

**SHOREHAM**

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**COUNCIL**

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**MINUTES of a MEETING of SHOREHAM PARISH COUNCIL**

at Shoreham Village Hall on 7<sup>th</sup> February 2018 from 7:30pm

Present: J Histed (in the Chair), A Collins, A Hibbins, B Jeffery, M S Parkes and L Spence

Also Present: 8 members of the public  
District Councillor John Edwards-Winser  
County Councillor Roger Gough

Clerk: Sarah Moon

Question Time:

Q: A member of the public asked whether the issue of broadband speed would be addressed when the roads in the village are dug up to replace the water mains. It was agreed that it would make sense if any work required is carried out at the same time that Thames Water close the roads to engage Open Reach to do their work.

A: These are the kind of questions which should be asked of Thames Water when they come to exhibit their plans for replacing the water mains.

Q: Mr Jeremy Aslan raised an objection relating to Point 11 of the minutes from the meeting held on 1/11/2017. He stated that they were factually incorrect and were the opinion of another member of the public rather than fact. Mr Aslan stated that he had always kept the footpath in good order and that it was neither overgrown nor covered in glass. The fencing was put up to deter rabbits, not to divert the footpath. The Chairman requested copies of his conveyancing documents and apologised if any offence had been caused and if anything written was factually incorrect.

1. Apologies were received from Cllr Blamey (work commitments).
2. There were no disclosures of interest from members.
3. The minutes of the meeting held on Wednesday 3<sup>rd</sup> January 2018 (copies previously distributed) were received and authorised for signature by the Chairman.
4. Due to time constraints, reviewing the actions arising from the meeting held on Wednesday 3<sup>rd</sup> January 2018 was deferred until the next Parish Council meeting.
5. District/County Councillor Reports

District Councillor John Edwards-Winser reported that Sevenoaks District Council are only one of two District Councils, who are self-financing. In light of the queries arising about the transparency of the planning process in regard to Timberden, he gave an outline of the Development Control Process. The planning process

itself is different for council members, officers and family members with all applications being referred straight to the DCC and by-passing the Planning Committee. This process would therefore also apply to any application made by the District Council itself. It is unfair that there is no third party right of appeal but that is how the legislation is laid out. Opportunities do exist however for a Judicial Review, but this will only deal with matters of propriety (ie ensuring the correct processes have been followed in the correct manner) not the outcome of the decision.

#### County Councillor

County Councillor Roger Gough confirmed that he had dug out the records from the 2014 speed survey following the Parish Council's desire to implement a 20mph speed limit in the village. He confirmed that a reduction in the speed limit would only be considered in the very heart of the village and he is taking the matter forward on that basis. The implementation of yellow lines is still under consideration and this is also being taken forward with KCC.

The Well Hill finger post has been ordered and should be installed soon.

Following problems with the broadband service in Well Hill, the intention was to add a new cabinet in Rock Hill. Unfortunately this will no longer happen as there have been problems with such schemes elsewhere, meaning that this project has now returned to the drawing board.

The issue with blocked gullies has been logged but as it is not critical may take some time before it is resolved.

#### 6. Chairman's Report

The Chairman reported that he had attended the Cabinet meeting at Sevenoaks District Council to discuss the AONB and Timberden Farm. Please refer to Appendix A for a transcription of the speech given at the meeting.

#### 7. Report from the Clerk.

- a) The goat willow on the river bank at the bottom of the allotments has been felled.
- b) Eleven new trees have been planted in Centenary Wood with the help of the Year 4 children from Shoreham Village School. Additionally, Centenary Wood has been entered for this year's Garden Safari.
- c) Cllr Collins and I met with Kent Wildlife Trust on 31<sup>st</sup> January to discuss their plans for extending the Polhill Nature Reserve.
- d) I met with Kent Wildlife Trust and members of the Shoreham Society to discuss the up and coming management plan for the woodland currently owned by Sevenoaks District Council.
- e) I attended a Clerk's Forum at Sevenoaks Town Council offices on Tuesday 16<sup>th</sup> January where the process of electing new members on to Parish Councils was discussed. As a result of this I have now informed Electoral Services at Sevenoaks District Council of the vacancy for a parish councillor.
- f) Engravers to add a new name to the War Memorial are still being sought, the plaque being too large to fit in some machines.
- g) Having received notification from Kent County Council that several roads in the village will be closed to allow the water mains to be repaired, I have spoken to Thames Water to obtain more details. All the old Victorian pipework in the village is to be replaced and this will occur in Church Street, High Street, Station Road and Boakes Meadow. Contrary to the information received from KCC, there is no definite start date for the planned works as yet although it is likely they will commence in March. The current plan is that all householders will be notified in February as to when the work will start and a drop-in session will be arranged either in the Village Hall or in one of Thames Water's mobile units, where technicians will be available to answer any questions from residents/business owners.
- h) Authority is requested to purchase new archive storage boxes (£60 for 20).  
Resolved that the Clerk should be granted a budget of £100 to purchase such items.

