Technical Guidance</a> .	
<b>Aim</b>	<b>Yes / No / N/A</b>
1) Eliminate discrimination, harassment and victimisation	N/A
2) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it	N/A
3) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it	N/A

<b>Conclusion:</b>	
<ul style="list-style-type: none"> <li>Consider how due regard has been had to the equality duty, from start to finish.</li> <li>There should be no unlawful discrimination arising from the decision (see guidance above ).</li> <li>Advise on whether the proposal meets the aims of the equality duty or whether adjustments have been made or need to be made or whether any residual impacts are justified.</li> <li>How will monitoring of the policy, procedure or decision and its implementation be undertaken and reported?</li> </ul>	<p>Officers have been working with Natural England, the Environment Agency and Kent County Council to prepare an Operational Statement. The Operational Statement address how the parties will work in partnership to deliver the strategic response and strategic wetlands for nutrient neutrality.</p> <p>The Council has considered the equalities act, however the Operational Statement is not specifically relevant to any of the protected characteristics. The Operational Statement will form part of the strategic response to remove the current hold on development, which will benefit the Stour catchment (and borough) as a whole. It is concluded that the steps proposed in this report, to adopt the Operational Statement, do not prejudice any existing groups.</p>
<b>EIA completion date:</b>	18 March 2022

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## Greater Ashford Borough – Environment & Land Mapping Commission

### NOTES of the 5<sup>th</sup> meeting held at the Civic Centre, Ashford on 8 February 2022 at 1030

#### Present

##### Commission Members

Neil Bell	Chair of Commission & ABC Portfolio Holder Planning & Development
Michael Bax	Weald of Kent Protection Society (WKPS)
Peter Dowling	River Stour Internal Drainage Board
Christine Drury	Campaign for the Protection of Rural England (CPRE)
Nick Fenton	Kent Housing & Development Group
Jo James	Kent Invicta Chamber of Commerce (KICC)
Sandra Norval	Southern Water
Chris Reynolds	Kent Downs AONB
David Robey	KCC Elected Member & Deputy Portfolio Holder for Economic Development
Jeremy Smith	Kent Association of Local Councils (KALC)

##### Professional Advisers

Jeremy Baker	ABC Principal Solicitor & Deputy Monitoring Officer
Tracey Butler	ABC Head of Environment & Land Management
Daniel Carter	ABC Spatial Planning Manager (for Simon Cole)
Tom Marchant	KCC Head of Strategic Planning & Policy
Andrew Osborne	ABC Economic Development Manager

#### Apologies

Shona Johnstone	Homes England
Noel Ovenden	Vice Chair of Commission & Leader of Ashford Independent Party & ABC Chair of Overview & Scrutiny

#### Welcome

As part of the Chair's welcome, he said he was very appreciative of the time that people were committing to the Commission, and that good progress continued to be made by the two working groups, who would be updating the meeting as part of the day's agenda.

## **Notes of the previous meeting**

The notes of the virtual meeting on Tuesday, 18 January, previously circulated, were approved.

## **Chairman's Update**

The Chair confirmed that TMA had been appointed as consultants to undertake the mapping of the borough; and he welcomed Alice McAuley, Managing Director, to give a demonstration of the system and the mapping layers put together to date.

He indicated that Daniel Carter had agreed to do a presentation on the Local Plan so that the Commission could see how everything fitted together.

He also said that decisions would need to be made as a result of the day's meeting in terms of the whole Commission agreeing the steps proposed by the two working groups.

As far as the next scheduled meeting for the Commission was concerned – 8 March – it was agreed that the working groups need to progress their individual work programmes, and that this would be a better use of everyone's time at this stage in the Commission's remit. Therefore, the March meeting of the whole Commission would not now take place, and arrangements for the proposed meeting in April will be reconsidered nearer the time. (Subsequent arrangements have been made for WG2 to meet, virtually, at 10.30 on Tuesday, 8 March. Other Commission members are welcome to attend if they wish: please notify Linda Stringer: [linda.stringer@ashford.gov.uk](mailto:linda.stringer@ashford.gov.uk) or Kirsty Hogarth [kirsty.hogarth@ashford.gov.uk](mailto:kirsty.hogarth@ashford.gov.uk))

## **TMA Enviro-Map: Demonstration by Alice McAuley, Managing Director, TMA Associates**

Alice gave a demonstration on the 37 layers of the mapping process that TMA have put together to date. All Commission members had been invited to bring their own laptops to the meeting so that they could access the site at the same time.

Alice also confirmed that the 'base layers' had been put together as a result of information mainly available from ABC, but also some from other national sources. All information was listed in a key at the side of the borough map, and everyone could add layers that they could choose from the list to suit specific purposes/enquiries.

She also demonstrated the flexibility of the system, showing how it was possible to for individual users to draw round and highlight individual areas. It was not, however, possible for individuals to edit the base layers, ensuring the security/validity of the maps.

It was agreed that Alice's pre-demonstration slides would be sent to all Commission members.\*

**The Local Plan: Where it starts and ends  
(A short presentation by Daniel Carter to facilitate the Commission's  
understanding of the existing process)**

Daniel Carter then gave a short presentation on the Local Plan process, as it was felt that this might help the Commission members better understand the Commission's remit and what it was aiming to feed into. He emphasised that mapping could show many characteristics of an area, but that the Commission would need to determine their purpose and how they would help to justify zoning or specific 'tags' being applied to an area.

He gave examples of options that might be considered as layers, but said that Commission members would need to be clear for what purpose those layers were being added and would need to understand how they might be of help in the land identification process.

**Slides\***

**Update from Working Group 1 on Consultation:  
Proposals for the Brief, the Questionnaire and Letter of Explanation**

David Robey updated the Commission on behalf of WG1, stating the intention to consult with Town, Parish and Community Councils and Urban Forums, directly via a questionnaire; and to involve businesses via KICC and housing developers via Kent Housing & Development Group. Some thought was also being given to involving young people in discussions, possibly via consultation with some schools and the FE College.

A questionnaire had been developed; to give respondents the opportunity to understand the process and the questions being asked, an electronic 'package' was about to be sent to all local councils (town, parish, community) and urban forums in advance of the questionnaire; the following week it was proposed that a link would be sent to each council, requesting completion and submission of the questionnaire no later than 25 March.

Once all questionnaires had been received, they would be collated and analysed; there would then be the opportunity for further discussions between Commission members and the respondents to clarify any points, if it was deemed helpful.

**#Slides\***

**Feedback from Working Group 2 on Definitions & Working Assumptions:  
Proposals for the Journey to Mapping**

As part of WG2's working papers, various mechanisms for progressing had been submitted to the meeting. This included: identification of base mapping data and possible further mapping layers; potential 'zones' and/or grouping into areas; and suggestions on the viability of public consultation to define areas of possible opportunity or risk. As a result of discussions, however, it was agreed that some prioritisation should be given to various 'layers', and it was decided that WG2 should

meet to agree on further mapping layers, as well as to justify inclusion of those layers by establishing how useful they might be to the process.

