

Minutes of an Ordinary Meeting of Sandwich Town Council held remotely on Monday 28th September 2020 at 6:00pm.

The statutory requirements for meetings under the Local Government Act 1972 cannot be met during the current Coronavirus pandemic. As a result, s78 of the Local Authorities and Police Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the 2020 Regulations') have come into force which enables the Town Council to hold meetings remotely.

Present: Councillors: The Mayor, Cllr PG Graeme (in the chair)

**HJ Bragg
AC Broun
Mrs D Carter
PI Carter
Ms AC Felton
Ms AE Fox
J Franklin
DR Friend
AK Heaven
MJ Holloway
MJ Lintott
HW Sampson
Ms D Sivrikaya
DMA Wood**

Officers: Mrs A Hollobon-Baxter

39.09.20 MAYOR'S OPENING COMMENTS

The Mayor reported that Whitefriars was not on the agenda as information was still awaited. However, this item would be on Advisory and Assets Committee agenda for 12th October 2020 where Mr Roger Walton, DDC, would also be present. The Mayor also announced that he was delighted to advise that Monks Wall Nature Reserve had reopened to the public.

40.09.20 APOLOGIES FOR ABSENCE

Apologies were received and accepted from Cllr Staple (family commitment).

41.09.20 DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER SIGNIFICANT INTERESTS

None were received.

42.09.20 MINUTES

(i) The Minutes of the Quarterly Meeting of Sandwich Town Council held on 24th August 2020 were received and considered.

RESOLUTION: The Minutes were approved as accurate and signed.

(ii) To approve the Minutes of the Extra-Ordinary Meeting of Sandwich Town Council held on 14th September 2020.

RESOLUTION: The Minutes were approved as accurate and signed.

43.09.20 ADVISORY & ASSETS MANAGEMENT COMMITTEE

The Minutes of the Advisory & Assets Management Committee Meeting held on the 14th September 2020 were received and considered.

RESOLUTION: The Minutes were approved as accurate and signed and the following Recommendations approved by Resolution:

- (i) Sandown Road Allotments : A letter to be sent to DDC asking the District Council to re-instate the original boundary and Cllr Holloway to also pursue.**
- (ii) Highways Improvement Plan : Cllrs Graeme, Staple, P Carter and Fox along with County Cllr Chandler and a representative from the Town Team to meet with Louise Winch at KCC to progress this plan.**
- (iii) Neighbourhood Plan : It was agreed that the Planning Committee would shortly consider the key strategic items within the White Paper and progress.**
- (iv) Mission Statement & Business Plan : The statement and plan be progressed.**
- (v) Guildhall Hire Agreement : The revised hire agreement be approved.**

44.09.20 PLANNING COMMITTEE

The Minutes of the Planning Committee Meeting held on 17th September 2020 were received. NB. This committee has delegated decision making powers in relation to planning matters, and so there are no Recommendations to approve.

Council placed on record that they deeply regretted that the Kumar Nursery development had been approved, and had consistently voted to have this application refused.

RESOLUTION: These minutes were noted.

45.09.20 FINANCE COMMITTEE

The Minutes of the Finance Committee Meeting held on 21st September 2020 were received and considered.

RESOLUTION: The Minutes were approved as accurate and signed and the following Recommendations approved by Resolution:

- (i) The financial forecast as at 31st August 2020 was noted.**
- (ii) The Public Conveniences should remain open subject to review on a monthly basis. The plan proposed in the report should be undertaken. Any budget virements necessary should be reported to the Finance Committee on a monthly basis.**
- (iii) The revised grant application form and feedback forms be adopted.**
- (iv) The VAT advice on weddings and room hire be noted.**
- (v) That no rent reduction been given for the Saturday and Wednesday Market stalls. This will be reviewed in the new year if there is evidence to suggest there has been a loss of income due to the Toll Bridge closure.**
- (vi) Information relating to Covid19 grants sought in 2020/2021 was noted.**
- (vii) Information relating to capital expenditure and Public Works Loan Board applications was noted.**

