

Agenda

Urgent Decisions Committee Meeting

Date: Wednesday, 22 May 2024

Time 6.30 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT*

Membership: To be confirmed following Annual Council on 15 May 2024.

Quorum = 3

Pages

Information about this meeting

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2. Apologies for Absence

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The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPis) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

4. Faversham Neighbourhood Plan - Receipt of Examiner's Report

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Issued on, Tuesday 14 May 2024

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**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

Urgent Decisions Committee	
Meeting Date	22 nd May 2024
Report Title	Faversham Neighbourhood Plan – Receipt of Examiner’s Report
EMT Lead	Emma Wiggins, Director of Regeneration & Neighbourhoods
Head of Service	Joanne Johnson, Head of Place
Lead Officer	Natalie Earl, Interim Joint Planning Manager (Policy)
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Members note the Examiner’s Report into the Faversham Neighbourhood Plan; 2. Members note the proposed alterations to the Examiner’s proposed modifications as set out in Appendix I; and 3. Members agree that the Faversham Neighbourhood Plan can proceed to the referendum stage after a 6 week consultation on the Decision Statement.

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to note the Examiner’s Report on the Faversham Neighbourhood Plan and agree which of his recommended modifications to accept.
- 1.2 It then asks members to agree that the Faversham Neighbourhood Plan can proceed to referendum.
- 1.3 This report has come to this committee rather than through the usual route of Planning and Transportation Policy Working Group, Policy and Resources Committee and Full Council, as the Council needs to make a decision within 5 weeks of receipt of the Examiner’s Report and with the committee cycles post the new electoral year, this is the most appropriate committee to bring this report to. As the Examiner’s Report was received on 25th April 2024 the Council will need to have made a decision by 30th May.

2 Background

- 2.1 A neighbourhood plan (NP) puts in place planning policy for a neighbourhood area to guide future development. An NP is about the use and development of land and may contain a vision, aims, planning policies, proposals for improving the area or providing new facilities, or allocation of key sites for specific kinds of development. It may deal with a wide range of social, economic and environmental issues (such as housing, employment, design, heritage and transport) or it may focus on one or two issues only.

2.2 In setting out planning policies for an area an NP can:

- Protect local green spaces;
- Encourage better designed places;
- Bring forward housing that meets local needs.

2.3 NPs are written by the local community and help get the right types of development, in the right place. It is for those producing the plan to decide on its scope and content as a planning document. If successful at referendum, a neighbourhood plan will become part of the statutory development plan for the area. This statutory status gives neighbourhood plans more weight than some other local documents, such as parish plans, community plans and village design statements.

Neighbourhood Plan Stages	Regulatory Stage
Neighbourhood Area Designation Application made by a Town or Parish Council	5, 5A and 7
Neighbourhood Forum application made by a qualifying body (e.g. Residents Association)	8, 9, 9A and 10
Evidence Gathering	N/A
Consultation on a pre-submission draft Neighbourhood Plan	14
Submission of a draft Neighbourhood Plan or Modification Proposal to SBC	15
Consultation on a Submission Draft Neighbourhood Plan	16
Submission of a draft Neighbourhood Plan or Modification Proposal for Examination	17
SBC Decision on the Examiner's Recommendation	17A
Publication of the Examiner's report and SBC's decision statement on whether to proceed to referendum	18
Prescribed dates for making a Neighbourhood Plan	18A
Referendum	Separate Regulations
Decision to make a Neighbourhood Plan	19
Publicising the making of a Neighbourhood Plan	20
Publishing a modification	30

2.4 A neighbourhood plan must meet certain specified 'basic conditions'. These ensure plans contribute to the achievement of sustainable development, have regard to national policy and guidance and are in general conformity with adopted strategic local planning policies.

2.5 The Faversham Neighbourhood Plan process started in Spring 2020 with the designation of the NP area. This is an area within which a neighbourhood plan can

be prepared, and a series of events undertaken by the Town Council including public exhibitions and resident, business and youth surveys and a call for sites.

- 2.6 The Plan has been prepared and submitted for examination by Faversham Town Council. An application to the Council for the designation of the proposed Neighbourhood Area was made by the Town Council in April 2020. The Council's Local Plan Panel considered the application at its meeting held on 9th July 2020, and recommended that the approval of the application be delegated to the Cabinet Member for Planning. The application was approved on 11th August 2020. Since this time, the steering group have gathered the necessary evidence and undertaken consultations on the issues the neighbourhood plan should address and then on the content of the plan itself at Regulation 14 stage (3rd January 2023 to 14th February 2023) and then Swale Borough Council ran the Regulation 16 consultation (4th September - 16th October 2023.)
- 2.7 The Borough Council, in consultation with the Town Council Steering Group, appointed Derek Stebbing as the independent examiner. The Examiner concluded that the examination could be dealt with via written representations and that a public hearing was not required. The independent examination has now concluded and the Borough Council received the Examiner's Report on 25th April 2024 (Appendix III). This concludes the FNP meets the basic conditions test and the legal conditions subject to the amendments set out in that same report and that the NP should proceed to referendum.
- 2.8 The executive summary of the main findings of the Examiner's Report states that:

Main Findings - Executive Summary

From my examination of the Faversham Neighbourhood Development Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Faversham Town Council (the Town Council);
- the Plan has been prepared for an area properly designated – the Faversham Neighbourhood Area, as identified on the map at page 7 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2023 to 2038; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

- 2.9 The Borough Council's role now is to ensure that the process and procedures have been followed and that the Neighbourhood Plan is in general conformity with the adopted Local Plan and meets the 'basic conditions.' The Borough Council is also responsible for undertaking the next steps which is to publicise the decision to accept or reject the Examiner's proposed modifications and progress with the organisation of a local referendum. Subject to the results of the referendum, a report will be brought to Members seeking to have the Neighbourhood Plan adopted or 'made.'
- 2.10 Officers have met with the Faversham Neighbourhood Plan Steering Group to go through the Examiner's recommended modifications, as is suggested in the NP guidance. The combined view is that not all of the Examiner's recommended modifications are necessary to meet the basic conditions. The table in Appendix I sets out the Examiner's proposed modifications and suggested changes (which incorporate the Examiner's direction of travel, but with an alternative execution). It also sets out the reasons behind each decision. The actual wording change can be viewed in the 'Working draft tracked changes version of the Faversham Neighbourhood Plan' in Appendix II.

- 2.11 Faversham Town Council has commissioned independent advice to assist in deciding which of the Examiner's recommended modifications should be accepted as they are, and which require some minor amendments.
- 2.12 Should the recommendations of this report be agreed, the next step is to advertise the decision statement for 6 weeks and to start planning for the referendum with Democratic Services colleagues. The Returning Officer of Swale BC is responsible for making the arrangements for the referendum to take place. The referendum will be for residents only, and the Examiner confirmed that the area to be covered by the referendum will be for all households within the Neighbourhood Plan area.

3 Proposals

- 3.1 The proposal is that Members note the Examiner's Report (Appendix III) into the Faversham Neighbourhood Plan and note the proposed alterations to the Examiner's proposed modifications as set out in Appendix I.
- 3.2 Members are also asked to agree that the Faversham Neighbourhood Plan can proceed to Referendum after a 6 week consultation on the Decision Statement.

4 Alternative Options Considered and Rejected

- 4.1 Members could decide to accept all of the proposed modifications in the Examiner's Report without the recommended changes, but then it is felt that the document would not comply with the regulatory requirements and could not progress to the next stages. This option is not supported by the Faversham NP Steering Group.

5 Consultation Undertaken or Proposed

- 5.1 Whilst the Examiner's Report is not subject to consultation, being a formal technical assessment, the plan itself has been consulted on at the various stages of preparation. Furthermore, the referendum will provide an opportunity for the residents of Faversham to vote on whether or not they wish the neighbourhood plan to be a key document that will help shape future development in their area.
- 5.2 The Faversham Town Council Neighbourhood Plan Steering Group met and agreed the changes set out in Appendix I on 7th May and they will also be considered at an Extraordinary Meeting of the Town Council on Monday 14th May.
- 5.3 If the recommendation to accept some of the Examiner's recommendations in full is agreed, Swale Borough Council must undertake a 6-week consultation on this decision in accordance with the provisions of Regulation 17A of The Neighbourhood Planning (General) Regulations 2012.

6 Implications

Issue	Implications
Corporate Plan	<p>The proposals in the report align with all of the strategic objectives of the corporate plan -</p> <p>Community – to enable Swale’s residents to live, work and enjoy their leisure time safely in the borough and to support community resilience.</p> <p>Economy – working with the council’s businesses and community organisations to work towards a sustainable economy which delivers for local people.</p> <p>Environment – to provide a cleaner, healthier and more sustainable and enjoyable environment and to prepare the borough for the challenges ahead.</p> <p>Health & housing – to aspire to be a borough where everyone has access to a decent home and improved health and wellbeing.</p> <p>Running the Council – working within the council's resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.</p>
Financial, Resource and Property	<p>The Council will claim £20,000 from central Government from when they issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) to assist with the cost of the referendum.</p>
Legal, Statutory and Procurement	<p>Regulation 18(2) of the Neighbourhood Planning (General) Regulations 2012 (as amended) state that once an Examiner’s Report is received, the Council must produce a Decision Statement within 5 weeks which is why this report is coming to this committee.</p> <p>The Neighbourhood Planning (General) Regulations 2012 (as amended) 17A set out that the Local Planning Authority must publicise the proposed amendments to the recommended modifications for a minimum 6 week period, the Local Planning Authority must again publicise the proposed amendments to the recommended modifications for a minimum 6 week period,</p>
Crime and Disorder	<p>No implications identified at this stage.</p>
Environment and Climate/Ecological Emergency	<p>No implications identified at this stage.</p>
Health and Wellbeing	<p>No implications identified at this stage.</p>
Safeguarding of Children, Young People and	<p>No implications identified at this stage.</p>

Vulnerable Adults	
Risk Management and Health and Safety	No implications identified at this stage.
Equality and Diversity	No implications identified at this stage.
Privacy and Data Protection	No implications identified at this stage.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

Appendix I: Draft List of Examiner's Recommended Modifications and Responses

Appendix II: Working draft tracked changes version of the Faversham Neighbourhood Plan. (This included the proposed changes as set out in Appendix II.)

Appendix III: Report on the Faversham Neighbourhood Development Plan 2023 - 2038

8 Background Documents

8.1 All of the previous stages of the Neighbourhood Plan and activity undertaken by Faversham Town Council can be found at <https://favershamtowncouncil.gov.uk/neighbourhood-plan/>

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Draft List of Examiner’s Recommended Modifications and Responses

Proposed modification number (PM)	Page no./ other reference	Examiner’s Recommended Modification(s)	Response and Reasons
PM1	Front Cover	Insert the Plan period “ 2023-2038 ” prominently on the Front Cover.	Dates added to title and other updates made. Examiner’s Recommended Modification Agreed.
PM2	Page 6	<p><u>Paragraph 1.3 – Monitoring and Review</u></p> <p>Delete second sentence in full and replace with:</p> <p>“The Plan will be formally reviewed should the emerging review of the adopted Swale Borough Local Plan contains policies and proposals that will necessitate such a review, in order that the Plan remains in general conformity with the relevant strategic policies of the Local Plan. Similarly, the Plan will be reviewed should any changes in national policies necessitate revisions to the Plan’s policies.”</p>	<p>The decision on whether to review the Plan will lie with the Town Council at some point in the future. The Town Council has set out the issues it will monitor. The suggested wording pre-empts this decision, based on a narrower set of considerations. Also, it implies that the Plan would have to be updated to be in general conformity with a future Local Plan. There is no legal basis for this. It would be a matter for a future independent examination, if and when the Neighbourhood Plan is revised. The suggested wording could represent a level of risk.</p> <p>Examiner’s Recommended Modification Rejected.</p>
PM3	Page 28	<p><u>Policy FAV2 – Housing Development</u></p> <p>Add new clause 1 of the Policy text to read as follows:</p> <p>“1. Proposals for new residential development within the Plan area will be supported where they reflect the presumption in favour of sustainable development in accordance with national policy and the relevant policies and proposals contained in the adopted Swale Borough Local Plan, and</p>	<p>The Examiners comments appear to consider policy FAV2 in isolation rather than the wider Neighbourhood Plan, which also makes housing site allocations and other support for housing. In addition, it is clear that site allocations in the adopted Local Plan are not restricted by the Neighbourhood Plan. Therefore, it is unclear why an additional clause is necessary.</p> <p>The suggested clause refers to compliance with national policy and local plan policy, which are already</p>

		<p>where they take account of all relevant policies in this Plan.”</p> <p>Amend existing clauses 1 and 2 to be clauses 2 and 3 respectively.</p> <p>Add the word “also” after the words “Residential development will” in clause 2.</p> <p>Amend third paragraph of the text under ‘Interpretation’ to refer to clause 2.</p>	<p>in place. The suggested wording is inconsequential. Feedback from previous examinations suggests that a Neighbourhood Plan may not apply national policy or policies in the adopted local plan. Adding this as a first clause could be interpreted as bypassing other policies relating to housing site allocations, implying that housing would be supported elsewhere. The suggested clause was not in the Plan at the Regulation 14 or Regulation 16 versions, and this may have implications in terms of legal compliance under planning law and consultation case law.</p> <p>As a consequence, the other detailed changes have not been made.</p> <p>Examiner’s Recommended Modification Rejected.</p>
PM4	Page 29	<p><u>Policy FAV3 - Residential Mix and Standards</u></p> <p>Delete clauses 2, 3 and 4 of the draft Policy text, and replace with:</p> <p>“2. The provision of affordable housing, as an integral part of proposed residential development, in accordance with the requirements of Policy DM8 of the adopted SBLP. The provision of such housing should take account of the Faversham Housing Needs Assessment (HNA) (June 2022) in determining the mix and tenure of affordable housing units, and include the provision of First Homes, in accordance with national policy, and any prospective community-led housing projects to meet local needs.”</p>	<p>The current policy sets proportions for affordable housing based on evidence of housing need. It therefore meets the requirements set out in national policy and guidance. The suggested wording replaces this with a reference to local plan policy. However, it is unclear why. Feedback from previous examinations suggests that a Neighbourhood Plan may not apply policies in the adopted local plan (they already apply). Also, by referring to a specific Housing Needs Assessment, the policy has built in obsolescence. This does not appear to meet the Basic Condition relating to National Policy and guidance.</p> <p>Clause 1 amended to refer to ‘based on the latest available evidence’. Interpretation amended to make reference to the AECOM Faversham Housing Needs Assessment (June 2022). Also, wording on National</p>