Updates will be included in the Commission's report (currently being compiled).

Future meeting dates will be confirmed as soon as possible, although the next full Commission meeting is scheduled for Tuesday 12 April at 10.30 a.m. at the Civic Centre, Ashford.

Circulation:

All Commission Members + Executive Leader of the Council

All Professional Advisors + Chief Executive

Secretariat:	Linda Stringer	ABC Senior Executive Assistant
	Jeff Simms	ABC Senior Communications Officer
	Danny Sheppard	ABC Member Services Manager*
	Kirsty Hogarth	ABC Head of Secretariat

(\* denotes not in attendance for meeting)

KH/ELMC/18/1/22



## Joint Transportation Board

Minutes of a Hybrid Meeting of the Joint Transportation Board held in Committee Room 2, Civic Centre on the **1<sup>st</sup> March 2022**.

### **Present:**

Cllr. B Heyes (Chairman) - ABC;  
Mr. P Bartlett (Vice-Chairman) - KCC;

Cllrs. Cornish, Feacey, Forest, T. Heyes, Krause, Spain – ABC.

In accordance with Procedure Rule 9.3, Cllr. Forest attended as Substitute Member for Cllr. Burgess.

Mr. S Campkin, Mr C.Simkins – KCC.

Mrs. C Drury, Mrs A Hicks, Mr A Rogers – KALC Representatives.

### **Apologies:**

Cllr. Burgess – ABC.

Mrs C Bell, Mr D Ross – KCC.

### **Also present:**

Cllrs. Brooks, Michael, C. Suddards, Wright – ABC.

Mr M Hill, Mr D Robey – KCC.

### **In Attendance:**

Economic Development Manager – ABC, Community Safety and Wellbeing Manager – ABC, Civil Enforcement Team Leader – ABC, Commercial Development & Regeneration Manager – ABC, Head of Community Safety and Wellbeing – ABC, Member Services and Ombudsman Complaints Officer – ABC

Senior Highway Manager – KCC, District Manager – Ashford – KCC, Street Lighting Manager – KCC, Street Lighting Maintenance Team Leader – KCC.

Head of Public Affairs - Eurostar

## **307 Declarations of Interest**

Mr Bartlett	Made a Voluntary Announcement as he lived adjoining the Sevington Inland Border Facility site.	313
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Mr Campkin	Made a Voluntary Announcement as South Willesborough was affected by the HGVs and he was a Member of South Willesborough and Newtown Community Council.	315
Cllr Cornish	Made a Voluntary Announcement as the A2070 road was in her Ward.	317
Mrs Drury	Declared an Other Significant Interest as she had a personal interest.	315
Cllr T Heyes	Made a Voluntary Announcement as the A2070 road was in her Ward.	317
Mr Rogers	Made a Voluntary Announcement as South Willesborough was affected by the HGVs and he was a Member of South Willesborough and Newtown Community Council.	315
Mr Robey	Made a Voluntary Announcement as he was Divisional Member, but he had no connection with the proposals.	316

### **308 Minutes**

**Resolved:**

**That the Minutes of the Meeting of this Board held on the 14<sup>th</sup> December 2021 be approved and confirmed as a correct record.**

### **309 Petition for vehicular waiting spaces outside the Royal Mail sorting office, Tannery Lane**

In accordance with Procedure Rule 9.1, Mrs Roberts, a local resident, presented a petition to the Joint Transportation Board calling for the provision of vehicular waiting spaces outside the Royal Mail Sorting Office, Tannery Lane. Mrs Roberts spoke on this item, and her speech, as supplied in advance of the meeting, is attached to these Minutes at Appendix A.

The Chairman thanked Mrs Roberts for attending and acknowledged receipt of the petition. He advised that the petition would now be passed over to officers, who would provide Mrs Roberts with a formal response in due course.

## **Resolved**

**That the petition be received and officers provide a response in due course.**

## **310 Eurostar Service to Ashford**

The Head of Public Affairs - Eurostar introduced this item. He drew attention to the key points within the report and gave a presentation, which covered:

- Eurostar's covid impact and recovery
- Impact of Omicron restrictions
- Recovery financial trajectory
- Consequences on Eurostar services
- A major mid-term risk
- Non-EU passengers border crossing under EES
- Green Speed: Eurostar/Thalys merger

The Economic Development Manager – ABC confirmed that this had been a challenging commercial period for Eurostar but it was hoped that the coming year would be more favourable in terms of returning services. He considered that there was a clear commercial case for Ashford to put forward, particularly in light of the recent announcements about Newtown Works and Brompton, which highlighted Ashford's location in terms of international services and interconnectivity into Europe. He added that a high-level meeting was likely to take place in May to include key Members, the Leader ABC, KCC and the Borough MP.

A Member asked whether Eurostar had approached the Government to seek support to enable continued provision of services throughout the pandemic. The Head of Public Affairs - Eurostar advised that many approaches had been made to Government but these had been unsuccessful due to the nature of Eurostar's shareholding structure.

The Chairman asked whether, in view of the rapidly booming travel market, Eurostar would consider providing one stop in Kent, either at Ashford or Ebbsfleet. The Head of Public Affairs - Eurostar said that the decision to open either of these stations was not a simple one and at present it was not a financially viable option.

A question was asked about the percentage of commuters using Ashford. The Head of Public Affairs - Eurostar responded that Eurostar considered this commercially sensitive information and he could not provide numbers. The Economic Development Manager – ABC added that assumptions of 200,000 passengers per year travelling through Ashford had been made during the Ashford Spurs project several years ago.

JTB  
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A Member asked about the winter ski market and questioned whether a Saturday service could be provided. The Head of Public Affairs - Eurostar confirmed that a seasonal service to the French Alps was running in conjunction with a French travel operator. However, a contract was in place to ensure that Eurostar's costs were covered.

The Head of Public Affairs - Eurostar was asked whether Eurostar were concerned about competition to their Ashford service and he replied that Eurostar welcomed competition.

**Resolved**

**That the report be received and noted.**

### **311 Parking and Waiting Restrictions**

The Community Safety and Wellbeing Manager – ABC introduced this item and drew attention to the report, which covered the work currently being managed and progressed through the Parking, Highways and Transportation team.

A Member suggested that a holistic review of all parking restrictions in the town centre was required to accommodate changes to businesses. He hoped that the Town Centre reset would address this particular issue. The Commercial Development & Regeneration Manager – ABC advised that ABC officers would be meeting with KCC representatives to collaborate on traffic, parking and bus issues.

In response to a question about moving traffic enforcement, the Community Safety and Wellbeing Manager said that KCC would be putting in a submission for the three existing bus gate sites in Ashford, with a consultation exercise starting at the end of March.

