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Minutes of the meeting of the **SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 25 May 2016 at 6.02 pm.

Present:

Chairman: Councillor L A Keen

Councillors: J S Back (as substitute for Councillor N Dixon)
T A Bond
P M Brivio
P I Carter
M I Cosin (as substitute for Councillor S Hill)
R J Frost
P J Hawkins
M J Ovenden

Officers: Head of Regeneration and Development
Team Leader – Democratic Support
Democratic Support Officer

1 APOLOGIES

Apologies for absence were received from Councillors N Dixon, S Hill and G Rapley.

2 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that in accordance with Council Procedure Rule 4, Councillors J Back and M I Cosin had been appointed as substitutes for Councillors N Dixon and S Hill respectively.

3 DECLARATIONS OF INTEREST

There were no declarations of interest made by Members.

4 MINUTES

The Minutes of the meeting held on 20 April 2016 were approved as a correct record and signed by the Chairman.

5 PUBLIC SPEAKING

The Team Leader – Democratic Support advised that no members of the public had registered to speak on items on the agenda to which the public speaking protocol applied.

6 ISSUES REFERRED TO THE COMMITTEE BY COUNCIL, CABINET, SCRUTINY (POLICY AND PERFORMANCE) COMMITTEE OR ANOTHER COMMITTEE

There were no items for consideration.

7 ITEMS CALLED-IN FOR SCRUTINY OR PLACED ON THE AGENDA BY A MEMBER OF THE COMMITTEE, ANY INDIVIDUAL NON-EXECUTIVE MEMBERS OR PUBLIC PETITION

There were no items for consideration.

8 NOTICE OF FORTHCOMING KEY DECISIONS

The Team Leader – Democratic Support presented the Notice of Forthcoming Key Decisions to the Committee for its consideration.

Councillor T A Bond requested that Neighbourhood Plans be added to the Work Programme.

RESOLVED: That the Notice of Forthcoming Key Decisions be noted.

9 SCRUTINY WORK PROGRAMME

The Team Leader – Democratic Support presented the Scrutiny Work Programme to the Committee for its consideration.

Members requested the following items be added to the Work Programme:

- An update on the monitoring and enforcement of planning conditions and in particular in relation to noise.
- That the new Kent Police and Crime Commissioner be invited to attend a future meeting.
- An update on how the Council deals with variations on large applications.
- That Kent Highways be invited to a future meeting.

RESOLVED: That the Work Programme be noted, subject to the inclusion of the items above.

10 WHITFIELD DRAINAGE AND WATER INFRASTRUCTURE

The Committee welcomed Paul Kent (Wastewater Strategy Manager), Sarah Feasey (Stakeholder Engagement Manager) from Southern Water and the Head of Regeneration and Development (Dover District Council).

Planning and Infrastructure

The Head of Regeneration and Development advised that the Council and Southern Water were engaged in developing a better understanding each other's positions. As part of this the Council was talking to Southern Water about the planning process and how they dealt with responses to planning applications and trying to develop a better understand the legislative framework within which Southern Water operated and the constraints it placed upon it. The Council had also been invited to join the Southern Water stakeholder panel which would enable it to have input into the next round of Southern Water business planning.

The Committee was informed that Southern Water would not plan for the infrastructure until there was surety of development, although when there was surety it would size the sewerage system for the entire development. Although the

developer could lay the sewerage system themselves, they usually funded Southern Water to undertake the work as it would need to meet their specification for it to be adopted. However, developers did not have to offer sewerage networks to Southern Water for adoption and the enforcement of issues with private sewerage networks was the responsibility of Dover District Council Environmental Health and the Environment Agency.

The Committee was advised that, where sewer capacity was an issue, Southern Water usually recommended as a planning condition that the developer agreed a means of foul drainage for the site prior to the commencement of the development. This was not accompanied by a timescale for implementation. In respect of enforcement, it was noted that the powers held by the Environment Agency (for surface water discharges) and Southern Water meant that they were often better placed to deal with enforcement matters.

Members expressed concern that by Southern Water not commenting on planning applications it made it difficult for the Planning Committee to act where there were concerns over water supply or drainage. The Head of Regeneration and Development confirmed to Members that he had raised this point with Southern Water and although they were not a statutory consultee it would be permissible for Southern Water to raise concerns that they might have as part of any response.

There were on-going discussions on the matter of conditions that could be applied and the enforcement of them and the Head of Regeneration and Development advised that he would update the committee on the outcome of those discussions at a future meeting. Members urged a firmer line in respect of the enforcement of conditions.

Drainage Area Plan

Southern Water was undertaking a review of its Drainage Area Plan for the Dover and Folkestone area and this would inform it as to the capacity of its sewerage network and how it would respond to storms and housing growth. Dover District Council and Shepway District Council would be consulted as part of review, which was expected to be completed during the financial year 2016/17.

In response to a question from Councillor M J Ovenden, Mr P Kent stated that he would have to check as to whether the River Stour Internal Drainage Board had been consulted.

Deal Flooding

It was stated that in respect of the remaining flood risk in Deal, Southern Water was waiting for sufficient rainfall for its flow monitoring to identify the problem. The Committee was reassured that it did not need a major flood event to provide sufficient flow for the monitoring system.

In response to a question from Councillor T A Bond that Southern Water recommend the deferral of any future developments until the cause of the flooding was known, it was stated that Southern Water would give due consideration to the matter in its responses to applications.

Whitfield

The Committee was advised that the developer at Whitfield had made an unauthorised connection to the Southern Water network that had connected the foul and surface water sewerage networks. The Head of Regeneration and Development stated that Building Control had become aware of the breach in the planning conditions as a result of a flood incident and the matter was now with Southern Water to resolve as they had stronger enforcement powers.

Councillor J S Back questioned whether there was sufficient capacity at Whitfield as he was personally aware of 6 flooding incidents in Deal during 2014, including one incident where a manhole cover had been dislodged due to pressure from the flooding. Mr P Kent advised that although there was not capacity for the full development at Whitfield in the existing network but there was sufficient in the initial phase (94 dwellings) of the development. Where a development was delivered in stages, such as in Whitfield, the conditions were only partially discharged until the whole development was complete and conditions 34, 35 and 51, which had been the source of concern from Members, had therefore not been discharged in full at this time.

Snowdown

In response to a question from Councillor L A Keen, it was stated that the development at Snowdown Working Men's Club was served by a private sewerage network and Southern Water was therefore not responsible for any flooding of properties that had occurred.

RESOLVED: That Southern Water and the Head of Regeneration and Development be thanked for attending the meeting and answering the Committee's questions.

The meeting ended at 7.41 pm.