			<p>Housing Standards amended to take account of Planning Practice Guidance.</p> <p>Clause 2 not deleted. It is evidenced based and meets the Basic Conditions. Similar policies in other 'made' neighbourhood plans were successful at examination.</p> <p>Clause 3 is compatible with national policy and guidance and has therefore not been deleted.</p> <p>It is unclear why clause 4 is suggested for deletion. It reflects similar policies in other 'made' neighbourhood plans.</p> <p>Examiner's Recommended Modification Rejected.</p>
PM5	Page 36	<p><u>Policy FAV5 - Critical Road Junctions</u></p> <p>Delete existing Policy text in full and replace with:</p> <p>"1. In considering whether development proposals would have adverse impacts upon the highway network in the Plan area, the submission of a Transport Assessment will be required for those proposals likely to generate significant levels of traffic.</p> <p>The necessary Transport Assessment should take account of the guidance issued by Kent County Council (as Highways Authority) and National Highways for the preparation of such assessments, together with the 'Faversham Critical Junctions' study (May 2022) which was prepared as technical evidence to support this Plan.</p> <p>The Transport Assessment should address whether any mitigations will be required, and how</p>	<p>Feedback from examinations on other Neighbourhood Plans suggests that they should not set submission requirements. The proposed wording sets requirements for a submitted statement, but not for the development itself to meet. The suggested wording does not meet the Basic Conditions, including the requirements in Paragraph 16d of the National Planning Policy Framework (December 2023).</p> <p>The Examiner's text has been added to the interpretation as useful guidance on transport assessment. Also, the list of critical junctions has been moved from the policy itself into the interpretation.</p> <p>Examiner's Recommended Modification Partially Agreed.</p>

		<p>such mitigations can be provided as part of the development proposals.”</p> <p><u>Interpretation</u></p> <p>Delete existing text in full and replace with:</p> <p>“Applying this policy will require consideration of the impact of the proposed development, together with the combined impact of other approved developments. The submission of a Transport Assessment for qualifying schemes is a requirement of the Local Planning Authority and the Highways Authority.”</p>	
PM6	Page 37	<p><u>Policy FAV6 - Footpaths, Bridleways and Cycleways</u></p> <p>Amend Policy title to read:</p> <p>“Public Rights of Way, National Trails, Promoted Routes and Cycleways”.</p>	<p>Title amended. Overall planning strategy pg 14 amended, table on page 16 amended and contents page updated (consequential amendments).</p> <p>Examiner’s Recommended Modification Agreed.</p>
PM7	Page 48	<p><u>Policy FAV7 – Natural Environment and Landscape</u></p> <p>Clause 1 – delete the words “see figures, 6;7;8;9).” and replace with “(as shown on Figures 7-11)”.</p> <p>Clause 1 – add the following text to this clause:</p> <p>“Any potential adverse impacts should be minimised and, if required, appropriate mitigation and enhancement should be secured as part of development proposals, in line with other requirements within this policy.”</p>	<p>Text amended as suggested.</p> <p>Additional text added to clause 1.</p>

		<p>Clause 2 – delete the words “create net gain” and replace with the words “to create Biodiversity Net Gain”.</p> <p>Clause 3 – delete the word “though” and replace with “through”.</p> <p>Clause 6 – add the following text after the words “fruit orchards:</p> <p>“that meet the relevant criteria to be considered a BAP priority habitat.”</p> <p>Add new paragraph of text to the Policy’s Interpretation (as a new final paragraph on Page 49) to read as follows:</p> <p>“It should be noted that, due to the large scale of the maps used for Figures 7-10, the information portrayed may include some inaccuracies. The maps have been prepared by Kent Wildlife Trust based on O.S. mapping data available at the time and may not reflect recent developments. Figures 7-10 should therefore only be used for general information purposes.”</p>	<p>Text amended as suggested.</p> <p>Typo amended.</p> <p>Additional text added to clause 6 as suggested.</p> <p>Text added to interpretation.</p> <p>Examiner’s Recommended Modification Agreed.</p>
PM8	Page 51	<p><u>Policy FAV9 – Air Quality</u></p> <p>Amend clause 2 of the Policy text to read as follows:</p> <p>“Development proposals within or affecting the A2 Air Quality Management Area should include measures that will avoid any worsening of air</p>	<p>Clause 2 amended.</p> <p>Examiner’s Recommended Modification Agreed.</p>

		quality and lead to improvements in air quality within that area.”	
PM9	Page 55	<p><u>Policy FAV10 - Sustainable Design and Character</u></p> <p>Add new opening sentence of Policy text to read as follows:</p> <p>“Proposals for new development in the Plan area should take account of the following design requirements, and also the guidance set out in the accompanying ‘Faversham Design Guidance and Codes’ (May 2021) (AECOM) supporting document:”</p> <p>Part 4 of the Policy text amend the words “with connections to surrounding pathways,” to read “with connections to the Public Rights of Way network and National Trails, the surrounding”.</p> <p>Add new clause 10 to read as follows:</p> <p>“10. Green design features, including the provision of street trees and garden trees, the use of traditional hedges for boundary treatment and features to support wildlife such as bat boxes, bird boxes, swift bricks and hedgehog gaps.”</p>	<p>Other examinations have deleted ‘new’ and ‘in the plan area’. Additional clause (10) added to the policy to make reference to the Faversham design guidance and codes document.</p> <p>Text amended as recommended.</p> <p>This does not make grammatical sense. Wording modified and added to the policy as new clause (11). Reference to Swift bricks added to existing list of green features in the interpretation.</p> <p>Examiner’s Recommended Modification Partially Agreed.</p>
PM10	Page 61	<p><u>Policy FAV11 – Heritage</u></p> <p>Part 1 of the Policy text – amend the words “conservation areas” to read “Conservation Areas”.</p> <p>Part 5 of the Policy text – amend the words “Ham marshes” to read “Ham Marshes”.</p>	<p>Text amended as suggested.</p> <p>Text amended as suggested.</p>

		<p>Part 7 of the Policy text – amend the words “(see figure 14)” to read “as shown on Figure 12”.</p> <p>Add new paragraph of text to the Policy’s Interpretation (as a new first paragraph on Page 61) to read as follows:</p> <p>“Proposals for new development should also take account of the guidance and information contained in supporting documents including the Swale Heritage Strategy and Action Plan (2020) (Swale Borough Council), the Kent Historic Towns Survey (2003) (Kent County Council) and the Kent Historic Landscape Characterisation (2001) (Kent County Council).”</p>	<p>Text amended as suggested.</p> <p>Text added to interpretation, as suggested.</p> <p>Examiner’s Recommended Modification Agreed.</p>
PM11	Page 66	<p><u>Policy FAV12 - Community Facilities</u></p> <p>Part 4 of the Policy text – delete the word “better” and replace with “improved”, and add the following text at the end of this clause:</p> <p>“or it can be demonstrated to form a necessary part of a wider public service reorganisation.”</p>	<p>Numbering error corrected.</p> <p>FNP Steering Group would like to retain “better” as it protects against loss of facilities.</p> <p>Wording added as suggested.</p> <p>Examiner’s Recommended Modification Partially Agreed.</p>
PM12	Pages 67-78	<p><u>Policy FAV13 - Local Green Space</u></p> <p>Re-title Section 3.9 as “Local Green Spaces”.</p> <p>Re-title Policy FAV13 as “Local Green Spaces”.</p>	<p>Text amended as suggested. Updates also made to contents page as consequential amendments.</p>

		<p>Delete parts 2 and 3 of the Policy text in full, and replace with:</p> <p>“2. Development proposals in the eight designated Local Green Spaces listed above and defined on Figures 13-20 will be managed in accordance with national policy for Green Belts.”</p> <p>Replace Figures 13-20 with the replacement Inset Maps contained in the Council’s response to Question No. 5 dated 4 January 2024.</p>	<p>Text amended as suggested. Updates also made to contents and pages 13 and 16 as consequential amendments.</p> <p>Text deleted and replaced as suggested.</p> <p>Maps replaced as suggested.</p> <p>Examiner’s Recommended Modification Agreed.</p>
PM13	Page 81	<p><u>Policy FAV14 – Local Renewable Energy Schemes</u></p> <p>Amend the word “faversham’s” in clause 1b to read “Faversham’s”.</p>	<p>Word capitalised.</p> <p>Examiner’s Recommended Modification Agreed.</p>
PM14	Pages 86 and 88	<p><u>Policy FAV15 – Faversham Creek Policy Area</u></p> <p>Clause 3 c) – delete existing text in full and replace with:</p> <p>“c. take opportunities to improve public access to the waterfront and provide links to the Public Rights of Way network and to the King Charles III England Coast Path (KC3CP) National Trail.”</p> <p>Clause 7 – add the following text to this clause:</p>	<p>Replacement text added into 3c.</p>

		<p>“It is a stipulation by Southern Water that no surface water will be allowed to connect to the foul or combined sewer networks in the Policy Area, unless agreed in advance.”</p> <p>Figure 21 – replace this plan with an updated and clearer base map at an appropriate scale to identify the extent of the Faversham Creek Policy Area with greater clarity.</p>	<p>This is a statement and not policy. Also, it deals with matters outside of the scope of planning. Wording of interpretation modified to reflect Examiner’s wording.</p> <p>O.S Base map is the most up to date version. Mapped areas will also be added to the Swale Borough Council interactive planning map that enables the map to be viewed in greater detail.</p> <p>Examiner’s Recommended Modification Partially Agreed.</p>
<p>PM15</p>	<p>Pages 89 and 90</p>	<p><u>Policy FAV16 – Maritime Gateway Heritage Regeneration Area</u></p> <p>Clause 1. Insert the words “within the area defined on Figure 22” after the words “other development” in the first line of text.</p> <p>Add new Clause 6 to the Policy text to read as follows:</p> <p>“6. In considering whether development proposals would have adverse impacts upon the highway network in the Plan area, the submission of a Transport Assessment will be required for those proposals likely to generate significant levels of traffic.”</p> <p>Page 90 – 3rd paragraph – delete “Frank Whitsome” and replace with “Frank & Whittome”.</p>	<p>Text added to clause 1.</p> <p>This sets a submission requirement, which may differ from validation criteria. Text added to interpretation, with some modifications to that suggested by the examiner (for example applying to the defined area addressed by the policy rather than the entire plan area).</p> <p>Text amended as suggested.</p> <p>Examiner’s Recommended Modification Partially Agreed.</p>

<p>PM16</p>	<p>Between Pages 93 and 123</p>	<p><u>Section 1.12 – Site Allocations</u></p> <p><u>Policies FAV19-FAV22/FAV24-FAV27/FAV29/FAV30</u></p> <p>Re-number this section of the draft Plan as “3.12”.</p> <p>Replace Figures 23, 24, 26-34 with the replacement Inset Maps contained in the Council’s response to Question No. 7 dated 4 January 2024.</p> <p><u>Note</u> that it is not necessary to replace Figure 25.</p> <p>Add the following additional clause to the policy text for each of Policies FAV19-FAV22/FAV24-FAV27/FAV29/FAV30:</p> <p>“In considering whether development proposals would have adverse impacts upon the highway network in the Plan area, the submission of a Transport Assessment will be required for those proposals likely to generate significant levels of traffic.”</p> <p><u>Policy FAV19 – Former Coach Depot, Abbey Street</u></p> <p>Add additional clause to the policy text to read as follows:</p> <p>“Development should have no adverse impact on Public Right of Way ZF39 and the King Charles III England Coast Path (KC3CP) National Trail which are adjacent to this site.”</p> <p><u>Policy FAV22 – The Railway Yard, Station Road</u></p>	<p>Section renumbered.</p> <p>Maps replaced as suggested.</p> <p>This sets a submission requirement, which may differ from validation criteria. Text added to interpretation of the policies suggested, with some modifications to that suggested by the examiner (for example deleting ‘in the plan area’).</p> <p>Clause added as suggested (7).</p>

	<p>Add additional clause to the policy text to read as follows:</p> <p>“Development should have no adverse impact on Public Right of Way ZF24 which crosses this site and contributions to the improvement of the route to the Town Centre and to the Recreation Ground may be required.”</p> <p><u>Policy FAV25 – BMM Weston Ltd. (Parcels 1b and 1c) – Land at Brent Road</u></p> <p>Add additional clause to the policy text to read as follows:</p> <p>“Development should have no adverse impact on Public Right of Way ZF40 and the King Charles III England Coast Path (KC3CP) National Trail which are in close proximity to this site, and contributions to the improvement of public footpaths in the vicinity of the site may be required.”</p> <p><u>Policy FAV27 – BMM Weston Ltd. (Parcel 3) - land at Brent Road</u></p> <p>Add additional clause to the policy text to read as follows:</p> <p>“Development should have no adverse impact on Public Right of Way ZF40 and contributions to the improvement of public footpaths in the vicinity of the site may be required.”</p> <p><u>Policy FAV29 – Kiln Court and Osbourne Court</u></p>	<p>Clause added as suggested (6).</p> <p>Clause added as suggested (4).</p> <p>Clause 4 replaced with the suggested wording.</p>
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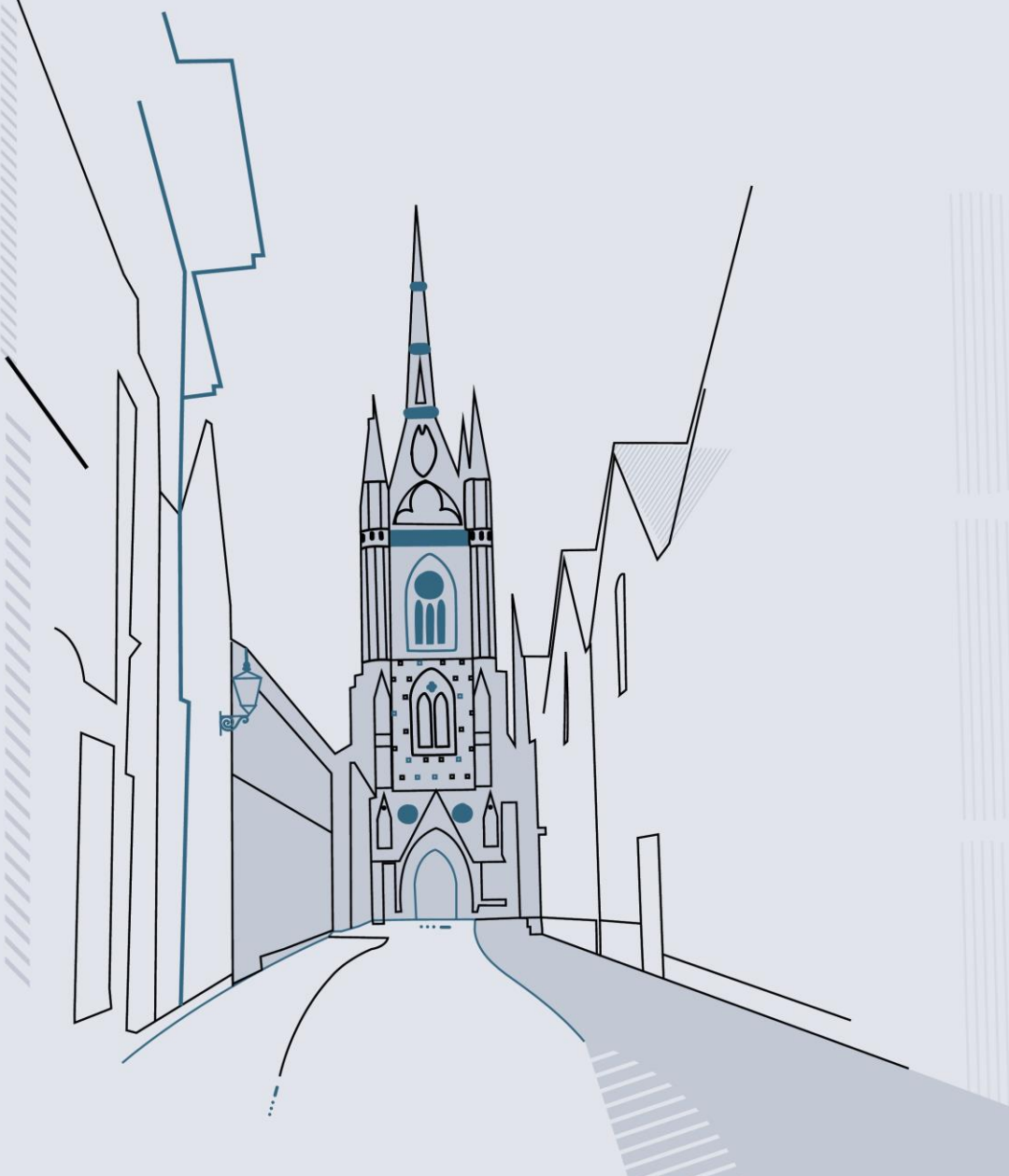
		<p>Add additional clause to the policy text to read as follows:</p> <p>“Development proposals at Kiln Court will require contributions to the improvement of Public Bridleway ZF17 in order to improve pedestrian and cycle links to Western Link.”</p>	<p>Clause added as suggested (3).</p> <p>Examiner’s Recommended Modification Partially Agreed.</p>
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Faversham Neighbourhood Plan

2023-2038

Referendum Regulation 15 Submission Version (V109)

May/June 2024



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Introduction



1. Introduction

1.1 Purpose of the Neighbourhood Plan

This Neighbourhood Plan has been prepared by Faversham Town Council and covers all of the administrative boundary of Faversham. This includes the area covered by the previous Faversham Creek Neighbourhood Plan. The intention is to provide an effective and consistent planning framework across the Town Council's area.