- 46.09.20 PUBLIC REQUESTS TO SPEAK**
Mr C Wiles and Mr C Day both spoke in relation to the land at Whitefriars/Fellowship Walk.
- 47.09.20 REPORT OF DISTRICT COUNCILLORS ON MATTERS DIRECTLY RELATED TO SANDWICH**
Cllr Holloway has provided a written report in advance of this meeting, a copy of which is attached to the official minutes.
RESOLUTION: This information was noted.
- 48.09.20 REPORT FROM CLLR S CHANDLER, KCC REPRESENTATIVE FOR SANDWICH**
Cllr Chandler provided a written update, a copy of which is attached to the official minutes.
RESOLUTION: This information was noted.
- 49.09.20 REPORT FROM MEMBER OF PARLIAMENT ON MATTERS DIRECTLY RELATED TO SANDWICH**
No report was received.
- 50.09.20 FINANCES**
(i) Members received the Sandwich Town Council Statement of Accounts as at 31st August 2020 (income & expenditure, budget, petty cash and forecasting / cashflow report).
RESOLUTION: This information was noted.
- 51.09.20 PAYMENT SCHEDULES**
(i) Members received the mid-month payments that have been authorised by the Clerk to the Trustee and Project Manager for Sandwich Town Council, totalling £9,704.59
RESOLUTION: This information was noted.
(ii) To receive and approve the schedule of payments totalling £26,679.57
RESOLUTION: All payments were approved.
- 52.09.20 DATE OF NEXT MEETING**
26th October 2020 at 6pm.

Signed.....

Date.....

Public Participation Statement to STC on 28/9/20 by Colin Wiles

Mr Mayor. On the 1st September a local builder cleared the site at Fellowship Walk next to the Rope Walk. They brought heavy machinery across the Cattle Market Car Park without permission. They cleared the site without permission, destroying many trees and wildlife habitats in the process. Many Sandwich residents are very angry about this.

Any destruction of trees in a conservation area requires section 211 consent from the local planning authority. If you fail to obtain this consent you can face fines of up to £20,000 for each tree. It is a criminal matter. Dover District Council's planning team accept that the builder did not apply for or receive this consent but say it is not expedient to pursue the matter because, by the time their enforcement officers arrived, the evidence had been obliterated. We think this is unsatisfactory and a dereliction of duty.

Mr Mayor, you will know that the government recently published a White Paper that will relax planning rules and take planning decisions away from local councils like yours. Unscrupulous developers will be keen to take advantage of this and to seek out weak councils. Don't let this council be one of them. Planning authorities need to draw a line in the sand otherwise bad developers are going to run rampant. Your council is a legal consultee on planning matters. You have a voice. We urge you, as one of the primary guardians of this town's heritage and character, to send strong representations to DDC that they should enforce the law and that this developer should not be allowed to get away with vandalism on this scale.

Finally, to be clear, we strongly support new homes being built in and around Sandwich. But they have to be affordable, of high quality and in the right place. This site has no permission for development, or any prospects for development. It is red-lined in DDC's local plan land allocation schedule as "not suitable for development." Any planning application would be purely speculative and speculative housing would not be appropriate on this site. But there is a way forward. You and DDC could designate it as an exception site for affordable housing, perhaps providing modern almshouses in perpetuity through Sandwich United Charities. It is in the perfect location. A sensitively designed, high quality scheme would protect the setting of the Rope Walk and the character of the conservation area and free up family houses. You could make the owner of the site an offer he could not refuse. Please consider our points.

Thank you for your time.

Public Participation Statement to Sandwich Town Council at Meeting on 28th September 2020 by Chris Day

re: **Clearance of the site at The Ropewalk / Fellowship Walk**

My name is Chris Day. I became aware of the damage being caused to the land at The Ropewalk on Wednesday, 2nd September, and submitted an online complaint to Dover District Council the following day upon observing that the contractors were still at work on the site. Asked why they were doing it one of the contractors replied, 'rats' and justified the felling of the trees on the grounds that they were 'all diseased'.

Subsequently, I received a letter from DDC that indicated that officers of the Council had concluded that no enforcement action could be taken in respect of the felling of the trees under the Town and Country Planning Act 1990, and the Police had concluded likewise that the Wildlife and Countryside Act 1981 could not be invoked in respect of the destruction of wildlife habitats, presumably because none remained.

What was astonishing about the felling of the trees was that the investigation officer acknowledged in his letter that the owner of the land had contravened Section 211 of the T&CP Act 1990 but that it was not considered 'expedient' by the officers of DDC to initiate action against the offender.