**Resolved**

**That the report be received and noted.**

### **312 Highway Works Programme**

The District Manager – Ashford – KCC introduced this item and explained that the report provided an update from KCC Highways on schemes approved for construction.

A Member drew attention to the forthcoming night-time closures on the A2070 at the Orbital roundabout.

**Resolved**

**That the report be received and noted.**

### **313 Sevington Inland Border Facility**

The Senior Highway Manager – KCC introduced this item and gave an update on the Border Facility operation. More checks were now taking place by HMRC which had led to more inbound and outbound traffic using the site. Construction was continuing on the DEFRA control post, with live animals, animal produce and plants due to transit the site from July. Permanent freight signing was still to be erected on the strategic road network, although details of signage and location had now been approved. Work on the Eastern side would be commencing this week, with a protected Public Right of Way running through the site. Store Eunice had led to a brief closure of the site, but it had been used instead to hold freight delayed by the weather conditions. EES was due to be introduced later in the year and this would impact on freight and tourists leaving Dover, so a solution was awaited.

A Member highlighted the work done on the Eastern side and said this was a good example of joint agency work. He thanked the Senior Highway Manager – KCC and all other officers concerned.

#### **Resolved**

**That the report be received and noted.**

### **314 Street Lighting Maintenance Service**

The Street Lighting Manager – KCC introduced this item and highlighted the key points within the report.

A Member asked about missing street lights in Willesborough and questioned whether they had been officially removed. The Street Lighting Manager – KCC said that KCC was not currently removing lights. The lights referred to may have been damaged or failed a structural test and were due to be replaced. The Street Lighting Maintenance Team Leader said that if she could have further details of the specific lights in question, she would look into the matter further and respond to the Member offline.

A Member explained that he had called this item to the meeting as part of the Safer Streets project. He was grateful for the presentation and pleased to know that lights were being maintained to ensure that safety of women was treated as priority.

A question was raised about the problem getting spare parts to fix the lights in Godinton Road. The Street Lighting Manager – KCC said that officers had been in touch with the manufacture for a solution, but there was no timescale at present.

The Economic Development Manager – ABC advised that the ABC contact for Safer Streets was the ABC Community Safety and Wellbeing Manager.

#### **Resolved**

**That the report be received and noted.**

### **315 Ashford HGV Enforcement**

The Civil Enforcement Team Leader – ABC introduced this item and drew attention to the key points within the report, which provided an update on overnight HGV enforcement and clamping.

A Member asked about the clamping trial and the extent to which enforcement officers were trained. The Civil Enforcement Team Leader – ABC explained that officers were fully trained as civil enforcement officers, which was mandatory in order to be able to issue a Penalty Charge Notice. However, they were only contracted to undertake enforcement work for overnight parking clamping of lorries and would not take action against any other forms of infringement.

There was a question about the comparison between numbers this year and in previous years. The Civil Enforcement Team Leader – ABC said that it was hard to make a direct comparison at the moment, but it appeared that numbers were higher now. A high percentage of complaints were coming from the Orbital Park.

A Member commented that there was a lack of services for HGV drivers in this area, and a lack of communication regarding parking availability. The Civil Enforcement Team Leader – ABC said that Ashford International Truck Stop had worked hard to improve the facilities at the site, and were now running a successful app. They had also undertaken work on promoting the pre-booking facility to ensure that drivers had a slot. The main problem appeared to be for lorry drivers who had not planned ahead and pre-booked. A Member said it was likely that the larger companies used this system, but he considered that smaller companies may be penalised for not being aware of the system.

A Member asked whether the clamping officers could issue tickets for vehicles parked outside a designated area. The Civil Enforcement Team Leader – ABC said that there was no change in the current enforcement arrangements. The clamping officers could only clamp lorries, but could not undertake the work of the Civil Enforcement Officers elsewhere in the Borough.

A Member asked whether it would be possible to provide more obvious signage in areas where there were particular problems with HGV parking. The Senior Highway Manager – KCC replied that it had not been possible to identify any signage that was going to be effective if a driver had decided that they were going to park in a particular location. Enforcement was helping, but when the truck stop was full there was a resulting problem in the residential areas. A Member asked about potential for installing physical barriers in residential areas but the Senior Highway Manager – KCC said that this would be problematic because of the need to allow access for removals vehicles and vehicles relating to businesses in the area.

A Member said that there were particular problems at the moment with HGV parking over the weekend at Matalan and also in Park Farm. The Civil Enforcement Team Leader – ABC said she would pass this information to the Community Safety Unit.

A KALC rep said that Ashford was a victim of its own success and was now attracting more lorries than ever. She considered that a Kent-wide review was needed as this was not only a problem for Ashford.

A Member thought it would be helpful to provide more information outside the truck stop site i.e. overhead motorway signs to indicate available capacity. He asked whether this could be pushed back to KCC to consider provision of this kind of information.

The Commercial Development & Regeneration Manager – ABC said that the Council had been successful in encouraging the truck stop to expand from 300 to 600 spaces, but more work was still needed. It was necessary to seek ways to provide more lorry parks. Officers would speak to the truck stop regarding any future plans to extend further. They would also discuss the need to make provision at the moment for Ukrainian lorry drivers who were stranded or in difficulty.

It was agreed that a further progress report on this item would be received at a future JTB meeting.

**Resolved**

**That the report be received and noted.**

### **316 Extension of B Line to Finberry**

The Community Safety and Wellbeing Manager – ABC introduced this item and drew attention to the main points within the report. She would report back to the next meeting on the progress of this project.

A Member suggested that it would be useful to get Crest on board with the project as they had an obligation under S106 to provide bus stops. However, he did request that any new bus stops at Finberry should not be made of glass, to assist with anti-vandalism.

**Resolved**

**That the report be received and noted.**

### **317 ASB on A2070**

The Community Safety and Wellbeing Manager – ABC introduced this item and highlighted the key points within the report in relation to ASB on the A2070. She explained that a Task and Finish Group had been established with a view to reducing the noise problem and an Action Plan had been produced. It was acknowledged that it was not possible to change the road design but it was possible to focus on driver behaviour and the impact on local residents. A further progress report would be presented to the next JTB meeting.

JTB  
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A Member stressed that reporting noise incidents was critical as it was only possible for Kent Police to take steps if they had information to act on. He considered that the current progress was a very good example of agencies working together.