1.2 Status of the Neighbourhood Plan

The Faversham Neighbourhood Plan contains planning policies. The Neighbourhood Plan, once made, forms part of the statutory development plan, together with the adopted Swale Local Plan 'Bearing Fruits', 2017. Planning applications will be considered against development plan policies, including those of the Neighbourhood Plan.

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the policies of the statutory development plan, unless material considerations indicate otherwise.

The Faversham Neighbourhood Plan will be effective from the day it is made to the end of 2038.

The Neighbourhood Plan does not deal with excluded matters including waste, mineral extraction or nationally significant infrastructure.

The Neighbourhood Plan also has regard for the emerging Local Plan to ensure there are no disparities between Plans.

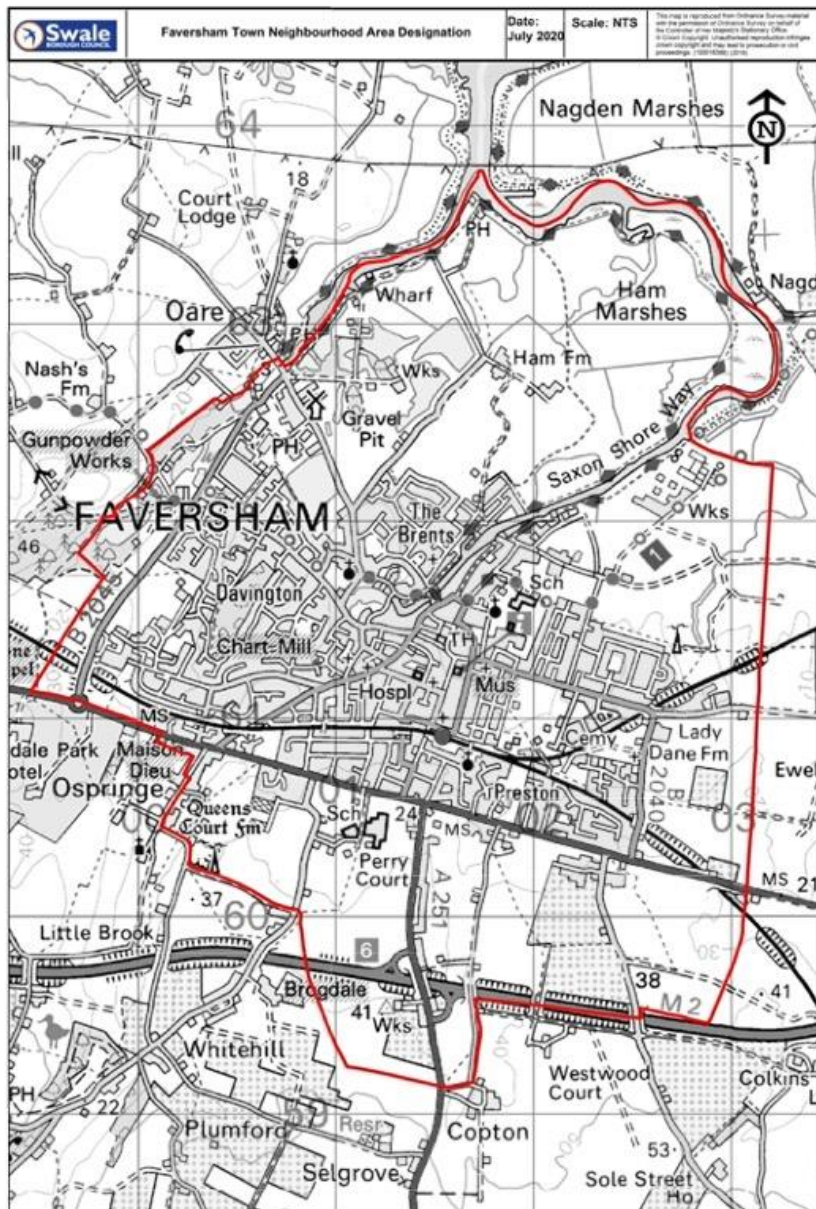
1.3 Monitoring and Review

The Plan will be monitored throughout the Plan period to 2038. Monitoring will include:

- planning decisions to see how the plan is being used in practice;
- any changes in national policy, guidance or legislation;
- any changes in or local plan policy or guidance; and
- any other changes in the Neighbourhood Area (social, economic and environmental).

The plan will be reviewed and updated if and when necessary, a regular report will be prepared on the monitoring.

Figure 1: Designated Neighbourhood Area



Local Context



2. Local Context

2.1 Faversham

Faversham is a civil parish in the Kent Borough of Swale. It is situated at the head of Faversham Creek, south of the Swale and north of Watling Street, the historic corridor between London and Dover. The town is located 16km west of Canterbury, 27km east of Rochester, and 77km south-east of London.

The Parish includes the market town of Faversham and the historically distinct settlements of Ospringe to the south-west and Preston-next-Faversham to the south. Davington and the Brents are located to the north-west. The centre of the main settlement is located south of Faversham Creek and is formed by the crossing of West Street, East Street, Preston Street, and Court Street near Market Place.

The town has a railway station with direct links to London Victoria and St Pancras, Cannon Street, Ebbsfleet, the Medway towns, Canterbury, Dover, Rochester, Canterbury, and Ramsgate. It is served by several bus routes that connect to Sittingbourne, Maidstone, Ashford, Whitstable, and Canterbury. London Road and Canterbury Road in the Parish form part of the A2 corridor, and the M2 motorway bypasses the south of the built-up area.

Faversham developed as a market and port town due to its location on Faversham Creek. The town has an extensive historic Medieval core and a mixed heritage from Georgian, Victorian, Edwardian and later periods. It also has surviving heritage associated with brewing, gunpowder and brickmaking. This rich heritage has been protected by a Conservation Area since 1971. Ospringe and Preston-next-Faversham have their own smaller Conservation Areas.

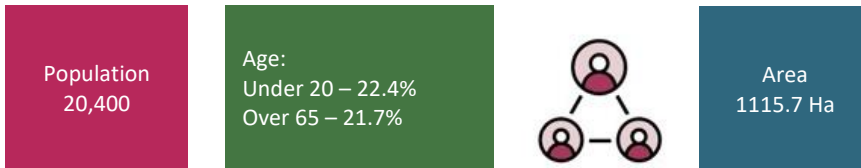
Community facilities include several cultural institutions including museums, a cinema and a theatre, as well as a wide array of shops and restaurants. Markets are held on Tuesdays, Fridays, and Saturdays every week on Market Place under a Royal Charter from King Henry VIII granted in 1546.

The Parish has a number of green spaces and lies in close proximity to the Kent Downs Area of Outstanding Natural Beauty (AONB).

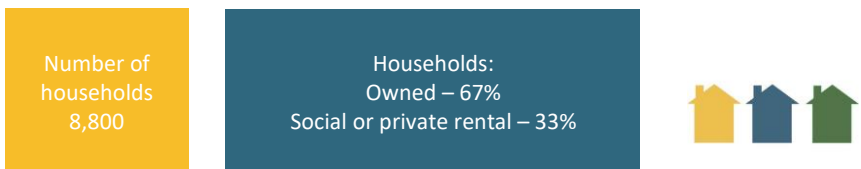
Key characteristics of the Neighbourhood Area and community are illustrated on the following page.

Figure 2: Census 2021

Population and Area



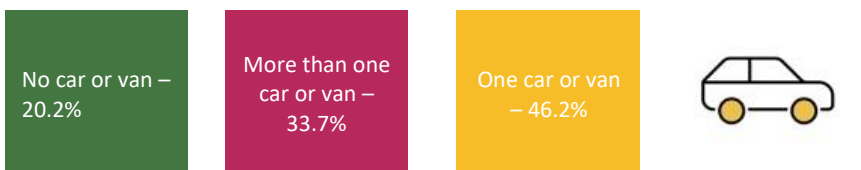
Households



Employment



Car or van availability



2.2 Engagement

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The Neighbourhood Plan is based on analysis of data and of evidence; previous plans; and the views of the community. The Neighbourhood Plan Steering Group formed in January 2020 and the early community engagement began in September 2020. Building upon the early community engagement, the themes for the Neighbourhood Plan emerged, providing insight into local issues of importance to the community. Further engagement included a range of surveys engaging directly with residents, businesses, and youth in late 2019 and early 2020.

This highlighted that many businesses are home-based and many are self-employed or run single employee businesses. Travel to work is mainly local, but with around one third travelling from the wider area.

Some key issues for residents were:

- Need to preserve and maintain the heritage of the town and its market town status;
- inadequate provision of community spaces, in particular for 9-16 year olds;
- positive satisfaction with green spaces in Faversham, but a demand for a greater level greater level of provision for cyclists and walkers.

The youth survey three primary themes were expressed in the responses to the survey questions:

- There is inadequate provision of facilities for the 9–16-year-olds and the youth;
- There is a positive satisfaction with Faversham as a place to live;
- There is a sense of concern with the town's recent development.

This early engagement informed more focused consultation on proposed Local Green Space in 2021. The Neighbourhood Plan has also conducted consultation through the range of stages to inform the site allocations for housing in the Neighbourhood Plan. This included a call for sites process, consultation on draft selection criteria, results of site assessments and the shortlist of sites included in the Neighbourhood Plan.

The Neighbourhood Plan has also been supported by volunteer working groups to collate and build the supporting evidence, together with a range of technical reports including Design Codes, Site Assessments and Housing Needs Assessment. Collectively, this input, together with the community engagement, have informed the structure of the plan and its policies. Throughout the engagement and preparation of the Plan, Faversham Town Council have kept people informed and engaged through a range of engagement methods and via: <https://favershamtowncouncil.gov.uk/neighbourhood-plan/>.

2.3 Aims

The Faversham Neighbourhood Plan has the following aims. These are based on the need to address key issues, arising from analysis of evidence and community and stakeholder engagement:

1. **To promote the vitality and viability of Faversham Town Centre, as a resource for local people and visitors.**
2. **To support sustainable housing growth to meet the diverse needs of the local community.**
3. **To create more sustainable live-work patterns, based on neighbourhoods with residential, employment and community facilities in easy walking distance.**
4. **To promote sustainable transport and active travel, including cycling and walking.**
5. **To protect Faversham's green spaces and natural environments and ensure environmental quality.**
6. **To promote sustainable design, to complement Faversham's locally distinctiveness and sense of place.**
7. **To preserve or enhance Faversham's diverse heritage and promote heritage-led economic development.**

2.4 Overall Planning Strategy

The Faversham Neighbourhood Plan seeks to achieve sustainable physical and economic development and growth. This is achieved through the policies of the Plan, including FAV1 Faversham Town Centre and FAV11 Heritage. Area specific heritage-led regeneration policies focused around Faversham Creek, including FAV15 Faversham Creek – Special Policy Area, and FAV16 Maritime Gateway Heritage Regeneration Area.

In addition to strategic allocations made in the Local Plan, the Neighbourhood Plan aims to deliver the growth strategy set by Swale Borough Council of 219 new homes over the Plan period through a combination of policies. Firstly, through site allocations (policies FAV17-FAV26) and also encouraging the re-use of vacant buildings, through sensitive refurbishment or upper floors through policy FAV2 Housing Development. Policy FAV3 encourages the identified housing priorities for the Neighbourhood Area, including Community-Led housing initiatives, self-build and affordable rent accommodation.

The natural environment is also a key priority of the Faversham Neighbourhood Plan. The plan seeks to protect the green and blue infrastructure through Local Green Space designations, policy FAV13 Local Green Space. The wider plan seeks to contribute to the protection of the natural environment and its assets through policies FAV7 Natural Environment and Landscape, FAV8 Flooding and Surface water and FAV9 Air Quality.

Faversham Neighbourhood Plan 2023-2038

Sustainable and innovative design including high energy performance and low carbon development is supported through policy FAV10 Sustainable Design and Character. The plan promotes a balanced and sustainable range of transport through policies supporting the existing path network and infrastructure. Policies FAV4 Mobility and Sustainable Transport and policy FAV6 [Public Rights of Way, National Trails, Promoted Routes and Cycleways](#) ~~Footpaths, Bridleways and Cycleways~~ also seek to support this strategic objective.

The historic environment including Faversham's designated and non-designated heritage assets are protected, with policies encouraging sensitive reuse.

The AECOM 'Design Code for Faversham' has informed relevant design policies, including specific policies for priority areas for heritage-led regeneration. The aim has been to create sustainable mixed-use neighbourhoods, with local facilities and good connections, including for pedestrians and cyclists.

The Design Code can be viewed at: <https://favershamtowncouncil.gov.uk/neighbourhood-plan/design-codes/>

The Neighbourhood Plan has been subject to Strategic Environmental Assessment and Habitat Regulation Assessment. The Neighbourhood Plan took account of these in its content.

The policies are intended to augment those in the adopted Local Plan, setting requirements more specific to Faversham.

Policies



3. Policies

3.1 Overview

The following policies are supported by analysis of key issues, national and local policies and relevant evidence documents.

The following table provides a full list of the policies.