- i) The village generator has been taken off-site in order for a quote for a service and installation of a fuel stabiliser to be obtained. Cookes of Sevenoaks confirmed that this would cost £128 and authority was given for them to proceed with the work.
- j) Sevenoaks District Council have received the application form to nominate Meenfield and Pilots Woods as a Community Asset. A decision as to whether this will be granted will be made no later than 28<sup>th</sup> February 2018.
- k) Debit cards for the Parish Council's current account have been issued to the Clerk and Cllr Spence. The application form for internet banking has been returned and will need to be resubmitted.
- l) The owners of the Old Post Office have been written to, requesting a meeting regarding re-installing the view from the war memorial to the cross. A reply was received suggesting a meeting date of 10<sup>th</sup>/11<sup>th</sup> February but unfortunately the Chairman has confirmed he is unable to attend on either of these dates.
- m) The Family Fun Day run by Sevenoaks District Council has been booked for Tuesday 21<sup>st</sup> August on the Shoreham Recreation Ground.
- n) A quote for £472 plus VAT to replace the steps leading down to the Cross and to install a hand rail has been received and it was resolved to accept this quote .

8. Shoreham Almhouses Trust

Sharon Longworth, Chair of the Shoreham Almhouses Trust, outlined some of the changes which have recently been made to the new managing document. One change, relevant to the Parish Council, removes some of the historical expectations placed on the Parish Council for appointing or approving Trustees. The old document stated that the Parish Council would be consulted when appointing new trustees, but in reality this has not happened for a long time. A decision has therefore been taken to remove Shoreham Parish Council as a consultee giving existing trustees only the power to appoint new trustees. Sharon Longworth also stated that there is currently a vacancy for a trustee and would be very happy if a parish councillor would take on this role.

9. Working Parties

- a) The following update was received from the Resilience Team:  
An exhibition of flood prevention materials was held in the Village Hall on February 7th. This will be followed up with a meeting on 28<sup>th</sup> with all flood wardens to update the Resilience Plan. District Councillor John Edwards Winsor suggested contacting Lesley Bowles at SDC to see whether there is any money available for grants.
- b) The following update was received from the Allotments Boundary Working Group:  
The working group confirmed that no physical boundaries should be created on the allotments and that a more conciliatory view should be taken. Any problems arising with the boundary should be addressed on an individual basis. It was also agreed that a stronger boundary with a padlocked gate and higher fence should be erected on the High Street side. This, coupled with a new sign stating 'access reserved for allotment holders only' should address the security concerns of the allotment holders. It was agreed to add this to the agenda for the next Parish Council meeting.
- c) The following report was given by Cllr Collins vis a vis her meeting with Sir Michael Fallon MP:  
Cllr Collins met Sir Michael Fallon MP on 19<sup>th</sup> January to make him aware of the issues and strength of feeling in the village with regard to the planned development at Timberden and the ensuing threat to the AONB. She asked him for reassurance that if the erection of any agricultural buildings does go ahead, then the buildings should be removed if the farm later proves to be unsuccessful. They discussed the Valley of Vision and its connection to Samuel Palmer and Mr Fallon appeared to show great interest in this. To date, no further communication has been received from Mr Fallon but at least he is now aware of the issues.
- d) The following report was given by the AONB Working Group  
The working group met to try and come up with recommendations for council regarding actions which could be taken to try and protect and enhance the AONB (a statutory obligation or any council) particularly in light of the challenges with Timberden Farm, which is felt to be under threat. Advice has been sought from Kent Downs and from the Kent Association of Local Council. Anne Rushton also attended the meeting and supplied the working group with

several papers relating to the routing of the M25 and woodland management plans. These need to go in the public domain. Cllr Histed volunteered to create a google drive to store these documents giving the Clerk authority to upload and anyone else to view or download. Cllr Histed also reported that he and Cllr Spence had attended the Cabinet Meeting at Sevenoaks District Council in which they voiced their concerns about the proposed developments in the Timberden Valley (see Appendix A). Finally, the working group reported that Cllr Jeffery had drafted a letter to be sent direct to Mr Muscat, requesting a meeting with the Parish Council and it was agreed that the Clerk should proceed with sending this letter as soon as possible.