Another Member said that websites in Europe were actively encouraging bikers to come to Ashford as a good location for bike trials and questioned how this could be prevented. The Community Safety and Wellbeing Manager – ABC said that part of the Action Plan was to counteract this by putting alternative messages on the same social media platforms. There would be a three-pronged approach to resolving the problem through a mix of education, engagement and finally enforcement action. Targeted publicity articles were useful to convey the potential impacts of this continued behaviour and the ultimate danger of enforcement action and bike loss. Attempts would also be made to engage with bikers at biking events and educate them on the impacts of their behaviour. Enforcement would be considered the final solution after engagement and education efforts had been made. The first day of action would take place during the Easter weekend with a multi-agency team working in Rye and possibly in Ashford too. This would be a cross-border event with Sussex Police. Another event was envisaged for the summer. The Community Safety and Wellbeing Manager – ABC stressed that people must report incidents of noise to the Police in order for the Police to be aware of the scale of the problem and allocate Police resources to that area.

A Member asked why speed cameras were not in operation. The Community Safety and Wellbeing Manager – ABC explained that nowhere along the road was considered safe to site a fixed speed camera or mobile speed van. The only other enforcement option was via road policing teams.

In response to a question about Community Speed Watch, the Community Safety and Wellbeing Manager – ABC advised that Community Speed Watch did not operate on the A2070 but was focused on the surrounding local residential roads.

A Member stressed that the main noise nuisance came as bikers were leaving and accelerating away from the roundabout, when the noise became deafening for local residents. The Community Safety and Wellbeing Manager – ABC acknowledged this problem. She said that this would be an area of focus for engagement and education, but stressed that there was no simple and quick fix to this problem.

## **Resolved**

**That the report be received and noted.**

## **318 The construction of bus shelters in the Borough pertaining to anti-vandalism measures**

The Commercial Development & Regeneration Manager – ABC introduced this item and drew attention to the summary report. She explained that broken glass was being replaced with Perspex and that there was a contract with a company to manage and repair bus shelters in the Borough. There were very few bus shelters in



rural areas which were still in ABC ownership, and any of those that required replacement would be funded via S106 funding.

A Member asked about green roofs, and suggested that these would be open to vandalism. The Commercial Development & Regeneration Manager – ABC explained that the idea of green roofs came out of the carbon neutrality workshops. Officers were currently investigating possibilities in more detail, and it was possible that the town centre only might be considered the most appropriate location for any shelters with green roofs.

### **Resolved**

**That the report be received and noted.**

## **319 Dates of Meetings 2022/23**

7<sup>th</sup> June 2022  
6<sup>th</sup> September 2022  
6<sup>th</sup> December 2022  
7<sup>th</sup> March 2023.

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## APPENDIX A

I feel that there has been a long standing issue over many years for the need of temporary vehicular waiting bays outside the Sorting Office In Tannery Lane. As you will probably know there are double yellow lines on the road outside the building and people are not supposed to park there. Most times I am able to walk to make my collections but occasionally take the car if I'm in a rush which I found with my working schedule in the run up to Christmas. Whilst doing so I witnessed several other vehicles also waiting and about 6 people queuing outside to make their collections.

I have had some conversations with other customers and Royal Mail employees and came to believe that there is a valid need for 3 official 15 to 20 minute waiting bays outside the Sorting Office. Currently many a customer nervously leaves their vehicle there. Some are met by traffic wardens and are issued parking tickets. This can be very upsetting for a brief visit to collect missed deliveries.

To gauge the public feeling on this I instigated a petition at the beginning of January which you will see has now gained over 3000 signatures and many comments of support and the feeling is strong.

There are many people from all walks of life within the community who at some time need to collect or deliver post and parcels and require a brief 5 minute stop off for their vehicle while they do so. The car parks in the town are some distance and not conducive for those with mobility or health issues who can't walk far including elderly customers or people working busy shifts and schedules with little time to spare, for those managing children or for people carrying heavy parcels to or from the Sorting Office. Having to pay for parking to make collections also seems an unfair charge to ask the public to make to receive their mail.

My feeling, and evidently the public feeling, is that there is now a strong need for a change to the current restrictions. This area of road is already well used for waiting and has been so for many years. Provision of vehicular waiting spaces in this area is a public need and would highly benefit the local community so we would appreciate your serious consideration of this matter.

Thank you.

## Trading and Enterprise Board

Minutes of a Meeting of the Trading and Enterprise Board held in the Council Chamber, Civic Centre, Tannery Lane, Ashford, on the **22<sup>nd</sup> February 2022**.

### **Present:**

Cllr. Bell (Chairman)

Cllrs. Feacey, Pickering, Shorter

Cllr. Ovenden (Observer).

### **Also Present:**

Deputy Chief Executive, Head of Finance and IT (in her Capacity as Director of A Better Choice for Property Ltd), Accountancy Manager, Commercial Development Manager (A Better Choice for Property Ltd), Member Services Manager.

## **285 Minutes**

### **Resolved:**

**That the Minutes of the Meeting of the Board held on the 28<sup>th</sup> September 2021 be approved and confirmed as a correct record.**

## **286 Commercialisation Strategy Update**

The Head of Finance and IT gave a verbal update advising that this strand of work had been transferred to her from the Head of Environment and Land Management. It was intended to bring commercialisation and digitalisation closer together and she would bring update reports to this Board every quarter.

In response to a question about results so far, the Head of Finance and IT advised that many of the projects had been held up due to the pandemic but were expected to accelerate in the coming months. Garden waste had begun and was already generating a return which was pleasing. The projects would be about generating income but also savings and efficiencies and it would be important to devise a strategy for measuring those.

A Member referred to the savings generated by the adoption of Parking RINGO as referred to in the previously circulated report (November 2021). It was confirmed that these related to the removal of machines and reduction in cash handling costs. These savings would continue to be reflected in Financial Monitoring reports.

**Resolved:**

**That the update be received and noted.**

## **287 Exclusion of the Public**

**Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of the following items, as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to Paragraph 3 of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

## **288 A Better Choice for Property Limited – Request for Funding**

The Deputy Chief Executive introduced the confidential report which gave an update on a project the Company was working on including a request for the release of additional funding to facilitate the development

After a lengthy debate the Board agreed to delegate approval of the release of funding to the Chairman, subject to the receipt of a satisfactory timetable, with input from ABC Planning and Legal Services, detailing all of the necessary steps through to the deadline for the commencement of construction in June 2023. It was requested that such a timetable be received within a week and could then be used to help manage and monitor this particular project as it developed and provide assurance to this Board before agreeing the release of further funding.

The Chairman made it clear that he would consult with other TEB Members before taking the final decision, either by email or at a Virtual Meeting.

**Resolved:**

**That approval of the release of funding be delegated to the Chairman of this Board, subject to the receipt of a satisfactory timetable as detailed above.**

## **289 Previously Agreed Papers**

The Board noted the papers that had been previously agreed by e-mail to avoid the need for a physical meeting during a peak in the Coronavirus pandemic last November. They had been subsequently endorsed by the Cabinet on the 16<sup>th</sup> December 2021.

The Commercial Development Manager (A Better Choice for Property Ltd) gave a verbal management update on the portfolio and performance of the Company. Going forward, he would bring update reports to this Board every quarter. The Board said they were heartened by the update and thanked him and his staff for their efforts.