Figure 4: List of Neighbourhood Plan Policies

Theme	Policies
Faversham Town Centre	FAV1: Faversham Town Centre
Residential Development	FAV2: Housing Development FAV3: Residential Mix and Standards
Movement and Sustainable Transport	FAV4: Mobility and Sustainable Transport FAV5: Critical Road Junctions FAV6: <u>Public Rights of Way, National Trails, Promoted Routes and Cycleways, Footpaths, Bridleways and Cycleways</u>
Environment	FAV7: Natural Environment and Landscape FAV8: Flooding and Surface Water FAV9: Air Quality
Design	FAV10: Sustainable Design and Character
Historic Buildings and Places	FAV11: Heritage
Community Facilities	FAV12: Health, Recreation and Community
Local Green Space	FAV13: Local Green Space <u>s</u>
Renewable Energy	FAV14: Local Renewable Energy Schemes
Faversham Creek	FAV15: Faversham Creek Policy Area FAV16: Maritime Gateway Heritage Regeneration Area
Site Allocations	FAV17 <u>9</u> : Former Coach Depot, Abbey Street FAV18 <u>20</u> : Ordnance Wharf, Brent Road FAV19 <u>24</u> : Fentiman's Yard, New Creek Road FAV20 <u>2</u> : The Railway Yard, Station Road FAV21 <u>4</u> : Former White Horse Car Park Site, North Lane FAV22 <u>5</u> : BMM Weston Ltd (Parcel 1b), Land at Brent Road and BMM Weston Ltd (Parcel 1c), Land at Brent Road

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Faversham Neighbourhood Plan 2023-2038

	<p>FAV236: BMM Weston Ltd (Parcel 2), Land at Brent Road</p> <p>FAV247: BMM Weston Ltd (Parcel 3), Land at Brent Road</p> <p>FAV28: Former Frankand Whittome Site, Belvedere Road</p> <p>FAV259: Kiln Court and Osbourne Court</p> <p>FAV2630: Land at Beaumont Davey Close</p>
--	--

The format for each policy is as follows:

Purpose (what the policy seeks to achieve)

Planning Rationale (the evidence and thinking behind the policies).

The policy (requirements for development proposals to meet)

Interpretation (notes on how the policy should be applied in decision making)

Some policies are grouped, so have a shared rationale.

3.2 Faversham Town Centre

Purpose

To enhance the vitality and viability of Faversham Town Centre.

Rational and Evidence

National Planning Policy

The National Planning Policy Framework 2021 (NPPF) puts town centres at the heart of communities. Plans, providing a positive strategy, should define town centres and take a progressive approach that:

- Allows growth and diversity.
- Responds to change in leisure and retailing.
- Establish appropriate uses and allow a suitable mix of uses.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan supports Faversham's market town role providing a commercial business and retailing offer; reinforced by its strong local character. Emphasis for Faversham is toward arts and culture, quality shops and food and drink. The Plan establishes that the centre is healthy and attractive. It is unique and distinctive with independent businesses. This contributes character and identity, strengthens demand for local producers and places them at the heart of the local community. The Local Plan promotes maintaining the vitality, role and character of the town centre.

The Borough's urban centres are facing considerable challenges and flexibility will help enhance their vitality and viability. A wide range of uses can help maintain a prosperous centre without undermining its retail function. The Plan establishes that the replacement of shops with other uses should not lead to a concentration of non-retail frontages or break a continuous frontage of retail uses that would lead to the dilution of retail. Consequently, for upper floors, a more flexible range of uses can be considered.

Policy ST7 establishes that development proposals will maintain or enhance the range of town centre services and facilities to secure 'Faversham's role and function'. Proposals need to support vitality and uniqueness, the strong sense of place and the range of independent retailers.

Policy DM1 supports proposals that do not undermine its primary retail function and can positively contribute. It stresses that there should not be a dilution of retail through floorspace loss, frontage fragmentation or change of use.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The vision for Swale acknowledges Faversham as a thriving market town and heritage destination that continues to respond positively to the demands of the 21st Century.

Identifying tourism as a major contributor to the economy it promotes development proposals that integrate the heritage offer encouraging diversification particularly around the tourism economy.

This is further supported in the 'Swale's principal tourism assets and potential' statement, which identifies the built heritage, festivals, such as the Faversham Literary Festival, Hop Festival, industrial heritage and the sustainable tourism offer.

Policy DM5, 'Proposals for Main Town Centre Uses' sets out the requirement for town centre development, promoting active frontages to enhance the vitality and natural surveillance of the street.

Policy DM6 'Shopfronts, signs and advertisements' makes clear that the alteration or replacement of historic shopfronts will not be permitted unless it can be demonstrated that the development would *'conserve or enhance the character of the building and its locality'*.

Swale Borough Council Retail and Leisure Needs Assessment (2018)

The Retail and Leisure Needs 'Assessment's concluded that Faversham town centre displays good levels of vitality and viability with the market significantly contributing to this. It established that vacancy levels are below the national average and the town centre is attractive with a good standard of environmental quality. Recommendations included:

- Attract uses beyond retail/leisure to the town centre to enhance its role as a community hub.
- Embrace the strong independent offering in the town centre and where possible seek to enhance it.
- Review of the town centre market to ascertain whether there are potential opportunities of enhancing/promoting it.

High Street Task Force

Faversham Town Centre supports a range of uses as an attractive destination for both the community it serves and visitors. Part of the unique offer is the cultural, tourism and community offer. The town centre includes a number of independent shops as part of a wide retail offer including regular markets, visitor attractions and other commercial and business uses.

Responding to the challenges brought by Covid-19 and other factors the High Street Task Force explored the impact of these factors and identified 25 priorities that 'local place leaders and place leaders' should be focused on.

Many of these are echoed through the place-based policies of this plan. With reference to Faversham's High Street the following High Street Task Force priorities and their component factors are addressed.

Figure 5: High Street Task Force Priorities

Priority	Component Factors
Retail Offer	Retailer offer; retailer representation
Vision and Strategy	Leadership; collaboration; area development strategies
Experience	Centre image; service quality; visitor satisfaction; familiarity; atmosphere
Appearance	Visual appearance; cleanliness; ground floor frontages
Non-retail Offer	Attractions; entertainment; non-retail offer; leisure offer
Walking	Walkability; pedestrianisation/flow; cross-shopping; linked trips; connectivity
Networks & Partnerships with Council	Networking; partnerships; community leadership; retail/tenant trust; tenant/manager relations; strategic alliances; centre empowerment; stakeholder power; engagement
Accessibility	Convenience; accessibility
Diversity	Range/quality of shops; tenant mix; tenant variety; availability of alternative formats; store characteristics; comparison/convenience; chain vs independent; supermarket impact; retail diversity; retail choice
Markets	Traditional markets; street trading
Recreational Space	Recreational areas; public space; open space
Liveable	Multi/mono-functional; liveability; personal services; mixed use
Redevelopment Plans	Planning blight; regeneration
Functionality	The degree to which a centre fulfils a role – e.g. service centre, employment centre, residential centre, tourist centre
Innovation	Opportunities to experiment; retail Innovation

(source, High Street Task Force Priority 25, <https://www.highstreettaskforce.org.uk/frameworks/25-vital-and-viable-priorities/>, accessed 02/02/2022)

These factors have informed policies throughout the plan.

Neighbourhood Plan Community Survey Draft Key Themes Paper (carried out on behalf of Faversham Town Council (20 November 2020 - 31 January 2021))

Key Theme 1 states "We want to preserve a market town that respects its historical heritage and retains its character and unique status". 291 of the 503 (57.8%) of respondents agreed with this theme.

In response to question 12, only 44 respondents thought that the town centre should be a priority area for new homes.

Question 14 asked, "How would you like to see the town centre evolve over the next twenty years?" 179 of the 505 respondents said that they want the town centre to remain attractive for small traders.

Overall, the respondents identified that some of the key aspects of the town centre in 10 years would be the independent shops, market town and the heritage.

The policy seeks to:

- Sustain vitality and viability of the town centre.
- Maintain a unique and distinctive town centre.
- Protect areas used periodically for cultural and other uses to attract people into the Town Centre.
- Support a clear independent and local retail offer.
- Ensure that any development does not have an adverse impact to the character of the conservation area or designated and non-designated heritage assets.
- Support appropriate diversification of uses, to support the visitor economy and local community.
- Promote appropriate residential development in the town centre, including the use of upper floors.
- Strengthen the night-time economy.

FAV1: Faversham Town Centre

- 1. Development in the Town Centre will be supported where it would complement or enhance its vitality and viability, including the following uses:**
 - a. retail, food and drink, personal services, offices and other uses in Use Class E;
 - b. recreational, community, or cultural uses;
 - c. tourist or visitor attractions and facilities;
 - d. other uses that help to diversify the Town Centre's economy.
- 2. Conversion of upper floors in commercial properties to residential uses, visitor accommodation or business uses, including co-working and enterprise space, will be supported.**
- 3. Support for development in clauses 1 and 2 is subject to:**
 - a. maintaining active frontages and uses open to the public in ground floor units on main shopping streets;
 - b. there being no adverse impacts on the amenity or viability of existing town centre uses;
 - c. preserving or enhancing the historic character of the town centre, having regard to Policies FAV10 and FAV11.
- 4. Redevelopment of the following multi-use external spaces will only be supported where a similar alternative provision is made nearby or it can be demonstrated that the capacity of the remaining carparks would be sufficient:**
 - a. Central Car Park Bank Street;
 - b. Queen's Hall Car Park, Forbes Road;
 - c. Partridge Lane/Thomas Road Car Park, North Road;
 - d. Institute Road Car Park, Institute Road.

Interpretation:

The term development refers to built development and conversions and changes of use.

The policy seeks to ensure that ground floor frontages within the town remain in publicly accessible uses. The policy recognises that the future sustainability of the town is based on a good and varied retail offer, but also a range of other attractions, such as food and drink and culture. At the time of writing, town centre uses are in Use Class E and F1. Community uses could include healthcare and fitness uses, for example dentist or chiropodist.

Diversification of use of upper floors is also supported, including for residential uses.

The policy recognises the importance of multi-use spaces, including car parks, to accommodate markets and other uses that help to support the Town Centre economy, such as the Faversham Festival of Transport and Hop Festival.

Figure 6: Plan of Town Centre Boundary



3.3 Residential Development

Purpose

To ensure that residential development is sustainable and meets local needs.

Rationale and Evidence

National Planning Policy

The NPPF establishes that it is important that a sufficient amount and variety of land for housing can come forward. A sufficient supply and mix of deliverable sites are expected.

The NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that neighbourhood planning groups should consider the opportunities for allocating such sites suitable for housing in their area. This should accommodate at least 10% of the housing requirement.

The NPPF also establishes that:

- The needs of groups with specific housing requirements are addressed and informed by a local housing needs assessment.
- The size, type and tenure of housing needed for different groups in the community should be reflected in planning policies.
- Genuinely Affordable housing should be provided that contributes to creating mixed and balanced communities.

Further, the NPPF encourages a proactive approach to mitigating and adapting to climate change to help improve local environmental conditions such as water quality. It also supports the expansion of full fibre broadband connections.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan seeks to deliver a wide choice of high-quality homes and create sustainable, inclusive, and mixed communities. For Faversham the overall housing objective is to reinforce its housing offer with a re-balancing of the housing stock in appropriate locations. Neighbourhood Plans are established as a means to indicate what the intended purpose of proposed housing will be.

Policy ST 1 Delivering sustainable development in Swale:

- Calls for a wide choice of homes by meeting local housing need.
- Promotes high quality communications infrastructure provision.
- Looks to meet the challenge of climate change through the promotion of sustainable design and construction.

Policy CP 3 Delivering a wide choice of high-quality homes:

- Promotes comprehensive action to deliver the 'plan's housing ambition'.

Faversham Neighbourhood Plan 2023-2038

- Provides affordable housing
- Seeks to achieve a mix of housing types, reflecting established local need.
- Meet the housing requirements of specific groups.

Policy CP3 also establishes that neighbourhood plans will help deliver housing choice.

Policy DM 8 Affordable housing establishes:

- A 35% affordable housing target for Faversham
- The size, tenure and type of affordable housing should meet local needs.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The emerging local plan identifies Faversham as the borough's secondary town. Whilst the planned level of growth can be delivered predominantly through site allocations it highlights concerns around *"affordability of housing, infrastructure capacity and local job opportunities."*

The Local Plan will make strategic site allocations.

The Swale Housing Market Assessment (2020)

The Housing Market Assessment (HMA) indicates that the largest growth in housing demand will come from single person and lone parent households.

Strategic Housing Land Availability Assessment (2020)

The SHLAA identifies a number of sites within the neighbourhood area. The emerging local plan identifies strategic allocations informed by the SHLAA. In addition, this plan makes site allocations to meet the level of growth identified by Swale Borough Council. In evaluating potential sites all small and medium sites in the neighbourhood area within the SHLAA were also considered. The results of this can be found in the AECOM Site Assessment Report 2021.

Faversham Housing Needs Survey 2020 by the Faversham Community Land Trust for the Neighbourhood Plan, August 2020

An independent housing needs survey was produced by ARC4. It applies a standard methodology to interrogate datasets and survey material to identify the current need for housing, future projections and the type and mix of housing required. It also examines the housing need, as defined in the NPPF 2019 for the neighbourhood area.

The key evidenced findings of the report include:

"Faversham needs a significant additional supply of affordable housing to meet the requirements of its existing households and households that are likely to form from existing residents over the next 5-years."

1 and 2-bedroom affordable rented houses flats and bungalows are needed which is consistent with the needs of an ageing population and a large number of new households that are expected to form. There is also a need for housing for those with disabilities

The scale of need for genuinely affordable home ownership housing is significant.

Entry level market housing in Faversham is not affordable to many households. Average house prices in Faversham are higher than the average prices in the rest of Swale district. In particular, junior key worker households would struggle to become homeowners of entry level housing because of local prices. Only households with more than one income or with significant savings would be able to afford entry level prices or market rents.

There are a considerable number couch surfing and continuing to live at home with their parents delaying starting a family."

The report concluded by stating:

"Overall, the HNS provides a significant body of evidence for Faversham Town Council and the Community Land Trust to resist housebuilding that is not needed by local people and prioritise that which is needed".

The policies in the neighbourhood plan seek to address the evidence housing need, including type and mix of accommodation to positively address the issues raised.

Meeting Housing Need

The National Planning Policy Framework (NPPF) 2021 (paragraphs 66 and 67) requires Local Authorities to provide neighbourhood plan groups upon request with a definitive or indicative number of new homes to plan for over the Neighbourhood Plan period.

Swale Borough Council identified the level of growth required would be 200 new homes in the Faversham Neighbourhood Plan period. This would be in addition to the growth planned in the Faversham Creek Neighbourhood Plan (which is taken forward in this Plan and the strategic site allocations in the adopted Local Plan. Obviously, the emerging Local Plan may make additional strategic site allocations in the future.

Swale Borough Council have 12 site allocations recorded from the Faversham Creek Neighbourhood Plan. This provided an indicative housing figure of 94 new homes in the neighbourhood plan period. Based upon calculation in January 2022, Swale Borough Council demonstrated that 75 had been delivered or granted permission.

This shows a difference of 19 new homes to be included in any housing growth strategy of the Faversham Neighbourhood Plan. Together with the Faversham Neighbourhood Plan figure set by Swale Borough Council of 200 this indicates that sites for a total of 219 new homes are required in the Neighbourhood Plan period. In fact, the sites from the Faversham Creek Neighbourhood Plan are likely to deliver in excess of 19 homes.

The AECOM Site Assessment report indicated a shortfall. However, this was based on a density of 35 dwellings per hectare. Using Swale's figure of 45 dwellings per hectare, the requirement for 219 dwellings is exceeded, achieving more than 250 dwellings. Site constraints and urban design considerations may modify this figure to some extent, but it is clear that housing need is more than accommodated by the site allocations.