What, surely, has 'expediency' to do with an offence that has patently been committed by the owner of the land who is legally bound to provide six weeks' notice of their intention to interfere with trees in a Conservation Area, whether or not the trees had previously been subject to a Tree Preservation Order?

We would draw your attention to the guidance produced by The Arboricultural Association in '*A brief guide to legislation for trees*' (2015 as modified) which makes clear that all trees in a conservation area greater than 7.5 centimetres (3 inches) in diameter (as measured 1.5 metres above the ground) must, for the purposes of Section 211, be left in situ for assessment as to whether a TPO should be made.

There remains the issue of whether there is extant archaeology beneath the surface of the ground, the site being very close to Whitefriars Meadow where medieval burials associated with the former Carmelite Friary of the same name (founded in 1268) were disturbed when the houses were built there in the early 1990s. Your Museum and Heritage Manager may be able to advise further on this.

For the moment we call upon Sandwich Town Council to: -

- 1) Put on record its extreme concern regarding the actions of the landowner in the first week of September 2020 in felling trees and clearing undergrowth, leaving the site, once lush with vegetation, bare and desolate.
- 2) As a statutory consultee on planning matters, make a formal representation to Dover District Council to reconsider its decision not to initiate legal proceedings against the landowner, and in so doing, recommend the issuing of summonses in respect of the trees felled in contravention of Section 211 of the Town and Country Planning Act 1990.

3) Urge Dover District Council to follow up prosecution of the landowner with a tree replantation notice under Section 207 of the Act, so providing at the earliest opportunity the re-establishment of the woodland and its habitats that were destroyed four weeks ago.

4) In the meantime, invite Dover District Council to instruct the landowner to properly secure the site against trespass and unlawful occupation with suitable fencing in keeping with boundary enclosures to be found elsewhere in the Sandwich Conservation Area.

5) Finally, consider the idea raised by Colin that the site be used for the creation of a modern-day series of alms-houses, built in a wooded setting and celebrating the philanthropy of the landowner, and the enlightened foresight of the Council in making this possible.

Thank you, Mr Mayor, ladies and gentlemen.

CLLR HOLLOWAY DDC UPDATE SEPTEMBER 2020: PART 1

Overview

September has been the busiest month for DDC activity I have know since becoming a Member in 2015. Against a backdrop of **unprecedented financial challenge** that confronts the District Council because of Covid19, DDC's **pandemic support effort for our communities and businesses** across the District continues. In addition; DDC is engaged with Government on **EU Transition arrangements and sites linked to the Port of Dover**, and continues to evolve an ambitious inward investment plan which forms the thrust of the District Council's **post Covid19 recovery programme for Town Centre regeneration**. Linking this programme, Officers, in consultation with our communities, are in the midst of drawing up a **new Local Plan** as Central Government introduces new planning legislation and increased housing targets - work on the new Plan is well advanced. And on 1 October, DDC takes back in house from East Kent Housing the **direct management of its social housing stock of over 4000 properties** to improve service to the District's tenants. By any stretch, this is a huge agenda. That said, the District Council throughout the pandemic over the past six month has maintained key front line services, and I am proud of that.

On top of this, there have been a number of issues specific to Sandwich, in particular **Whitefriars Meadow** and the site's clearance by its owner – this is covered separately in Part 2 of my report.

Covid19 impact on DDC's Finances

A mid year review of budgets shows the District Council to have £5.4m pressure because of the loss of income resulting from the impact of Covid19. However, because of prudent financial management over previous years, DDC will deliver on a balanced budget this financial year through a combination of drawing on reserves, further Government support to cover some loss, and asset disposal should it be necessary. Work on the 21/22 budget and beyond, and understanding the impact Covid19 will have on these is well underway.

Guildhall Forecourt

Despite DDC's financial pressures and reduced capital programme, DDC remains committed to supporting the Guildhall Forecourt Project which is seen as shovel ready and potentially the first town centre project to be delivered (estimated by early summer 2022) as part of the District's wider post Covid19 regeneration programme. DDC awaits confirmation from STC that its funding contribution to this project is in place, which will then clear the way for the project to be progressed.