**Resolved:**

**That the updates be received and noted.**

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## Civic and Ceremonial Programme Board

Notes of a Virtual Meeting of the Civic and Ceremonial Programme Board held on the 25<sup>th</sup> February 2022.

### Present:

Cllr. Clarkson (Chairman)  
Cllr. Forest (Vice-Chairman)

Cllrs. Burgess, Knowles (ex-Officio), Ovenden, L Suddards, Webb.

### Also Present:

Tourism and Heritage Manager, Grounds Maintenance Operations Manager, Civic Officer, Heritage Development Officer, Member Services Manager.

## 1 Notes of the Previous Meeting of the Board – 22<sup>nd</sup> December 2021

- 1.1 The notes of the Meeting held on the 22<sup>nd</sup> December 2021 were approved and confirmed as a correct record.

## 2 Event Updates

### Holocaust Memorial Day and 80 Trees for 80 Years

- 2.1 The Heritage Development Officer submitted an update advising that the Borough had marked Holocaust Memorial Day – 27<sup>th</sup> January 2022 and this had included a tree planting ceremony and unveiling of a plaque on the village green in Woodchurch. There had also been complementary events in the Woodchurch Memorial Hall, Ashford Gateway and Ashford Memorial Gardens and the Board thanked those involved for marking this day in an appropriate and dignified way.

### Events Calendar

- 2.2 This set out the above for 2022 - 2026. This was a live document and it would be updated as Officers became aware of new anniversaries and events. Members were encouraged to input with any events that they were aware of for addition to the calendar.

### Railway Heritage Play – “All Change for Ashford”

- 2.3 Following previous discussions on this at the Board, Members received an update advising that the play would take place this spring between 28<sup>th</sup> April and 7<sup>th</sup> May. The Board also received a summary of feedback received from pupils at Great Chart Primary School who had been involved in the project.

**Resolved:**

**That the updates be received and noted.**

### **3 Jubilee and Albacore Event Programme 2022 – Update Report**

3.1 The Tourism and Heritage Manager and Civic Officer ran through the current state of play with all of the individual projects within the Queen's Platinum Jubilee and HMS Albacore Events Programme. These included: - the Ashford Tree Trail; the National Civic Tribute Tree Planting on the 11<sup>th</sup> March; the Beacon Lighting Event in Civic Park on the 2<sup>nd</sup> June; the Mayor's Thanksgiving Service and Afternoon Tea at St Mary's on the 3<sup>rd</sup> June; the 80<sup>th</sup> Anniversary of the HMS Albacore and the Ashford Sea Cadets on the 4<sup>th</sup> June; and the Jubilee Big Lunch in Victoria Park on the 5<sup>th</sup> June. It was a wide ranging programme and would be complemented with music at the town centre bandstand on the 2<sup>nd</sup> and 4<sup>th</sup> June and performances from The Cardboard Orchestra/Ashford Proms. The update also included information on the communications and design work running up to the events. The Leader hoped that information could be provided in an edition of Ashford For You in either April or May.

3.2 In the course of discussion on this item the following points were raised: -

- It was considered that the Tree Trail should stay in place for the month of June if possible.
- It was agreed to extend invitations to the tree planting on the 11<sup>th</sup> March to include all Councillors and some other key local dignitaries and to hold a wider reception in the Committee Rooms afterwards. The Leader asked if a gazebo and a few seats could also be provided.
- The Mayor and Leader would agree the wording/design of the plaque for the tree planting and it was suggested that an arboretum marble pillar could perhaps be produced later in the year.
- There would be a test lighting of the beacon on the 5<sup>th</sup> April. This would also provide a photo opportunity with both the Queen's Platinum Jubilee shield being added to the beacon with the 'Ashford Remembers' one and the Borough crest.
- An exciting service based on the theme of celebrating the monarchy through the last seven decades had been drafted for the 3<sup>rd</sup> June by the St Mary's Team and their Director of Music Bryan Gipps. A souvenir Order of Service booklet with information and photos had been drawn up, along with a specially designed souvenir bookmark and these would be given to everyone attending. The bookmarks were



proposed to be passed on to the children at the schools taking part in Tree Trail as well.

- The final design for the Sea Cadets' and Albacore memorial in the Memorial Gardens had now been agreed. This would be unveiled at the event on 4<sup>th</sup> June. Thanks were given to local sponsors Gallagher Group, the Ashford Museum, Hadaway and Denton and Channel Commercials who had all assisted in supplying or readying materials for the memorial, and to Aspire for their design work.

3.3 The Board expressed their support and excitement for the programme as planned.

**Resolved:**

**That the updated be received and noted.**

## **4 Civic Update**

4.1 The Civic Officer had submitted a report giving an update on activity in the Civic Office. She drew particular attention to REME's Freedom of the Borough Parade and Open Day scheduled for the weekend of 14<sup>th</sup>/15<sup>th</sup> May and the request to fly the Company flag from the Civic Centre flag poles over that weekend. This was agreed by the Board.

4.2 In response to a question, the Civic Officer advised that the Gurkha and Nepalese community had been heavily engaged in discussions around upcoming civic events.

**Resolved:**

**That the report be received and noted and permission be granted for the 133 Field Company REME (V) to fly the Company flag at the Civic Centre over the weekend of 14<sup>th</sup>/15<sup>th</sup> May 2022.**

## **5 Any Other Business**

5.1 The Mayor, in his role as Member Champion for the Armed Forces Covenant and Ceremonial Liaison, gave an update on recent activity in this area. He advised that he had reached out to all military organisations within the Borough and had been regularly attending meetings, veterans breakfasts etc. One of the key aims was to work with the Royal British Legion in an attempt to take the Ashford branch back out of County control and re-establishing the local branch. This was seen as an extremely important development for the future and he knew the Council would do all it could to publicise the work of the Legion locally and help it build itself back up again. In addition, following on from a recent meeting with representatives from the Gurkha community, discussions were underway to establish a community space or building for them. There was also a desire across the county for Local Authorities to have

more involvement with Cadet Units and it was therefore pleasing to note that Ashford was already leading the way in this area with its Mayor's Cadets. In conclusion he advised that Ashford had applied for a Silver Award in the Armed Forces Employment Scheme. This would reflect much of the good work and engagement the Council already did in this area.

- 5.2 It was agreed that future meetings would receive an update on this work as a standard agenda item.

**Resolved:**

**That the update be received and noted.**

## **6 Date of Next Meeting**

**The next Meeting of the Board is currently scheduled for Wednesday 30<sup>th</sup> March 2022 at 2.30pm.**

Councillor Clarkson  
Chairman – Civic and Ceremonial Programme Board

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## Ashford Borough Council: Local Plan & Planning Policy Task Group

Notes of a Virtual Meeting of the Local Plan & Planning Policy Task Group held on Microsoft Teams on **25 February 2022**.