AECOM Housing Needs Assessment 2022

The Housing Needs Assessment (HNA) 2022 considered house prices over the past decade and found that they had risen consistently in the area so that, even with the benefit of a higher-than-average income, housing is likely to remain out of the reach of most. Adopted Local Plan policy has a requirement of 35% affordable housing where the policy is triggered. The HNA identified that of that 66.2% is required for affordable rent and 33.8% for affordable home ownership.

The Housing Needs Assessment can be viewed at:

<https://favershamtowncouncil.gov.uk/neighbourhood-plan/useful-links/>

Key Issues for Policies to Address

The policies seek to:

- Meet diverse local needs.
- Support initiatives for self-build and community-led housing provision.
- Rebalance housing provision to meet local need and help deliver sustainable communities.
- Ensure that affordable housing is an integral part of housing schemes to support inclusive communities.
- Ensure that the economic and social benefits provided by broadband can be secured.
- Ensure housing includes a balanced mix, including homes suitable for older people and those with limited mobility.
- Ensure sustainable design and construction.

FAV2: Housing Development

- 1. Residential development will be supported where it comprises the following:**
 - a. infill development for gaps within existing building frontages;**
 - b. redevelopment of existing buildings, providing it does not involve the demolition of heritage assets;**
 - c. the sensitive refurbishment of existing buildings, including heritage assets.**

- 2. Support for such schemes is subject to:**
 - a. there being no loss of public amenity space, including grassed areas, trees and paths;**
 - b. meeting the design requirements in FAV10 and other relevant policies.**

Interpretation:

Design, heritage and other requirements for housing development are set out in FAV10, FAV11 and other policies of this Plan.

Infill development would involve small road frontage gaps between existing built frontages, for example for 1, 2 or 3 houses. The policy would not support inappropriate garden-grabbing or cramming in of over-sized properties.

In applying clause 1, heritage assets would include buildings in conservation areas that contribute positively to the special architectural or historic interest and character, but not to buildings that have a neutral impact or cause harm.

FAV3: Residential Mix and Standards

1. Residential schemes should include a mix of accommodation to meet local housing need, based on the latest available evidence, including:
 - a. accommodation suitable for families (3 bedrooms) as a predominant part of the mix;
 - b. smaller accommodation (2 bedrooms or fewer) suitable for first-time buyers or renters or those seeking to downsize;
 - c. accommodation suitable for older people and those with limited mobility.
2. Affordable housing provision should include:
 - a. 66% affordable rent;
 - b. 34% affordable ownership.
3. Support will be given to affordable housing provision that remains available in perpetuity, including First Homes and community-led housing.
4. Affordable housing should:
 - a. be provided as an integral part of housing schemes and be tenure blind; or
 - b. If there are planning reasons for affordable housing provision to be provided separately from the scheme, it should be provided nearby and within Faversham Parish, to meet local need.
5. Broadband super-fast connectivity must be provided within new-build development, including for all new dwellings, to be ready as local services are upgraded.
6. Residential development should include design and landscape features to reduce its carbon impact and promote biodiversity, meeting the requirements of Policies FAV7 and FAV10.
7. New residential development should include discreetly located and screened storage space for bins and recycling.

Interpretation:

[At the time of writing the latest available evidence on housing need is the AECOM Faversham Housing Needs Assessment \(June 2022\).](#)

In considering the number of bedrooms in residential developments, the technical housing standards – nationally described space standard 2015- may be useful. ~~will be used, or any standard that replaces that document.~~

The policy would support houses or flats/apartments. Historic buildings in particular may provide opportunities for conversion to apartments.

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Tenure blind means that affordable housing should be similar in appearance, specification and amenity to market housing.

The policy supports and encourages community-led housing as part of housing provision. It should be noted that Policy DM8 (Affordable Housing) of the Local Plan creates an opportunity for commuted sums to be made available to Registered Social Landlords or other providers. The latter could support community-led housing-providers and more innovative forms of provision.

Faster broadband is essential not just for domestic use, but to support home working.

3.4 Movement and Sustainable Transport

Purpose

To ensure a balanced and sustainable range of transport options and promote active travel and accessibility for people with a range of mobilities.

Rationale and Evidence

National Planning Policy

The NPPF focuses on promoting sustainable transport of which the connectivity of the network is a key component. The NPPF clearly establishes that transport issues should be an early consideration, so that:

- Opportunities to promote walking and cycling are pursued.
- Adverse effects for infrastructure (including footpaths) are avoided or mitigated.
- Net environmental gains are secured.
- Patterns of movement are recognised and integrated into proposals.

Further, the NPPF establishes that planning policies should provide for high quality walking and cycling networks promoting:

- Walking, cycling and public transport use.
- Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

Core policy CP2 - Promoting sustainable transport promotes the sustainable use of the local transport system. It emphasises:

- Achieving alternative access to all services through promoting access to sustainable forms of transport particularly bus, cycling and rail transport.
- Providing integrated walking and cycling routes to link existing and new communities with local services and facilities, public transport and the Green Grid network.

Policy CP 5 - Health and wellbeing - promotes healthier options for transport, including cycling and walking.

Policy CP 7 - Conserving and enhancing the natural environment (providing for green infrastructure) - seeks to exploiting opportunities to link urban and countryside areas and to create new footpath links.

Policy DM 6 - Managing transport demand and impact establishes that:

- Priority is given to the needs of pedestrians and cyclists, including people with disabilities.
- Access to public transport is integrated into proposals, where appropriate.

- Facilities for e-charging plug-in are incorporated into major developments.

The plan recognises the principal public footpath network as a valued asset.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The emerging local plan sets a clear agenda to reach zero carbon emissions by 2030. This will be achieved through new development and to *“turn around the reliance the Borough has traditionally had on fossil fuel-based on-road transport.”*

The vision for Swale makes clear that the growth of the area provides an opportunity to reduce congestion with reference to the air quality issues along the A2.

Policy DM2, ‘Good design’ sets out the requirement for the response to movement, including making new connections and promoting walking and cycling routes as part of the integrated design approach.

The provision of safe and accessible cycle parking and electric charging infrastructure is set within policy DM 10 ‘Managing transport demand and impact’.

Transport Data and Trends

The Department of Transport’s ‘Road Traffic Estimates: Great Britain 2019’ sets out that:

- Since 1949 motor vehicle traffic has increased more than twelve-fold from 28.9 to 356.5 billion vehicle miles, largely driven by steady growth in car traffic.
- Compared with 2018, car and taxi traffic increased by 2.2% in 2019.
- Bus and coach traffic fell by 2.2% between 2018 and 2019 - the largest decrease of any vehicle type. This is similar to the trend seen in recent years.
- Pedal cycles travelled 3.5 billion miles on roads in 2019, 3.4% further than in the previous year, and over a third more than twenty-five years ago.

Whilst this data is the most recent it does not recognise the more recent government policy change in seeking to significantly reduce the numbers of individual car journeys. There has been a significant shift to emphasising a need for more sustainable alternative methods of travel, promoting walking and cycling and reducing emissions.

Most recently this was reflected in the ability for town centres to create safer traffic free routes in town centres, restricting vehicular access during the Covid-19 Pandemic, promoting walking and cycling. This data is reflected in the recent LCWIP produced by Faversham Town Council.

Cycling and Walking Investment Strategy (2017)

The Department of Transport sets out a clear aim to ensure that walking and cycling are the natural choices for shorter journeys, or form part of a longer journey. This translates into the ambition that by 2040 they deliver:

- Better Safety 'A safe and reliable way for short journeys';
- Better Mobility 'More people cycling and walking – easy, normal and enjoyable'; and
- Better Street 'Places that have cycling and walking at their heart'.

Active Travel and Improvement Plans

The Local Cycling and Walking Infrastructure Plan, Faversham Town Council, January 2022 (LCWIP), is an evidenced based approach to promoting active travel. This looks practically at how and what can be delivered across the Neighbourhood Area to increase connectivity between existing routes, where new routes should be prioritised and the factors of influence in supporting a greater active travel across the Neighbourhood Area.

An example of a project that has arisen from the evidenced data include the '20's plenty' initiative, now implemented in the town.

Kent County Council prepared a Rights of Way Improvement Plan (RoWIP) for 2018-2028. This aims to provide a high quality, well maintained public rights of way network, that will support the Kent economy, encourage active lifestyles and sustainable travel choices and contribute to making Kent a great place to live, work and visit.

The England Coastal Path runs through the neighbourhood area. The National Trails website www.nationaltrail.co.uk provides information.

Faversham 20's Plenty Initiative

Faversham Town Council, together with 'Faversham Action for Calmer Traffic (FACT)', championed the national 20's plenty campaign:
<https://favershamtowncouncil.gov.uk/community/20s-plenty-for-faversham/>

The Swale Joint Transportation Board (December 2021) took the decision to make the Faversham town-wide 20mph limit permanent across the town. The intention was to promote and encourage active travel and contribute to a healthier, safer and cleaner environment.

Decarbonising Transport Plan 2021

The Government's Decarbonising Transport Plan 2021 sets out a vision for future transport which aims to address the climate agenda, improve health and wellbeing, create better places to live whilst providing ways of travelling which are affordable and reliable. The Faversham Neighbourhood Plan positively addresses this through policies, which address sustainable transport and promoting active travel including walking and cycling.

Faversham Critical Junctions, May 2022

The assessment considered 25 critical road junctions across the neighbourhood area. Applying a robust methodology, criteria for assessment included:

- Potential cycling flows identified in the Propensity to Cycle tool (PCT)
- Junction weighted Vehicle/Capacity ratio (2027 scenario)
- Proximity to local plan/neighbourhood plan designated sites
- Proximity to trip attractors
- Proximity to schools
- Proximity to LCWIP walking and cycle routes
- Collision statistics (5-year period)
- Proximity to/located on 20mph 'gateway' interventions

From the 25 identified junctions 21 have been identified as critical and translated into the policy. This is based on proximity to the potential growth areas through strategic allocations in the emerging local plan.

Neighbourhood Plan Community Survey Draft Key Themes Paper (carried out on behalf of Faversham Town Council (20 November 2020 - 31 January 2021)

Question 11 asked "Thinking of cycling and walking routes in Faversham, are there any routes that you feel could be improved or joined up"? 484 out of a total of 527 respondents (91.8%) answered this question identifying the need to retain public footpaths which may be within development sites so they are not lost, access to the Creek and other areas in the surrounding countryside including the North Downs Area of Outstanding Natural Beauty, improve linkages to the town centre and generally improve cycling and pedestrian routes.

Key Issues for Policies to Address

The policies seek to:

- Rebalance transport and movement across all modes.
- Support walking and cycling within Faversham.
- Incorporate sustainable travel considerations early into development proposals.
- Protect, maintain, and improve the footpath and cycle network.
- Encourage car sharing or pooling schemes to reduce the number of private car journeys.
- Promote investment to develop the footpath and cycle network and access to it.
- Support the social (including health) and environmental benefits of footpaths.
- Supporting healthy lifestyles.

FAV4: Mobility and Sustainable Transport

- 1. Development that generates additional journeys must be supported by a balanced mix of transport provision, including sustainable and active travel options, avoiding over-reliance on cars, proportionate to the scale and nature of the development.**
- 2. Development should provide direct and convenient pedestrian and cycle links to surrounding facilities, including provision of new crossings where necessary, and the layout and design of development should prioritise walking and cycling within the site, meeting the requirements of Policy FAV10.**
- 3. Development must be designed to accommodate the needs of people with a range of mobilities or impaired vision.**
- 4. Secure, covered and easily accessible storage for cycles and other personal vehicles must be provided for all development that would generate additional travel, including all new dwellings.**
- 5. Electric charging points for motor vehicles and cycles should be provided for all new homes and new or expanded employment accommodation.**

Interpretation:

Active travel includes walking and cycling.

Car sharing or pooling schemes fall outside of the scope of the policy but would be encouraged and could form part of a green travel plan.

The Faversham Local Cycling and Walking Infrastructure Plan 2021, Kent Rights of Way Improvement Plan 2018-2028 and the LTN 1/20 - Cycle Infrastructure Design' and 'Gear Change - A Bold Vision for Cycling and Walking' should all be considered when designing schemes.

The requirement for all new homes to include electric charging points could include a shared provision for apartments and residential institutions, rather than one per dwelling.

The policy does not modify parking standards, which are contained in Swale Borough Council Parking Standards, April 2020.

FAV5: Critical Road Junctions

1. For development that impacts on junctions with identified safety and/or capacity issues, schemes will only be supported where they would not result in severe impact, taking account of any mitigation measures that are incorporated into the scheme. These junctions are:

- a. A2 Canterbury Road/ A251 Ashford Road/ Preston Grove
- b. London Road/Kingsnorth Road
- c. A2 London Road/Upper St Ann's Road
- d. London Road/ Canute Road
- e. A2 Canterbury Road/ Preston Avenue
- f. A2 Canterbury Road/ Makenade Avenue
- g. Quay Lane/ Court Street/ Abbey Street/ Church Street
- h. East Street/ Orchard Place/ St Mary's Road
- i. Love Lane/ Windermere
- j. Whitstable Road/ East Street/ Orchard Place/ Park Road
- k. A2 London Road/ Access to The Abbey School and Abbey Sport Centre
- l. Bramblehill Road/ Church Road
- m. A2 Ospringe Street & London Road/ B2040 South Road
- n. A2 Canterbury Road & London Road/ B2041 The Mall
- o. Whitstable Road/ Bob Amor Close
- p. North Lane/ Partridge Lane
- q. London Road/ Egbert Road
- r. Whitstable Road/ Gaskin Road
- s. A2 London Road/ Brogdale Road
- t. East Street/B2040 Crescent Road & Newton Road
- u. Canterbury Road/Hilton Close
- v. London Road/Ospringe Place
- w. Western Link Road/Bysing Wood Road
- x. Quay Lane/ Conduit Street/ Belvedere Road
- y. Love Lane/ Whitstable Road/ Graveney Road
1. _____

Interpretation:

Junctions with existing problems in terms of capacity and safety have been identified in the Faversham Critical Junctions study (May 2022). Identification of these junctions in this policy means that there is a high risk of severe impact from even modest increases in traffic. These junctions are: having a severe impact.