A motion was passed to extend the meeting past 10.00pm

10. Schedule of Meetings  
The schedule of meetings for 2018/2019 was agreed.
11. Annual Parish Meeting  
The format of the 2018 Annual Parish Meeting was discussed and it was agreed that it should be based on a wildlife//AONB theme. Kent Wildlife Trust have already agreed to come and speak at the meeting to reveal their plans for extending the Polhill Bank Nature Reserve.
12. Distribution of Gazette and Shoreham Post  
Due to time constraints the distribution of the Gazette and Post to all households in the parish was deferred until next month.
13. Noticeboard  
Due to time constraints the purchase and installation of a new noticeboard at The George was deferred until next month.
14. Neighbourhood Plan  
Due to time constraints, consideration of the comments received as part of the Neighbourhood Plan designation was deferred until next month.
15. Storage  
Due to time constraints, consideration as to whether to accept the offer from the Darent Valley Golf Club to use some of their space for storing items belonging to the Parish Council was deferred until next month.
16. Correspondence/Information
  - a) A request for a grant towards the running costs incurred by the Sevenoaks Volunteer Transport Group has been received however, due to time constraints, it was agreed to make a decision as to whether to award any money at the next Parish Council meeting.
  - b) The January 2018 edition of 'The Clerk' magazine has been received.
  - c) An email has been received from a local walking group (who paid for one of the kissing gates near the cross) asking whether they may be granted permission to put a plaque on the gate. It was agreed that due to time constraints, this item should be discussed at the next Parish Council Meeting.
  - d) The Shoreham Society have booked the Village Hall for a meeting of the Footpaths Subgroup on Tuesday 20<sup>th</sup> February and have asked whether the Parish Council would be willing to contribute to half the cost of the hall hire. They also asked if the Parish Council would fund the printing of a dozen maps, which show the marked and numbered footpaths. It was agreed that the Parish Council would do both these things and that the Clerk should arrange to get the maps copied. An electronic version should also be made available and put on the Parish Council website and Facebook page.
  - e) An email has been received from the Darent River Protection Society (DRIPS) informing us that they have set up a website ([www.darentpartnership.org.uk](http://www.darentpartnership.org.uk))
  - f) An email has been received from South and South East in Bloom asking whether Shoreham would like to take part in this year's competition. It was agreed that at present, the Parish Council has too many other commitments but that the details could be forwarded to the Allotments Association and the WI to see if either of those organisations would be interested in taking this on.

- g) An email has been received from the PROW Officer at KCC requesting a contribution of £1090 towards the resurfacing of footpath SR4 (the river footpath). KCC will pay the remaining £11,000 in order that the whole path can be resurfaced. It was resolved that £1090 to spend on resurfacing should be taken from reserves to in order to pay for this. All members were in favour of this expenditure.
- h) Issue 1 2018 of the Allotment & Leisure Gardener has been received.

17. Financial Matters

Accounts/Payments: The Schedule of Payments was authorised.

18. Dates of next meetings (all starting at 7:30pm unless otherwise stated)

- a) Planning Committee Meeting (if required) : Wednesday 21<sup>st</sup> February 2018, Shoreham Village Hall
- b) Planning Committee and Parish Council Meeting : Wednesday 7<sup>th</sup> March 2018, Shoreham Village Hall
- c) Planning Committee and Amenities & Services Meeting : Wednesday 21<sup>st</sup> March 2018, Shoreham Village Hall

The meeting closed at 10.30

Sarah Moon, Clerk to Shoreham Parish Council

Appendix A

***Notes of J Histed's Speech to the SDC cabinet meeting 06/08/2018***

As Cllr Fleming requested, here are notes of what I said on Tuesday 6<sup>th</sup> February 2018 at the SDC evening cabinet meeting, so they could be considered after the meeting:

Thank you for your kind, warm welcome we received at the SDC meeting this evening.

I'm Jonathan Histed, Chairman of Shoreham Parish Council.

I'm here as we feel statute demands, and because we have huge groundswell in our local community sending me here about the retained Timberden farm buildings.

SDC acquired this land, to stop it being developed or converted and protect it for future generations. This was some decades ago. But it's minuted that that was the policy and the reason.

It still needs our protection.

The landscape is iconic depicted by many famous artists in National galleries as I'm sure you are well aware.

We have a duty of regard to the AONB. The 2000 CROW statute, requires all public bodies and relevant authorities, that is, the parish council and yourselves the district council, to:

“demonstrate that they have taken account of the purposes of the AONB in their decision making.”

This is not just about planning, it is more powerful than that. AONB CROW duties override finance, business or policy strategy by statute. You must give overriding regard to conservation and enhancement of AONB in any decisions or actions of the council.