Sandwich Waterways

I called for and chaired a meeting of DDC, STC, the Environment Agency (EA), and the Internal Drainage Board (IDB) on 24 September, in response to mounting concern over the condition in particular of the Ropewalk and Butts waterways. This was hugely constructive, with an exchange of expert views, resulting in an agreed action plan on which DDC will now coordinate with the support of the two agencies. Priority is for DDC to complete the removal of silt from the Butts waterwater, and for the EA from some key parts of the Delf Stream by early Spring next year. IDB will investigate historical pipework and sluice equipment at the New Street end of the Ropewalk waterway. And DDC will invest up to £30K on a new bridge over the Butts waterway which

will allow water to flow freely. Fish management was also considered and will be reviewed in the New Year against progress for removing the silt.

Other Sandwich Issues

DDC and **Sandwich Town Cricket Club** (STCC) have agreed a funding settlement for the next three years which gives STCC and its maintenance of the Butts and Gazen Salts cricket grounds certainty. These are arguably the Town's two most important open spaces - Cllr Chandler and I have worked hard to secure this deal given DDC's funding pressures and are delighted with the outcome. A group of youths continue to vandalise the Town with **Graffiti**, although through the quick footed and unrelenting work of Elliot Allen, DDC's Community Development Officer for Sandwich, it is being removed quickly. I do hope at some point with the help of DDC's new CCTV network we will be able to identify who is doing this.

Finally, I'm pleased that DDC at mine and Cllr Chandler's request has been able to grant free parking permits to residents on the Discovery Park side of the River and who will be cut off from the Town during the temporary closure of the Toll Bridge for repairs works. **One free parking permit will be issued per affected household for the Guidhall and Gazen Salt carparks** for the duration of the closure.

Whitefriars Meadow

The clearance of the site on 1 September by the landowner without prior notification was shocking, not least given the site's sensitive location. That morning, Cllr Chandler and I engaged the District Council's Chief Executive and various Heads of Department to urgently attend the site to investigate. Some Town Councillors and many residents continue to express concerns – these are understandable. I therefore asked the District Council's Chief Executive to make a statement to address these concerns, for inclusion in this DDC update to the Town Council :

Statement by Nadeem Aziz, Chief Executive, Dover District Council, of 24 September 2020 :

"District Council Members and Officers were shocked and appalled by the inconsiderate and brutal manner in which Easton Builders cleared the scrub and vegetation on Whitefriars Meadow. Which is why on the day in question all appropriate Departments in the Council responded promptly and contacted all appropriate agencies as set out in the Council's previous position statement (dated 9 September and shared with Sandwich's Mayor and Town Clerk).

Planning

Clearance of scrub and vegetation is not development as defined in Section 55 of the Town and Country Planning Act. The Local Planning Authority has no control over this, and the operation does not require planning permission. The Planning Enforcement Team did not find any evidence of operational development or engineering operations on the site that required planning permission.

Trees

The clearance did however involve the cutting down of some trees which were in the Conservation Area.

Therefore, as set out in S211 of the Town and Country Planning Act the landowner should have provided the Council with six weeks' notice to state that he intended to remove the trees. This notice gives the Council the opportunity to protect the trees by way of a Tree Preservation Order if they meet the threshold. In this instance the landowner failed to follow this

process, therefore the Planning Enforcement Team carried out a site visit with the Tree Officer who's formal view was that the removal of the trees did not have any significantly harmful impact on the character and appearance of the Conservation Area and therefore he would have not objected to their removal. The felled trees were poor specimens in terms of form and health and as such had a limited lifespan and low amenity value. In light of this, the Tree Officer considered that their removal did not have any significantly harmful impact on the character and appearance of the Conservation Area and therefore he would have not objected to their removal had notice been served. On this basis, it was decided that it would not be expedient for the Planning Enforcement Team to take any further action in respect of the removal of trees from the site.

Wildlife

As clearance of the site may have had an impact on any Wildlife Habitat the Planning Enforcement Team consulted the Council's Senior Natural Environment Officer and reported the matter to the Police who investigate any offences under the Wildlife and Countryside Act 1981. Following an inspection of the site the Senior Natural Environment Officer found that there was no evidence to support the claim that there were protected Wildlife Habitats on the site and clarified that there are not any statutory designations for this site and thus no infringement of wildlife law with respect to legally protected sites had occurred.