- a. A2 Canterbury Road/ A251 Ashford Road/ Preston Grove
- b. London Road/Kingsnorth Road
- c. A2 London Road/Upper St Ann's Road
- d. London Road/ Canute Road
- e. A2 Canterbury Road/ Preston Avenue
- f. A2 Canterbury Road/ Makenade Avenue
- g. Quay Lane/ Court Street/ Abbey Street/ Church Street
- h. East Street/ Orchard Place/ St Mary's Road

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- [i. Love Lane/ Windermere](#)
- [j. Whitstable Road/ East Street/ Orchard Place/ Park Road](#)
- [k. A2 London Road/ Access to The Abbey School and Abbey Sport Centre](#)
- [l. Bramblehill Road/ Church Road](#)
- [m. A2 Ospringe Street & London Road/ B2040 South Road](#)
- [n. A2 Canterbury Road & London Road/ B2041 The Mall](#)
- [o. Whitstable Road/ Bob Amor Close](#)
- [p. North Lane/ Partridge Lane](#)
- [q. London Road/ Egbert Road](#)
- [r. Whitstable Road/ Gaskin Road](#)
- [s. A2 London Road/ Brogdale Road](#)
- [t. East Street/B2040 Crescent Road & Newton Road](#)
- [u. Canterbury Road/Hilton Close](#)
- [v. London Road/Ospringe Place](#)
- [w. Western Link Road/Bysing Wood Road](#)
- [x. Quay Lane/ Conduit Street/ Belvedere Road](#)
- [y. Love Lane/ Whitstable Road/ Graveney Road](#)

FAV6: Public Rights of Way, National Trails, Promoted Routes and Footpaths, Bridleways and Cycleways

1. **Development should not encroach onto footpaths, bridleways or cycleways or have any significant adverse impacts on their amenity, safety or accessibility.**
2. **Opportunities should be taken to improve the setting, amenity, safety and accessibility of existing footpaths, bridleways and cycleways.**
3. **A priority for allocation of developer contributions should be to provide new footpaths and cycleways, links between existing footpaths and cycleways and to improve the quality and accessibility of footpaths and cycleways, including links between the Town Centre and surrounding countryside.**

Interpretation:

Examples of harm to amenity and safety of a footpath would be for it to be flanked on one or both sides by a high wall or fence or for visibility to be impeded.

In terms of opportunities for footpath enhancement, this could include works to enhance their functioning as an active travel route, but also planting to enhance their role as a wildlife corridor, improving wildlife connectivity.

Diversion of footpaths and bridleways would be dealt with under public rights of way legislation. In instances where diversion could be beneficial to those using the footpath or bridleway, the developer would need to justify this, for example in supporting statements.

3.5 Environment

Purpose

To protect and enhance Faversham's natural, green and blue environment.

Rational and Evidence

National Planning Policy

The NPPF affords strong protection for the natural and green environment and is clear that planning policies should contribute to, and enhance, this.

National policy promotes the protection and enhancement of valued landscapes, sites of environmental significance. It seeks net gains for biodiversity and to link into the Swale Borough Nature Recovery Network.

An emphasis on habitats and biodiversity through the promotion of conservation, restoration and enhancement is emphasised.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan establishes that the diverse and outstanding natural assets are the defining characteristics of Swale. Consequently, conserving and enhancing the green environment and achieving a net-gain in biodiversity is at the heart of the Local Plan strategy.

Policy ST 1 - Delivering sustainable development in Swale - and Policy ST 7 - The Faversham area and Kent Downs strategy - establishes that flood risk needs to be managed and addressed through planning policy.

Policy ST 7 - The Faversham area and Kent Downs strategy - sets out that within the Faversham area, the conservation and enhancement of the natural environment is a primary planning aim. Development proposals will improve the condition and quality of landscapes in the area and be appropriate to landscape character and quality.

Policy CP 7 - Conserving and enhancing the natural environment (providing for green infrastructure):

- Requires the protection, enhancement, and delivery, as appropriate, of the Swale natural assets and green infrastructure network.
- Promotes the expansion of Swale's natural assets and green infrastructure by, amongst other things, achieving a net gain of biodiversity.

Critically, Policy DM 21 - Water, flooding and drainage – establishes that development proposals:

- Will avoid inappropriate development in areas at risk of flooding.
- Include, where possible, sustainable drainage systems.

- Integrate drainage measures within a proposal to ensure that the most sustainable option can be delivered.

Policy DM 24 - Conserving and enhancing valued landscapes - requires that the value, character, amenity and tranquillity of the 'Borough's (designated and non-designated) landscapes be protected, enhanced and, where appropriate, managed.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The vision for Swale acknowledges Faversham as a thriving market town and heritage destination. The vision also makes clear that the growth of the area provides an opportunity to reduce congestion with reference to the air quality issues along the A2.

The emerging local plan describes how Faversham is a secondary town constrained:

“particularly to the north, west and south west by high level biodiversity designations, land at high risk of flooding, heritage assets and landscape designations.”

(pg 13, Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council)

These constraints for development are also the natural and built character of the area, contributing to the distinct and attractive offer. The policies of this plan seek to balance the development pressure with preserving and enhancing the built and natural landscapes of the area.

The neighbourhood area includes a range of natural and historic environment designations. It also includes environmental regulation designations with part of the A2 within an Air Quality Management Area.

Policy ST10 'Conserving and enhancing the natural environment' seeks to protect and enhance the green and blue infrastructure associated with the strategy.

Policy DM2, 'Good design' sets out the requirement for new development responding to key design factors that include environmental benefits and net gain.

Policy DM 24 'Biodiversity and geodiversity conservation and biodiversity net gain' sets 20% biodiversity net gain against pre-development baseline.

Flood Risk Data

'Swale Borough Council Level 1 Strategic Flood Risk Assessment (Feb. 2020)' shows that large areas of Swale Borough have been impacted by tidal flooding in the past, including Faversham. Tidal flooding is considered to have been the most significant cause of historic flooding. Surface water flooding has been recorded in almost every settlement. Although, it is not the most significant source of flooding in the borough, it is the most widespread.

<https://flood-map-for-planning.service.gov.uk/>

Environment Agency data provides an assessment of flood risk from rivers and sea and from surface water. The EA's latest projection for sea level rise in the Thames Estuary is 1.15m above 1993 levels by 2100.

During community engagement people reported that flooding and capacity of the infrastructure are of significant concern. Reported levels of flooding differ from mapping data available. This suggests that the impact of flooding is a more significant issue than currently identified.

Water Quality

Over 75% of the world's chalk streams are found in the southeast of England. These are a defining characteristic of our blue and natural infrastructure in the Neighbourhood Area. It is therefore critical that the water quality of these assets are protected and improved. These are important to not only the marine and wildlife habitats they support, but also part of the tourism and recreation of Faversham.

One of the key issues is the water quality of Faversham Creek, as a result of discharges from the Faversham Wastewater Treatment Works (WTW) and other pollutant sources. Under heavy rainfall conditions, storm tanks at the Faversham WTW are designed to store the increased influx of rainwater and wastewater until it can be treated when normal conditions return. Once the storm tanks are full, the resulting overflow including untreated sewage is discharged directly into chalk streams.

It is therefore critical to protecting and safeguarding the blue infrastructure that there is sufficient capacity within the network to accommodate the residential expansion of the town, without compromising the water quality of Faversham and its environs.

Southern Water has stated "It is therefore critical to protecting and safeguarding the blue infrastructure, that development does not simply increase the area of impermeable surfaces, thereby increasing surface water run-off to the combined sewer network. Green infrastructure and sustainable drainage measures that slow the flow are increasingly important with the impacts climate change is expected to bring into the future".

Air Quality

The UK has a national emission reduction commitment for the five damaging air pollutants. These are:

- Fine particulate matter (PM_{2.5})
- Ammonia (NH₃)
- Nitrogen oxides (NO_x)
- Sulphur dioxide (SO₂)
- Non-methane volatile organic compounds (NMVOCs)

Not only do these pollutants have a direct effect on public health but also natural habitats and biodiversity.

Air quality is a particular issue for Faversham. Part of the A2 corridor is a designated Air Quality Management Area. Swale Borough Council have an air quality management plan that includes measures to address the issue.

There are also concerns regarding traffic congestion locally, which could potentially serve to indicate a degree of poor air quality. As such, there is a need to minimise car trips and, in particular, car trips through parts of Faversham where traffic congestion is an issue (particularly where there are also 'sensitive receptors', e.g. school children).

Habitat Corridors linking Faversham to Swale Nature Recovery Network

The Swale Green and Blue Infrastructure Strategy (2020)(GBIS) identifies core habitat zones, and associated recovery zones, along the marine and coastal habitat of the Swale and on the chalk uplands of the North Downs. Faversham is located at the interface between the two with important habitat corridors leading out from the parish into both core habitats.

In the case of the North Downs, the main corridor is in the form of woodland extending from Bysing Wood into the Syndale Valley, and in the case of the Swale, the links are provided by Faversham and Oare Creeks and their freshwater tributaries including the Westbrook, Cooksditch and other chalk streams flowing from the springs at Clapgate and School Farm.

Ensuring the continued ecological functionality of those corridors is key to Faversham's contribution to implementation of the Swale GBIS. That means not only protecting the woodland and watercourses themselves, but also making sure that they are in good health ecologically. Where areas of intact habitat, and/or the corridors between them, have been neglected in the past, restoration may be necessary of the type which, in recent years, has led to significant improvements in the condition of the Westbrook and Cooksditch.

Natural Habitats of Faversham and Surrounding Landscape

Not surprisingly given Faversham's coastal location, the dominant natural habitats within the parish are those associated with the nearby saline Thames Estuary: tidal marshes, mudflats, and grazing marshes located below sea level on land reclaimed for agriculture since the Middle Ages.

Most of those coastal habitats lie within the designated Swale Site of Special Scientific Interest, Ramsar site, Special Protection Area, and Marine Conservation Zone. Other prominent habitats include woodland at Bysing Wood and The Knole, freshwater flooded gravel pits at Bysing Wood and Oare, and the mixed habitat corridor along the railway lines towards London, Whitstable and Canterbury.

Priority Habitats for Protection in Faversham and Surrounding Landscape

The priority habitats in Faversham and its surrounding landscape are selected on the basis of their distinctiveness in the broader context of the Swale and south-eastern UK. High priority habitats include the marine and coastal ecosystems also highlighted in the Natural Habitats map, and remaining blocks of intact woodland at Bysing Wood, The Knole and elsewhere.

The cemetery at Love Lane is designated as medium priority habitat; and arable land around the parish is flagged as low priority habitat. As mentioned elsewhere, protection should be qualitative as well as quantitative: the *area* of habitat protected is important, but most critical is ensuring that all habitats are in as good ecological health as possible, with habitat restoration measures planned where necessary to ensure full ecosystem functionality (e.g. fitting eel passes to watercourses where required) and actions taken for example to reduce the threats posed by uncontrolled sewage spills into natural watercourses.

Green and Blue Spaces of Faversham, Highlighting Terrestrial and Aquatic Corridors

The natural habitat blocks and corridors of Faversham include not only sites and habitats identified as high priorities but also areas of relatively low priority, for example vegetation along roads and footpaths that provide cover for species like hedgehogs and movement of birds and foxes.

Some of the green spaces are playgrounds or areas of grassland that are important as places where residents can take a break from the urban environment, walk their dogs, play ballgames with their children, or just hang out with friends on a summer evening. Multiple use areas can fulfil both recreational and biodiversity conservation roles include the existing Oare Gunpowder Works Country Park and the Faversham Lakes Country Park, which is home to orchids and other nationally important grassland plant species.

Key Issues for Policies to Address

The policies seek to:

- To protect designated and non-designated landscape and habitats in and around Faversham.
- Promote net gains in biodiversity, including through green infrastructure and linking into the Nature Recovery Network in the broader landscape around the town.
- To ensure that development does not impact adversely on the risk of flooding and air quality.

Figure 7: Green and Blue Spaces of Faversham.