**Present:**

Cllr. Bartlett (Chairman)

Cllrs. Blanford, Harman (part-meeting), Ledger, Wright.

**Also Present:**

Cllrs. Mrs Bell, Burgess, C. Suddards

**In attendance:**

Spatial Planning Manager; Team Leaders x 2 – Plan Making and Infrastructure; Deputy Team Leader – Plan Making and Infrastructure, Acting Deputy Team Leader – Plan Making and Infrastructure: Planning Officers x 2, Principal Solicitor - Strategic Development; Environmental Contracts and Enforcement Manager; Member Services and Ombudsman Complaints Officer; Member Services Officer.

### 1 Apologies and substitutions

1.1 Apologies had been received from Cllr N Bell, Cllr Clokie

### 2 Declarations of interest

Cllr Bartlett	Made a voluntary announcement that he was a member of Kent County Council	Item 5
Cllr Mrs Bell	Made a voluntary announcement that she was a member of Kent County Council, where she had previously been a member of a Member Task Group that developed the Minerals and Waste Local Plan	Item 5

### 3 Notes of the last meeting

3.1 The Notes of the meeting of the Task Group held on 2 December 2021 were received and noted, subject to the following amendments:

- 3.2 The Principal Solicitor – Strategic Development be added to the attendance list;
- 3.3. The revision of para. 4.5 – first sentence be amended to ‘The Chairman requested that a copy of the information relating to the 278 agreements be distributed to Task Group Members when it was ready’.

## **4 Environment Act 2021 Implications for Planning (Biodiversity Net Gain)**

- 4.1 The Team Leader (Plan Making and Infrastructure) summarised the report tabled, regarding the new legal responsibilities and implications for Council services. The requirements would gradually come into force over the next two years, and unless exempted would require all new developments to demonstrate a 10% net gain in biodiversity, measured by DEFRA’s biometric tool, either on or off site.
- Council to approve Biodiversity Gain Plans required to be submitted with each application
  - National Biodiversity Gain Register
  - National Biodiversity Gain credit system
  - Local nature recovery strategy
  - Production of action plans, with regular reporting on outcomes
- 4.2 The Chairman commented that this demonstrated the Government’s ambitious commitment to the environment and a desire to ‘build back greener’ to halt the decline in species.

### **Resolved**

- To:
- (i) note the contents of this report, in particular the significant new biodiversity-related responsibilities attributed to local authorities as a consequence of the Environment Act 2021;**
  - (ii) anticipate further reports on Biodiversity Net Gain in due course, particularly where it is considered that responses to forthcoming consultations on secondary legislation and / or regulations require or would benefit from Task Group input;**
  - (iii) approve the draft response to the current DEFRA consultation on Biodiversity Net Gain Regulations and Implementation attached as Appendix 4, noting that this is expected to be the first of a number of consultations in the lead up to the mandatory 10% BNG requirements coming into force;**
  - (iv) agree that, given the potential for DEFRA to initiate numerous consultations over a short timeframe, and so as not to over-burden Task Group, Task Group Chair will exercise discretion over when Task Group input is needed or desirable in relation to those consultations, and will have discretion to approve representations**

made on behalf of ABC following consultation with the Portfolio Holder and Head of Planning;

- (v) agree that, going forward, Planning and Development service, and wider corporate priorities for action are:
- (a) the bringing together of existing evidence on biodiversity values in the Borough, and the production of further evidence as necessary to determine and effectively communicate future biodiversity enhancement opportunities, in particular on ABC owned or controlled land;
  - (b) the production of an ABC Biodiversity Action Plan, in anticipation of the Secretary of State confirming, in the next 6-12 months, the date by which these are expected to be in place;
  - (c) engagement in the production of the Local Nature Recovery Strategy to ensure ABC's interests are represented and taken forward; and,
  - (d) responding to Planning and Development Service and wider corporate resource implications, including through buying in training or resource if needed to respond to emerging requirements.
- (vi) anticipate the potential resource implications of the Act, for the Planning and Development Service in particular, but also for other services, (taking account of the current Proposed New Senior Structure Consultation), and anticipate a 'Project Plan' being developed, for approval by Cabinet as necessary, to identify service accountabilities and responsibilities, and to address the additional demands the Act gives rise to, bearing in mind that DEFRA funding to address these demands is expected, but that this may not be immediately or ultimately forthcoming.

## **5 Regulation 18 Consultation Kent County Council (KCC) Minerals and Waste Local Plan 2013-2030 Review**

5.1 The Deputy Team Leader – Plan Making and Infrastructure introduced the item and outlined the key issues and Officer concerns within the plan as tabled.

- Whilst the plan identifies a pressing need for new waste transfer facilities in Kent, it does not specify, secure or allocate a site for this purpose, or set out when it might be delivered,
- It suggests the utilization of Section 106 funds to provide it but these are not currently collected and allocated for this purpose
- Officers were seeking further clarification from KCC of how they intend to address the matter of exemptions from mineral assessments in the context of our existing allocations.

- 5.2 The Environmental Contracts and Enforcement Manager confirmed that the lack of clarity of the plan site allocation was of major concern, linked to contract negotiations. The current transfer station was not fit for purpose, operation restrictions there caused delays. Potential moves in government to enforce twin-streaming or source separation would result in reduction of efficiency. Mid-Kent currently performs better than other areas in Kent. A decision by central government is not expected until May 2022.
- 5.3 From a contractual perspective, further information was being sought from KCC to lessen the risk on the tendering process and individual meetings were taking place in the spirit of partnership working.
- 5.4 From Planning's perspective, the Spatial Planning Manager explained that Section 106 contributions were not presently applied for waste facilities, and may not be in the future. Any request for S106 contributions would need to meet the Regulations and officers currently have doubts about the merits of what is being asked, especially with such lack of certainty provided. In addition, the total S106 burden must always be kept under review, so the Council may in the future have to make tough choices about what requests are affordable. A Member underlined this concern from a community perspective and ensuring S106 money was spent where the impact was greatest.

**Resolved:**

- **To endorse the contents of this paper as a means of framing responses to the consultation on the Kent Minerals and Waste Local Plan Review.**
- **To delegate authority to the Head of Planning and Development and the Head of Environment and Land Management to finalise and agree any responses between the Portfolio Holder for Planning, the Portfolio Holder for Environment and Land Management and The Chair of Task Group.**

## **6 Housing Delivery Test Result 2021**

- 6.1 The Acting Deputy Team Leader (Plan Making and Infrastructure) confirmed the report tabled represented data gathered from January 2018 to January 2021, showing the % delivery versus the % housing need. Performance was noted at 118%.
- 6.2 In answer to a Member's question regarding a prognosis for future delivery, the Spatial Planning Manager believed that delivery against the Housing Delivery Test was likely to be consistent over the next few years but reiterated that the Council currently couldn't demonstrate a 5 Year Housing Land Supply, meaning the national presumption in favour of sustainable development currently applies.
- 6.3 The Chairman stated this topic would be revisited at the May meeting, after housing completion surveys were conducted.