Site Access

During the investigation other non-planning matters were raised which included use of the Public Right of Way, access to the site via the council owned car park and breaches of health and safety. These matters were all reported to the relevant council department and external agency to pursue. The Council did check the car park and public right of way for any damage that Mr Easton's heavy plant may have caused, as if any had occurred it would have looked to him to pay for any repairs etc.

Conclusion

I appreciate that the overall impact on the site resulting from the clearance works is dramatic, however, this largely relates to the removal of scrub and vegetation that was present. Whilst the manner in which Mr Easton undertook the work (not serving notice or showing consideration for neighbours etc) was shocking, it must be recognised that as the landowner he was entitled to clear the scrub. Indeed some residents have welcomed the site being tidied up as the overgrown scrub was being used for some anti social activities.

The site is a very sensitive one and the fact that it is open space within the Conservation Area and adjacent to a scheduled ancient monument has resulted in the District Council refusing planning permission for development on the site numerous times.

The Council is currently encouraging Mr Easton to remove the temporary fencing and replace it with something more appropriate after having sought any necessary approvals. We understand that he has engaged consultants to work on this. The Council always suggests that developers who are considering carrying out works in sensitive locations, should liaise with the town council and community beforehand to avoid any potential misunderstanding. This point has been made to Mr Easton.

Given the very serious concerns that Mr Easton's action have generated, I feel sure that the local community will not forget and that any proposals he puts forward in the future will be vigorously scrutinised."

Cllr S Chandler, KCC Member Report to Sandwich Town Council – September 2020

A week ago, the Cabinet Member for Finances gave an update on the **financial pressures** being faced by KCC and the difficult decisions to be faced in order to balance the **budget** as it tackles the impact of Covid on its finances.

The pandemic has resulted in extra costs this year totalling £96.3 million. Although much of this has been offset by Government grants and underspends on activities that could not go ahead as planned, the Council still needed to take action to save £12.8 million over the remainder of the current financial year to balance its budget.

These actions include a reduction in member allowances and member grants and the decision not to re-open any buildings which have not already re-opened as part of the council's planned programme to resume services following the pandemic.

The full briefing can be found on the KCC website www.kent.gov.uk

However there is some good news with regard to one building – **Sandwich Library will re-open** tomorrow 29th September for bookshelf browsing and borrowing, it will then be open on Tuesday, Thursday, Friday and Saturday, detailed opening hours can be found on the KCC website.

KCC are participating in a nationwide campaign about **adoption** to dispel myths around who is eligible to adopt and encourage more people to consider adoption, the number of adoptions has fallen by a third in four years and there are still many children in need of an adoptive family. In Kent our team has continued to work on a virtual basis during the pandemic and it has still been possible for people to progress their adoption hopes using virtual meetings. It has also been possible for a few children to join their new families and there have been heart-warming stories and praise for the team from the families. To find out more visit www.youcanadopt.co.uk or the KCC website.

Children have **returned to school** and the new regimes and systems that teachers, staff and KCC have worked hard to put in place are on the whole being very successful, KCC Public Health is continuing to be in close contact with schools and advice and guidance is being given on an individual school basis as the need arises. Transport to school and the new advice from government has created a few issues which are gradually being resolved. In Sandwich more parents preferring the drive children to school has resulted in safety issues outside the **Sandwich Technology School** particularly in the afternoons, **an action plan has been agreed with Highways and DDC Parking** enforcement which includes the installation of bollards, repainting of the yellow zig zag lines and some enforcement of these lines, bus keep clear boxes and additional information to parents. These actions are all directed at keeping the entrance to the school clear to improve safety for pedestrians and sight lines for buses. I have been in contact with the school who have also been advising parents about safety issues. I am sure that the Governors will be raising this also as an ongoing safety issue.

Finally work on the **Toll Bridge** has started and the bridge structure was successfully lifted from its supports. I have worked with Highways staff and Town and District Councillors to make sure that as much is being done to help residents and businesses as possible. With the help of Cllr Holloway and Cllr Collor at DDC we are offering a free parking permit in Sandwich car parks to residents in the roads north of the bridge for the duration of the repair, additional signage has been provided wherever possible when requested. It was absolutely essential to get this major repair completed before the bridge failed completely which was a very real concern, indeed there was a, thankfully short lived, problem the week before closure which reminded everyone of the seriousness of that eventuality.