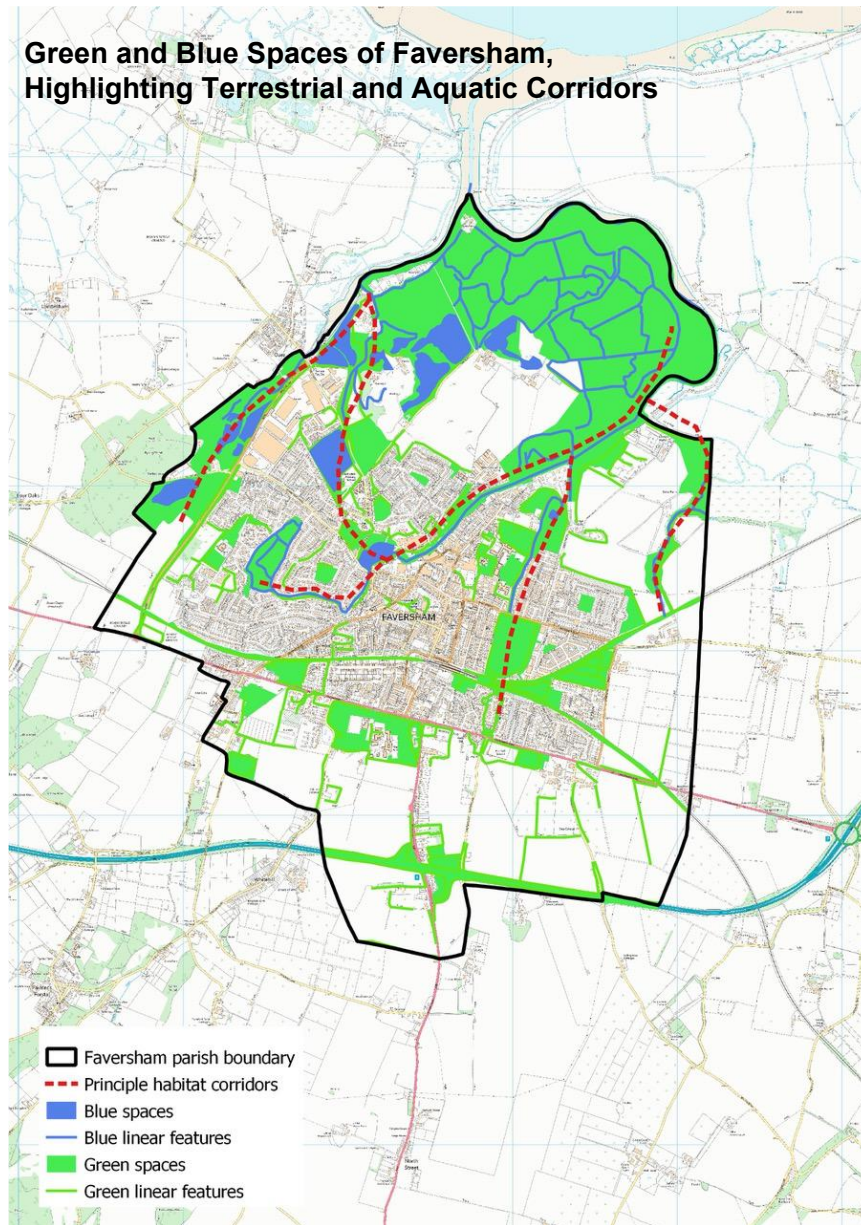


Figure 8: Priority Habitats for Protection

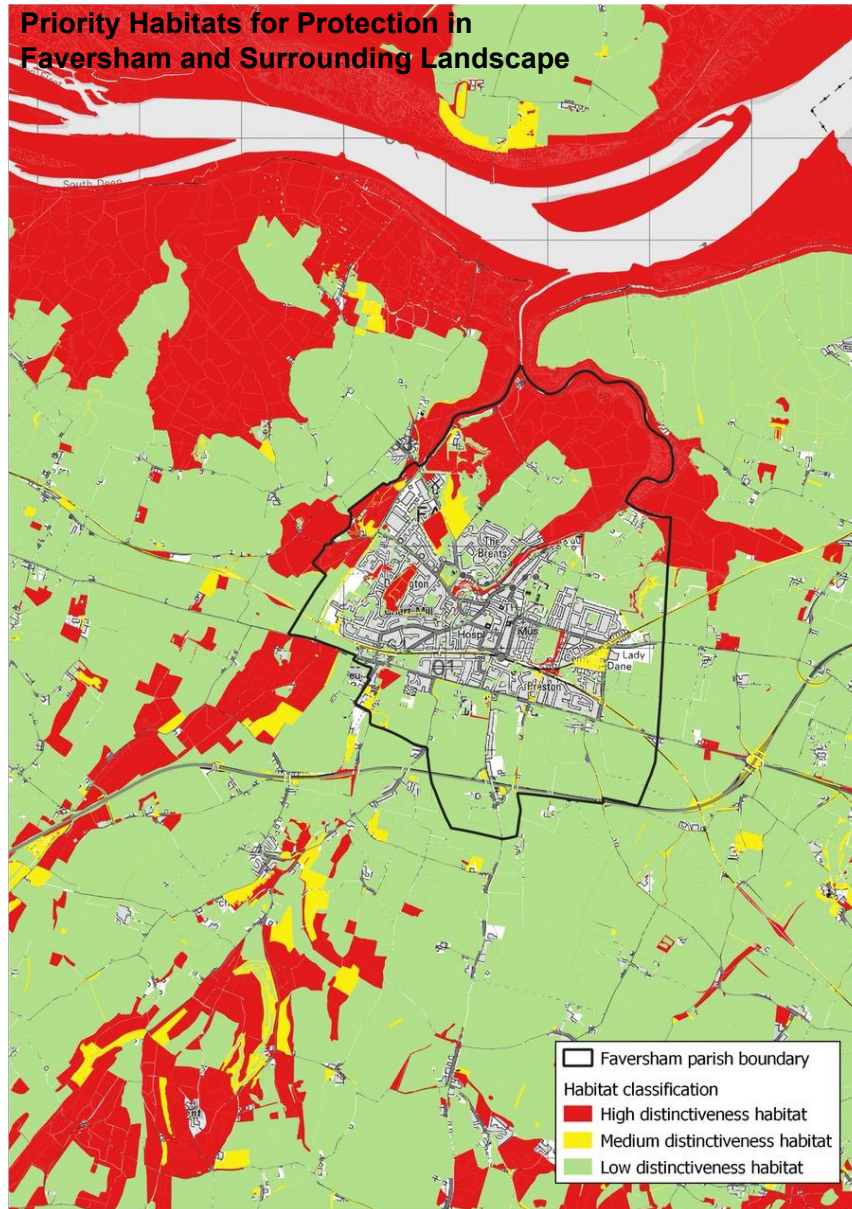


Figure 9: Natural Habitats

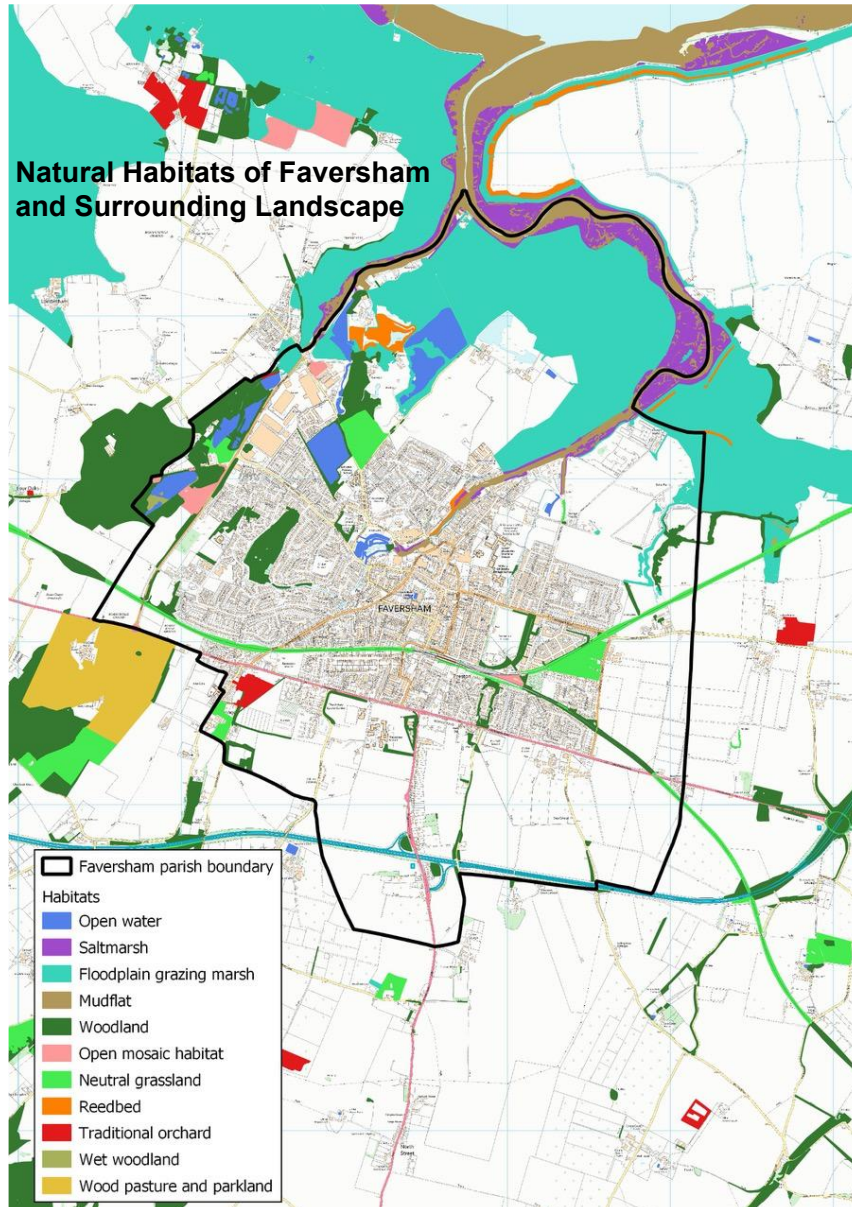


Figure 10: Habitat Corridors

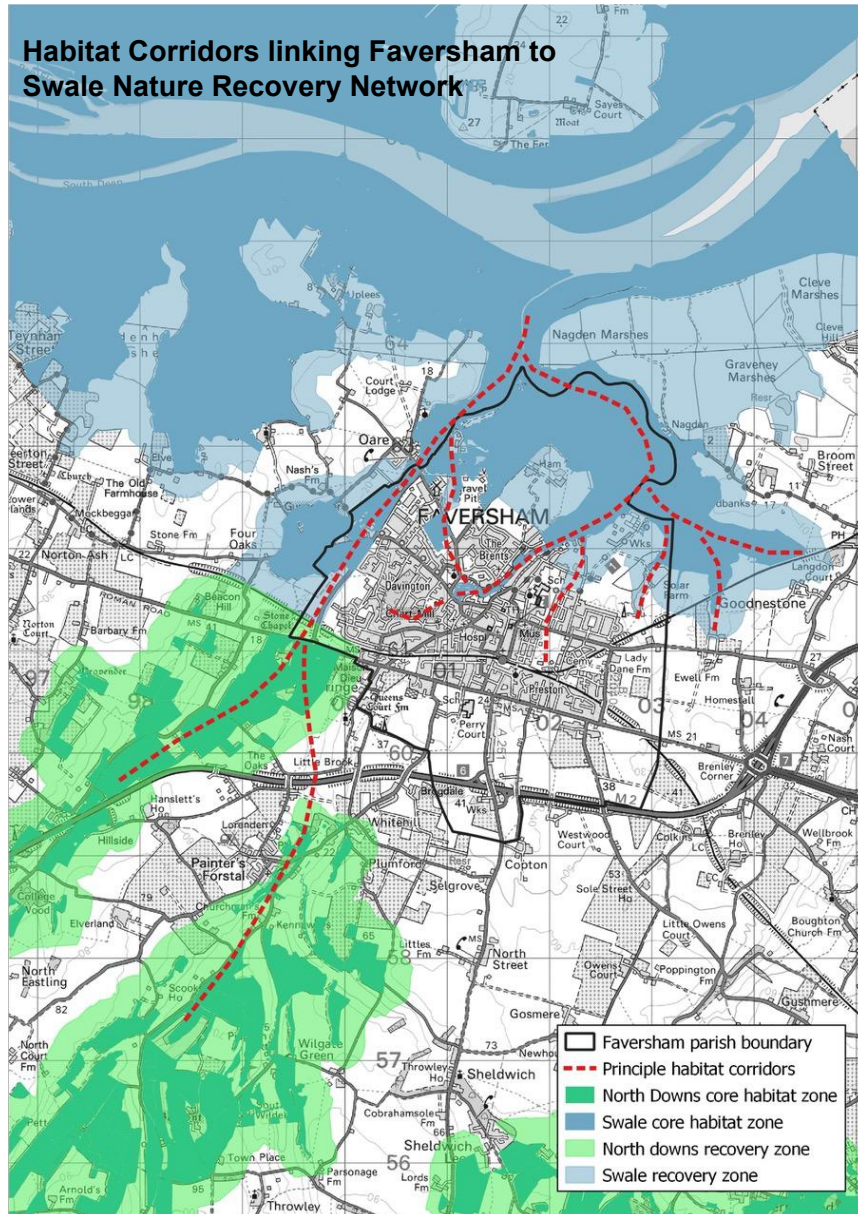
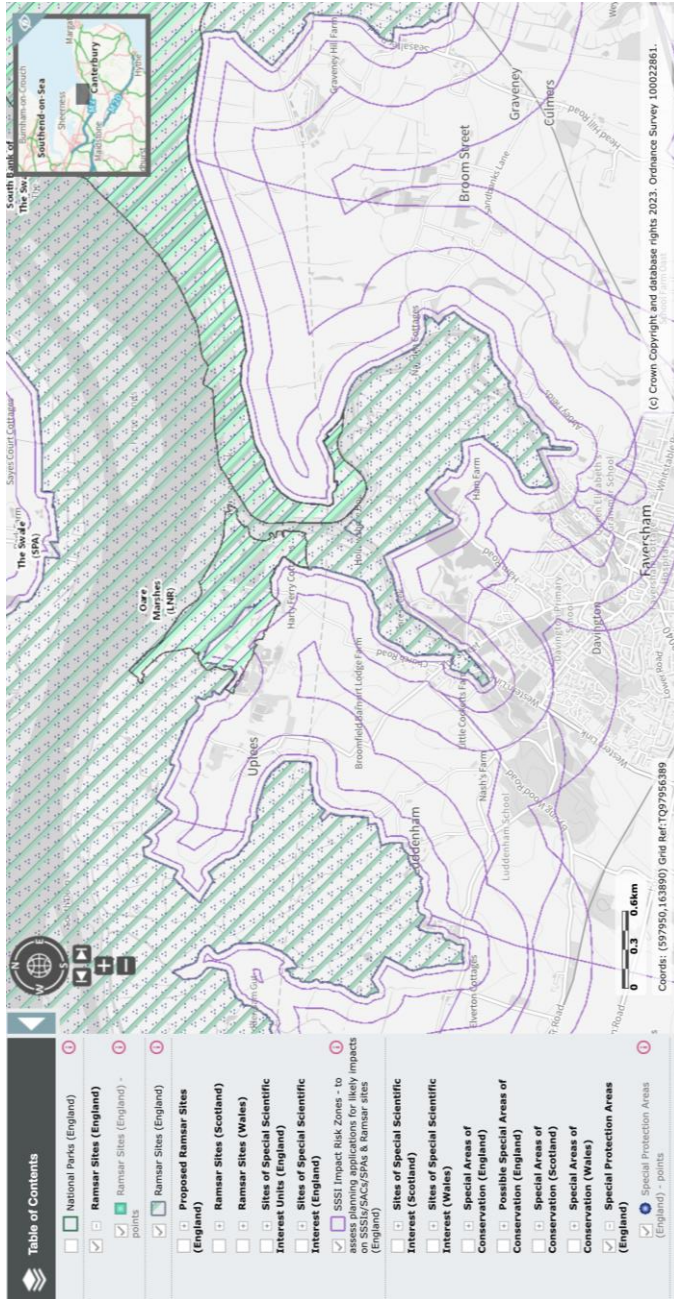


Figure 11: DEFRA Magic Map Data



FAV7: Natural Environment and Landscape

1. Development should have no adverse impacts on green or blue infrastructure, including designated landscapes, nature recovery networks, habitat distinctiveness, wildlife and nature corridors, ecology, tidal marshes, and chalk streams, including Westbrook, Cooksditch, Oare Creek and Thorn Creek (as shown on see F-figures 6;-7-11; 8;-9). Any potential adverse impacts should be minimised and, if required, appropriate mitigation and enhancement should be secured as part of development proposals, in line with other requirements within this policy.
2. Major development proposals should include positive features in its design and landscaping to create Biodiversity Net Gain in biodiversity, as follows:
 - a. for brownfield sites, 10% net gain;
 - b. for greenfield sites, 20% net gain.
3. Loss of green or natural landscape through development should be balanced through provision of green infrastructure, landscaping, planting and net gains to wildlife and biodiversity in the design and layout of development.
4. Trees, woodland and hedges should be retained and be incorporated into the layout and landscape design of development proposals and opportunities should be taken to incorporate new street or garden trees and hedges as part of landscape design.
5. Where loss of trees, woodland or hedges is unavoidable, replacements should be provided nearby, using native species, to create a similar level of amenity.
6. Development should not cause harm to, or lead to the loss of, the best and most versatile agricultural land or fruit orchards that meet the relevant criteria to be considered a BAP priority habitat.
7. Landscaping and planting should use native species or other species with high value for wildlife.

Interpretation:

Green and blue infrastructure refers to green spaces, landscape and water features, shown on Figure 6. It should be noted that the map includes features within allocated strategic sites. Whilst efforts should be made to preserve green and blue infrastructure within strategic sites, the policy should not be applied to prevent development or significantly reduce capacity.

It should be noted that where development will impact on the features in clause 1, the impact and details of any appropriate mitigation must be demonstrated within an Ecological Impact Assessment.

The documents submitted as part of the planning application could be used to demonstrate compliance with clause 3, including the Ecological Impact Assessment, Landscaping plans and the Biodiversity Net Gain assessment.

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Developers should demonstrate no adverse effects on the integrity of designated sites and this could be demonstrated through project specific HRAs and contributions to the Bird Wise North Kent Mitigation Strategy.

Features to support biodiversity and wildlife could include bird or bat bricks, eel passes, street and garden trees, ponds, and gaps in fences for hedgehogs. Provision of new street and garden trees can enhance street scenes, assist drainage, reduce harmful pollutants and help mitigate high summer temperatures. Landscaping could include wild verges and wild flower planting areas, rather than over-reliance on grassed areas.

Activities to achieve biodiversity net gain and/or balance loss of green landscape could include works outside of the development site, such as rewilding of paths or establishing a habitat banking system.

Development should demonstrate how it complies with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), including consideration of nutrient neutrality.

[It should be noted that, due to the large scale of the maps used for Figures 7-10, the information portrayed may include some inaccuracies. The maps have been prepared by Kent Wildlife Trust based on O.S. mapping data available at the time and may not reflect recent developments. Figures 7-10 should therefore only be used for general information purposes.](#)

FAV8: Flooding and Surface Water

- 1. Development must have no significant adverse impact on risk of flooding and should take opportunities to improve flood water disposal.**
- 2. Development will not be supported if it would compromise infrastructure to prevent flooding or the management of flooding incidents.**
- 3. New-build development should include Sustainable Drainage Systems as an integral part of the landscape and green infrastructure, to avoid adverse impacts from surface water run-off.**
- 4. Hard ground surface treatments should be permeable to allow water to penetrate, where ground conditions allow.**

Interpretation:

Sustainable drainage systems should be designed to provide positive features in the landscape and green infrastructure of development.