**Resolved:**

**That the report be received and noted**

## **7 Local Plan Residential Windfall Policies**

- 7.1 The Deputy Team Leader (Plan Making and Infrastructure) gave a presentation, which is attached to these notes at Appendix A.
- 7.2 The Spatial Planning Manager noted that there was no current ability to review policies HOU5 and HOU3a as that should only be done through a revision to the Local Plan. However, this presentation represented the first steps of that discussion.
- 7.3 There was a discussion about the merits of the current policy approach and how it has been applied in practice. Members were keen to have another debate nearer the time of any Review. The policy was seen as an important policy for the Council, one which generates significant public interest.

**Resolved:**

**That the contents of the presentation were noted.**

## **8 Gypsy and Traveller Local Plan**

- 8.1 A report had been prepared. The Spatial Planning Manager explained that due to resource pressures and other factors such as Stodmarsh environmental concerns, no progress has been made on a Local Plan for Gypsy and Travellers. It was therefore recommended that this issue should form part of any future review of the Local Plan.
- 8.2 The Spatial Planning Manager agreed to provide a summary note for the public to explain the Council's current position.

**Resolved:**

**To note the contents of the report and agree:**

- **Gypsy and Traveller issues to be woven into and progressed via any future review of the Local Plan 2030, to be triggered at the appropriate time.**
- **the Local Development Scheme to be further revised to reflect the agreed position.**
- **Further background work and corporate co-ordination still takes place to progress the identification of site options and potential site allocations, with a view to providing for a more dispersed model of delivery.**
- **A further report be brought to Task Group setting out a recommended way forward when a resolution to the Stodmarsh issue is closer at hand.**

## **9 Members' Tracker**

- 9.1 It was agreed to cancel the March meeting in order to release Officer resource to deal with the borough-wide housing site visit survey. The meeting in May would be extended.

## **10 Date of next meeting**

- 10.1 13 May 2022 at 10am on Microsoft Teams.

Councillor Bartlett  
Chairman – Local Plan & Planning Policy Task Group

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## Ashford Borough Council

### Report of the Chairman of the Member Training Panel – 23<sup>rd</sup> February 2022

#### 1 Introduction

- 1.1 A virtual meeting of the Member Training Panel was held on the 23<sup>rd</sup> February 2022

The Members present were:-

Councillor Pickering (Chairman);  
Councillor Mrs Bell (Vice-Chairman);  
Councillors Blanford, Forest, Harman, Howard.

In accordance with Procedure Rule 1.2(c) Councillor Harman attended as Substitute Member for Councillor Pauley.

#### Apologies: -

Councillors Pauley, Spain.

#### Also Present:-

Member Services Manager, Senior Member Services Officer.

#### 2 Minutes

- 2.1 Resolved:

**That the Minutes of the Meeting of this Panel held on 5<sup>th</sup> August 2020 be received and noted.**

#### 3 Member Training Panel Annual Report 2021/22

- 3.1 The Senior Member Services Officer ran through the Annual Report, which was a requirement of the Panel to produce and present to Cabinet every year. It was a factual report which detailed all the training that had been undertaken during 2020/21 and 2021/22. It was acknowledged that the training programme had been derailed due to the Coronavirus pandemic, however there were a number of training sessions held during this time, with virtual briefings ensuring that Councillors were updated on important matters. This was also an opportune time to look forward to the coming year and assess what training needs there were. Attention was also drawn to the recent 'Member Development Audit' during which a 'Sound' level of assurance had been given and the four minor recommendations that had been made following this.
- 3.2 The Chairman opened the report up to the Panel and the following points were made: -

- The level of training that had been carried out during this exceptional time was not only welcomed but remarkable.
- The recommendations from the Member Development Audit were discussed at length. On reflection, the Panel felt that it was the role of the Officers supporting Member Training to pro-actively identify any training needs and opportunities and it would not be the most efficient use of Officer time to request Senior Officers to attend the Panel to discuss potential training. In respect of the publication of attendance at training sessions, the Panel felt that the attendance of Councillors on Committees where training was mandatory, such as Planning and Licensing, should be published and available to view on the Council's website.
- The Panel considered that cyber security training was of utmost importance and consideration was given as to whether such training should be made mandatory. It was agreed that all Councillors be reminded of their requirement to undertake such training and detailed instructions on how to access this training would be provided.

### **3.3 Resolved:**

**That**

- (i) The Annual Report be received and noted, and presented to the Cabinet.**
- (ii) All Councillors be reminded to undertake the necessary Cyber Security training**

## **4 Planning for the 2023 Induction Process**

- 4.1 The Member Services Manager advised the Panel that the process of preparing for the 2023 Induction was underway. The Panel would meet several times over the next year to influence and formalise the Induction Process. The previous Induction had been well received and the reintroduction of the Market Stalls event had been highly commended and it was intended to hold this again.
- 4.2 The Chairman opened the item up to the Panel and the following comments were made:
- The previous Induction, along with the Market Stalls event, had been successful and the Panel welcomed a similar approach for 2023.
  - Guidance on Protocols would be beneficial to new Councillors, as would a session on the Constitution. The Member Services Manager advised that they would build this into the plan for the Induction Process.
- 4.3 The Senior Member Services Officer further advised that they would look to survey all Councillors regarding their experiences of the Induction Process and ascertain what they felt was beneficial and what, if anything, was lacking.

**4.4 Resolved:**

**That the Panel would meet again in the Summer to discuss the progress made on the Induction Process.**

Councillor A Pickering  
Chairman – Member Training Panel

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**Agenda Item No:**

**Report To:** CABINET

**Date:** 31<sup>ST</sup> MARCH 2022

**Report Title:** SCHEDULE OF KEY DECISIONS TO BE TAKEN

**Report Author and Job Title:** Danny Sheppard, Member Services Manager

**Portfolio Holder:** Portfolio Holders are individually specified in the attached Schedule.

<b>Summary:</b>	To set out the latest Schedule of Key Decisions to be taken by the Cabinet of Ashford Borough Council.
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**Key Decision:** NO

**Significantly Affected Wards:** Where appropriate, individual Wards are indicated.

**Recommendations** **That the Cabinet receive and note the latest Schedule of Key Decisions.**

**Policy Overview:** Under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, there is no longer a legal requirement to publish a Forward Plan of Key Decisions, however there is still a requirement to publish details of Key Decisions 28 clear days before the meeting they are to be considered at. The Council maintains a live, up to date rolling list of decision items on the Council's website, and that list will be presented to the Cabinet each month, in its current state, for Members' information.