We sought legal advice. If CROW statute is ignored, and SDC pursue conversion of the disused modern barns, the advice was, that you would have ignored your duties under statute, albeit it may be very laudable for other reasons.

In AONB, the expert advice we received as well, was that modern farm buildings which is what we are considering here, must either be:

- (1) kept in a working farm, or
- (2) be removed to enhance the landscape.

There is no wriggle room. Contracting architects to find otherwise is not allowed.

Any different buildings would change the historical or current distribution of human settlement patterns resulting in an anachronistic mini estate of some type, hence wouldn't comply.

You withheld the barns from the sale of the farmland. This created need for extra buildings by future farmers, which disregards the CROW constraints already.

The AONB management plan is more than planning: it must direct decisions now, you cannot vote to disregard it, it is not an option to ignore.

If you ignore CROW, our legal advice is to report SDC to the local government ombudsmen on the grounds of matters of fact. This is not a matter of opinion.

Also legal advice was that if SDC were to continue to convert these buildings in AONB and referred the plans to its own planning department or development control, you would fail the doctrine of separation of powers, and would open you to judicial review. This is because it would be contentious given the AONB constraints apparently being ignored for SDC self interest, above and beyond conventional planning applications where this protocol of self

determination is routinely applied. The weight of expert advice on this point was to our surprise.

It may not be well known to council members there is a covenant on the land whereby any uplift in value due to development or conversion gets halved, thus minimising any profit for the council. This additional legal constraint further negates any business motive for working up plans for the site.

However we wish to be constructive.

We should all come together with the community groundswell to protect and enhance this AONB. There is a chance for us all to do well out of this. It is popular, proper and legally required, to preserve the landscape for future generations.

I implore you to vote to quash plans to convert the farm buildings.

I appreciate that tonight's report was not for cabinet to vote on at all, and was in fact just for noting, as the wheels were already in motion to do all of the works in the report, and no decision was to be taken this evening on whether to or not convert the barns.

I was grateful for you to let me speak as obviously present at the meeting were the SDC chief officer for planning, and SDC chief legal officer, and you assured us that they would consider in due course what I had to say to you all, and I note you reiterating you are as a matter of course very aware of the need to have separation of powers, with full transparency, when SDC planning considers SDC applications, and I shall feed back these reassurances of yours to SPC.

Although I did not say the following at the meeting, it is important background that is relevant (and indeed contained in my email of a few days back to Cllr.Fleming et al):

The Countryside and Rights of Way Act 2000 (the CROW Act), is the act I have been referring to. The Kent Downs AONB acts as an advisor to Local Authorities on planning and development to help authorities carry out their 'duty of regard' as set out in that Act.

I implore SDC to consult Kent Downs as experts regarding AONB implications for council policy for this specific site. Kent Downs would be able to give expert AONB policy advice beyond the normal planning advice councillors might think of them being asked for.

Normally Kent Downs are only consulted regarding much larger developments, or about long term AONB policy according to normal protocols. However the cumulative pressure of the stream of planning applications from the new owner of the adjoining property, as well as possibly SDC for buildings in this highly sensitive valley, mean it is appropriate to call them in as there is a bigger picture, for which clarity is urgently required.

The act states:

National and Local planning policies are very clear that highest priority should be given to the conservation and enhancement of Areas of Outstanding Natural Beauty. The status of AONBs has been enhanced through measures introduced in the Countryside and Rights of Way (CROW) Act 2000, which gave greater support to their planning and management.

- Section 82 – sets out the primary purpose of designations an AONB to conserve and enhance natural beauty
- Section 84 – states the powers that LAs have to take action to achieve conservation and enhancement
- "Section 85, Duty of Regard": states that in exercising or performing any functions in relation to, or so as to affect, land in and AONB, authorities "shall have regard" to their purposes. You can access further information in the Natural England [Duty of Regard publication](#).

***Part IV of the CROW act requires all public bodies and relevant authorities to demonstrate that they have taken account of the purposes of the AONB in their decision making.***

- Section 89 - The Act requires a management plan to be produced; the first Kent Downs AONB Management Plan was published in April 2004 and the first revision management plan (2009- 2014) was published in April 2009. This has been formally adopted by all the local authorities of the Kent Downs and is a material consideration in all planning decisions. The management plan is available on Kent Downs website.
- In particular under **farmed landscape policies** I note that SDC are therefor committed to:
  - ***FL7 Conversion from agricultural to leisure use and the creation of non-agricultural structures will only be supported where there is not a cumulative loss to the principally farmed landscape of the AONB.***

We were advised therefor if modern barns are decommissioned, only their removal not conversion should be permitted, and if you feel otherwise I suggest consulting Kent Downs, the experts on this matter.