**Financial Implications:** Nil

**Legal Implications:** n/a

**Equalities Impact Assessment** n/a

**Other Material Implications:** Nil

**Exempt from publication:** No

**Background Papers:** None

**Contacts** danny.sheppard@ashford.gov.uk – Tel: 01233 330349

**CABINET  
SCHEDULE OF KEY DECISIONS TO BE TAKEN**

The following Key Decisions will be taken by Ashford Borough Council's Cabinet on the dates stated.

Ashford Borough Council's Cabinet is made up of: - Councillors Gerry Clarkson; Paul Bartlett; Neil Bell; Andrew Buchanan; Paul Clokie; Peter Feacey; Matthew Forest; Nathan Iliffe; Alan Pickering; and Neil Shorter.

*Copies of the reports and any other relevant documents that are submitted to the Cabinet in connection with a proposed decision will be available for inspection, or on screen, five clear days before the decision date at the Civic Centre, Tannery Lane, Ashford and at The Town Hall, 24 High Street, Tenterden, during opening hours, or at <https://ashford.moderngov.co.uk>*

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Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
<b>31<sup>st</sup> March 2022</b>					
Stodmarsh Mitigation Framework		Cllr Bell	Daniel Carter	Open	8/2/22
Victoria Park Project Update	<i>To provide an update on this project and funding arrangements.</i>	Cllr Forest	Roger Batho	Open	3/3/22
<b>28<sup>th</sup> April 2022</b>					
Annual Pay Policy Statement (including Review for 2022/23)	<i>A review of the annual Pay Policy Statement and Ashford Living Wage Allowance.</i>	Cllr Pickering	Michelle Pecci/ Joy Cross	Open	19/3/21
Street Lighting Project – Phase 2		Cllr Iliffe	Paul McKenner	Open	20/8/21

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Transfer of Kiln Field, Tenterden, to Tenterden Town Council	<i>To seek agreement to present a proposal to Tenterden Town Council for a freehold asset transfer of Kiln Field to Tenterden Town Council</i>	Cllr Forest	Terry Jones	Open	24/2/22
<b>26<sup>th</sup> May 2022</b>					
Carbon Neutral Action Plan – Adoption	<i>To adopt the plan following a period of consultation.</i>	Cllr Clarkson	Jennifer Shaw	Open	20/5/21
Repton - Land Acquisition in the HRA		Cllr Clokie	Mark James	Open	3/2/22
Draft Equality Policy		Cllr Clarkson/ Pickering	Charlotte Hammersley	Open	6/1/22
<b>30<sup>th</sup> June 2022</b>					
Recovery Plan Annual Report 2021/22	<i>To present the Annual Report 2021/22 highlighting performance against the Recovery Plan priorities.</i>	Cllr Clarkson/ Shorter	Tom Swain	Open	28/6/21
Final Outturn 2021/22	<i>Final budget outturn for previous financial year.</i>	Cllr Shorter	Maria Stevens	Open	28/6/21
Social Value Policy		Cllr Iliffe	Aymi Laws	Open	17/2/22

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
South Ashford Garden Community – Vision and Strategy		Cllrs Bell/ Shorter	Dan Daley	Open	10/3/22
South Ashford Garden Community – Sustainable Transport Strategy		Cllrs Bell/ Shorter	Dan Daley	Open	10/3/22
Food Safety Policy and Annual Food Safety Service Plan	<i>To seek approval for the Council's updated Food Safety Policy and present the 2022/23 food safety service plan.</i>	Cllr Feacey	Linda Golightly	Open	21/2/22
<b>28<sup>th</sup> July 2022</b>					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Nic Stevens	Open (Exempt Appendix)	30/7/21
<b>25<sup>th</sup> August 2022</b>					
<b>KEEP CLEAR FOR HOLIDAYS</b>					
<b>29<sup>th</sup> September 2022</b>					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Stevens	Open	1/10/21



<b>Decision Item</b>	<b>Report Summary</b>	<b>Relevant Portfolio Holder</b>	<b>Report Author</b>	<b>Open or Exempt</b>	<b>Added to Schedule</b>
Corporate Performance Report	<i>The report seeks to give Members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.</i>	Cllr Shorter	Tom Swain	Open	1/10/21
Corporate Commercial Property Strategy – Annual Report	<i>To advise of the revenue performance of the Council's corporate property portfolio during the last financial period and to advise of proposals to increase profitability in the coming financial period.</i>	Cllr Iliffe	Paul McKenner	Open	1/10/21
<b>27<sup>th</sup> October 2022</b>					
Medium Term Financial Plan	<i>To ask Cabinet to note the Medium Term Financial Plan ahead of this year's Budget process.</i>	Cllr Shorter	Maria Stevens	Open	29/10/21
<b>24<sup>th</sup> November 2022</b>					
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.</i>	Cllr Shorter	Tom Swain	Open	29/11/21
Council Tax Base 2022/23	<i>To present for approval the estimated 2022/23 Council tax base calculation for the Borough and each parished area, on which the major preceptors and local Parish Councils will base their requirements.</i>	Cllr Shorter	Maria Stevens	Open	29/11/21

<b>Decision Item</b>	<b>Report Summary</b>	<b>Relevant Portfolio Holder</b>	<b>Report Author</b>	<b>Open or Exempt</b>	<b>Added to Schedule</b>
Draft Budget 2023/24	<i>To present the preliminary draft service budget and outline MTFP for the purposes of subsequent formal scrutiny by the O&amp;S Task Group and public consultation.</i>	Cllr Shorter	Maria Stevens	Open	29/11/21
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report.</i>	Cllr Shorter	Maria Stevens	Open	29/11/21
<b>15<sup>th</sup> December 2022</b>					
Housing Revenue Account (HRA) Business Plan 2022-2052 (including Financing and Affordable Homes Programme)	<i>To detail the financial position in the HRA and ask Members to agree Housing’s priorities for the next year.</i>	Cllr Clokie	Sharon Williams/Mark James	Open (Exempt Appendix)	20/12/21
Infrastructure Funding Statement		Cllr Bell	Daniel Carter	Open	20/12/21
Update on New Waste Contract		Cllr Buchanan	Tracey Butler	Open	5/1/22
<b>26<sup>th</sup> January 2023</b>					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Nic Stevens	Open (Exempt Appendix)	29/1/21

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
<b>23<sup>rd</sup> February 2023</b>					
Revenue Budget 2023/24	<i>To present the draft revenue budget for 2023/24 to the Cabinet for recommendation to Council.</i>	Cllr Shorter	Maria Stevens	Open	28/2/22
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Stevens	Open	28/2/22
Corporate Performance Report	<i>The report seeks to give Members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.</i>	Cllr Shorter	Tom Swain	Open	28/2/22

***If you wish to contact a Report Author by email, unless stated otherwise, the addresses are;  
first name.surname@ashford.gov.uk***

21/3/22

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