Design features to prevent flood damage could include raising habitable rooms above flood water levels.

Design features to improve water efficiency are strongly encouraged, such as rainwater harvesting and grey water recycling.

Developers should ensure that there is sufficient drainage infrastructure capacity to accommodate proposed developments, to avoid causing flooding elsewhere. Early discussions with the utility provider are advisable.

Development of brownfield sites can provide valuable opportunities to improve and increase flood resilience through improvements to existing drainage networks. Liaison with Kent County Council is recommended.

FAV9: Air Quality

1. Development must have no significant adverse impact on local air quality.
2. Development proposals within or affecting the A2 Air Quality Management Area should include measures that will avoid any worsening of air quality and lead to improvements in air quality within that area. ~~within or affecting the A2 Air Quality Management Area must include features to avoid any worsening of air quality or to improve air quality.~~
3. Development that generates additional car journeys should include tree planting using native species or other design or landscape features to help improve air quality.

Interpretation:

Adverse impact on air quality could include pollution, odour and dust particles. These can adversely affect public health and amenity, and also habitats and biodiversity.

Information submitted with planning applications should demonstrate compliance with the policy requirements, including impacts on the Air Quality Management Areas. Where insufficient information is submitted to demonstrate compliance, planning applications should normally be refused.

3.6 Design

Purpose

To ensure that development is well-designed, sustainable and locally distinctive.

Rationale and Evidence

National Planning Policy

The NPPF makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. Good design:

- Supports sustainable development.
- Creates better places.
- Helps make development acceptable to communities.

Critically, the NPPF establishes that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.

The NPPF wants to ensure that developments:

- Add to the quality of an area.
- Are attractive.
- Are sympathetic to local character, including the surrounding built environment and landscape setting.
- Establish a strong sense of place that are safe, inclusive and accessible and which promote health and well-being.

Critically, good design requirements should not discourage innovation or change in the built environment. The National Design Guide (2021) establishes that well-designed places have ten characteristics. These are context, nature, identity, use, resources, movement, built form, public space, homes and buildings and lifespan.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan clearly establishes that high quality design is fundamental to creating sustainable development. It promotes an approach for development that is sensitive, inspired, imaginative and responsive.

Policy CP 4 - Requiring good design – requires that all development proposals will be of a high-quality design that will:

- Create safe, accessible, comfortable, varied and attractive places.
- Promote local distinctiveness and sense of place.
- Make safe connections physically and visually to and within developments.
- Conserve landscape, biodiversity and local environments.

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- Be appropriate in respect of materials, scale, height and massing.
- Make best use of texture, colour, pattern, and durability of materials.

Policy DM 14 - General development criteria – requires development proposals to be well sited and of a scale, design, appearance and detail that is sympathetic to its location.

Policy DM 19 - Sustainable design and construction – requires development proposals to address and adapt to climate change by:

- Increasing energy efficiency.
- Promoting of waste reduction, re-use and recycling.
- Designing adaptable buildings.
- Contributing to green infrastructure and biodiversity.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The emerging local plan makes provision for good design in the built environment.

Policy ST6 ‘Good design’ sets the aspiration to create places with distinctive character, and safe streets and spaces. All design should be of high quality and makes reference to the National Design Guide to inform development, referenced later in detail in policy DM2.

Policy DM 1, ‘General development criteria’ identifies criteria that all development should meet as appropriate to the scale and nature of the application. This includes responding to the National Design Guide.

Policy DM2, ‘Good design’ sets out the requirement for new development to respond to the National Design Guide with specific emphasis on certain key themes.

Policy DM3 deals with Mitigating and adapting to climate change through sustainable design and construction.

National Design Guide, 2021

The National Design Guide identifies 10 characteristics that should inform placemaking to create well design places. Whilst some of the characteristics form threads throughout the policies of the plan such as identity many of the characteristics are translated into policies in this section to inform the design and character of new development to ensure they build resilient communities and places.

Faversham Design Guidance and Codes, 2021

The Faversham Design Guidance and Codes (2021) accompany the neighbourhood plan. This sets out direction for design across Faversham with regards to:

- Strategic principles and best design practice.
- Built form.
- Street typology and car parking.

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- Environment and energy efficiency.

This document has been used to underpin the principles of the design policies of the plan.

Net Zero Aspirations

There are national, borough and town council net zero targets.

Key issues that the policy seeks to address

The policy seeks to:

- Encourage creative sustainable development that positively contributes to the character and sense of place of its location.
- Create high quality landscape, green infrastructure and public realm.
- Promote *people first* and inclusive outcomes for the built environment, for example through pedestrian permeability.
- Recognise and promote good urban design and key components of successful and sustainable places.
- Encourage energy efficiency as a way of reducing energy demand and consumption.

FAV10: Sustainable Design and Character

1. New-build development or extensions to existing buildings must complement the existing townscape character of the surrounding area in terms of scale, massing, height and set-back from the road.
2. Development should take account of the topography of the site and context and complement the predominant 2-3 storey character of the area.
3. Landscape infrastructure and a high-quality public realm must be an integral part of the design and layout of development, also meeting the requirements of Policy FAV7.
4. The design and layout of development must prioritise pedestrian convenience, creating a permeable layout, with connections to the Public Rights of Way network and National Trails, the surrounding surrounding pathways, countryside, community facilities, public transport routes, the Town Centre and the Creek.
5. The design and layout of development must take account of the needs of people with limited mobility.
6. Development must provide low front boundary enclosures and active building elevations, with doors and windows, to street frontages to create overlooking of streets and spaces and natural surveillance.
7. Materials must be durable with a high standard of finish and support will be given to the use of local or recycled materials or construction and materials with low embodied energy and superior environmental performance.
8. Creative and innovative design will be supported, especially where it involves superior environmental performance, water efficiency and reduction of carbon impact.
9. Development should avoid any adverse impact on residential properties through intrusive, excessive or poorly designed lighting.
10. Development proposals should take account of the 'Faversham Design Guidance and Codes' document (AECOM, May 2021).
- 9.11. Development should include green infrastructure and features, including the provision of street trees and garden trees, the use of traditional hedges for boundary treatments and features to support wildlife.

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Interpretation:

The policy should be applied according to the nature of the development. Clearly, some parts of the policy relate only to development involving new layout.

Blank elevations, high walls or high fences to street frontages, footpaths and other public space would not meet the requirement for active frontages to be provided. In the case of new properties in areas with risk of flooding, where habitable rooms are not provided at ground floor level, creative

design solutions will be necessary to create active frontages, rather than blank ground floor elevations.

Particular emphasis is placed on landscape and green infrastructure. This would include taking opportunities to provide street and garden trees and opportunities for food growing.

Design based on highway hierarchies, with planting as an afterthought, will not meet the requirements of the policy.

Active frontages means elevations containing windows, glazing, balconies, terraces, and doors.

The policy does not require or encourage stylistic imitation. Rather it places emphasis on the essential townscape character of the area, whilst supporting creative design.

The AECOM Faversham Design Guidance and Codes March 2021 may contain helpful materials in responding to this policy.

The requirements of the policy are more likely to be met if using an experienced and skilled design team.

Green design features could include:

- use of efficient heating and cooling systems, or design to reduce dependency on heating and cooling systems;
- superior insulation properties and airtightness;
- natural ventilation and air flow (for warmer months) to help avoid over-heating;
- use of local, low-embodied energy, recycled and recyclable materials;
- living (green or brown) walls or roofs;
- rainwater capture, storage and reuse (grey water);
- water efficient appliances;
- flexible spaces and layouts to accommodate changing demands;
- provision of street trees and garden trees;
- use of traditional hedges for boundary treatments;
- micro energy generation, such as photovoltaics;
- use of native species in planting;
- features to support wildlife such as bat boxes, bird boxes, [Swift bricks](#), hedgehog gaps in fences or badger routes; and
- avoiding the use of artificial grass.

Local materials include:

- clay tiles and slate tiles.
- red, yellow or colour-washed brick.
- timber weatherboarding and stucco (including ashlar).

Boundary treatments include low walls, hedges and small trees.

3.7 Historic Buildings, Places and Landscapes

Purpose

To preserve or enhance Faversham's historic buildings and areas.

Rationale and Evidence

National Planning Policy

The NPPF recognises that heritage assets should be conserved. It promotes a positive strategy for the conservation of the historic environment that considers:

- Sustaining the significance of heritage assets and putting them to viable uses consistent with their conservation.
- Opportunities to secure historic 'environment's contribution to the character of a place.

National policy emphasises the importance of protecting designated heritage assets, whilst recognising that a more balanced approach would be appropriate for non-designated assets.

The NPPF also seeks to preserve those elements of the setting (e.g. views) that make a positive contribution to an asset.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan recognises that Faversham is a historic town with 40% of its urban area within a conservation area.

Policy ST 7 - The Faversham area and Kent Downs strategy - protects historic assets.

Policy CP 8 - Conserving and enhancing the historic environment – seeks to ensure that development proposals will respond to heritage assets to sustain the historic environment, particularly:

- Maintaining the significance of designated and non-designated heritage assets and their settings.
- Bringing heritage assets into sustainable use.
- Meeting the challenges of a low carbon future whilst respecting the integrity of heritage assets.
- Promoting the enjoyment of heritage assets.

Relevant development management policy provides a framework across historic environment considerations as follows:

- Policy DM 32 - Development involving listed buildings - Development proposals respect a listed building's special architectural or historic interest.

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- Policy DM 33 - Development affecting a conservation area - Development affecting a conservation area will preserve or enhance features that contribute to special character or appearance.
- Policy DM 34 - Scheduled Monuments and archaeological sites - Development will not be permitted which would adversely affect a Scheduled Monument

The local plan identifies that Faversham has one of the largest concentrations of listed buildings and other heritage assets in the Borough.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The 'strategic overview of Swale's heritage assets' statement identifies the broad range of heritage assets within the neighbourhood area. Siting the early settlements around Roman Watling Street and Coastal Creeks, through to former monastic establishments and medieval farmsteads. It acknowledges that the range of assets in Faversham are 'an asset in their range and concentration'.

In addition to the many tangible assets there are also cultural and social assets. The emerging local plan identifies the built heritage, festivals (such as the Faversham Literary Festival and Hop Festival), industrial heritage and the sustainable tourism offer as part of the qualities of the area.

Policy ST10 'Conserving and enhancing the historic environment' supports the protection and positive management of the Borough's heritage assets.

Policy DM2, 'Good design' sets out the requirement for context, identity and built form, which include elements related to the historic fabric of an area and its heritage assets.

Policy DM6 'Shopfronts, signs and advertisements' makes clear that the alteration or replacement of historic shopfronts will not be permitted unless it can be demonstrated that the development would '*conserve or enhance the character of the building and its locality*'.

Heritage Designations

The neighbourhood area includes a range of heritage assets and designations.

The area includes three conservation areas:

- Faversham Conservation Area;
- Preston-next Faversham Conservation Area;
- Ospringe Conservation Area. (part only).

Faversham Conservation Area encompasses a very large area and includes the town centre, the Creek, Davington and surrounding areas. Faversham Conservation Area has an Article 4 Direction, relating to alterations and other kinds of development. The Syndale Conservation Area is outside of the parish, but flanked by the parish boundary.

In addition to the Conservation Areas, there are 6 Scheduled Monuments and around 350 Listed Buildings. Of these, 26 are grade II* and 3 are grade I.

Swale Heritage Strategy and Action Plan, Swale Borough Council (2020)

The heritage strategy reinforces the local plan core objective to sustain the towns' role and character as a historic market town. It recognises the diversity and interest of the town and its offer to the people it serves, residents, business and visitors.

The heritage strategy identifies a number of non-designated heritage assets within the Neighbourhood Area.

The strategy goes on to identify one of the greatest threats to heritage assets across the Borough being development pressures. The Neighbourhood Plan seeks to positively address this issue informing any future development and growth through the policies and evidence base of the Plan.

Kent Historic Towns Survey, Kent County Council (2003)

In 2003 Kent County Council and Historic England undertook an Extensive Urban Archaeological Survey (the Kent Historic Towns Survey) to assess the archaeological potential of the historic towns in Kent and Medway, particularly in relation to potential impacts from development.

The Kent Historic Towns Survey produced plans for each settlement indicating archaeological resource zones based on the known importance of archaeological deposits in that town which derives from the Extensive Urban Archaeological Survey. The boundaries of these zones are related to the possible extent of archaeological deposits rather than modern boundaries.

Four types of Urban Archaeological Zone were identified:

- Zone 1 – Areas of known national importance;
- Zone 2 – Areas of known archaeological potential where clarification of the nature of this potential is required;
- Zone 3 – Areas where archaeological potential is thought to be lower; and
- Zone 4 – Areas in which archaeological remains have been completely removed.

These are intended to inform the assessment, recording, preservation and mitigation measures that should be taken in association with any proposed development. The map in the interpretation of policy FAV11 relates to the identified Urban Archaeological Zones in Faversham.

Neighbourhood Plan Community Survey Draft Key Themes Paper (carried out on behalf of Faversham Town Council (20 November 2020 - 31 January 2021))

Question 7 asked *Thinking about our town's heritage, are there any buildings or places you suggest for local listing?* 370 out of a total of 527 respondents (70.2%) answered this question. Key locations or buildings identified included Creek, Guildhall, Cinema, Purifier Building.

Faversham Neighbourhood Plan Design Guidance and Codes March 2021

A design code evidence document was commissioned through the national programme and has informed design and heritage policies.

Key Issues for Policy to Address

The policy seeks to:

- Promote the sustainable re-use of historic buildings and assets (designated and non-designated).
- Protect and enhance the historic environment, open spaces, and the setting of heritage assets.
- Ensure that the character and features of the town and conservation areas are maintained and protected.
- Recognise the rich and diverse history of Faversham.

FAV11: Heritage

1. Heritage-led regeneration and the adaptation and reuse of historic buildings will be supported, providing such works preserve or enhance the character or appearance of Conservation Areas and preserve listed buildings and their settings.
2. Development should take opportunities to use and refurbish non-designated heritage assets, and should preserve or enhance and avoid causing harm to the asset or its setting.
3. In applying Policy FAV10 within the historic Faversham Town Centre, development should complement the townscape character of the main shopping streets based on rear-of-pavement frontages.
4. Development in Faversham Conservation Area, Preston-next Faversham Conservation Area and Ospringe Conservation Area should preserve or enhance their character or appearance and setting, including their architectural quality and diversity, historic landscapes, townscape, historic layout and other historic features.
5. Development should have no adverse impact on the rural setting of Faversham, including on historic landscape and surviving historic features, including patterns of tracks, lanes and hedgerows and open and historic landscape between Ham Marshes and Bysingwood.
6. Development should take opportunities to realise the cultural and economic potential of heritage associated with maritime history, agriculture, brick-making, gunpowder, brewing, war and the 20th century.
7. Development within or affecting the Urban Archaeological Zones (as shown on Figure 124) should take account of this in its design, mitigation of impacts and construction.
8. The design and layout of development must take account of views towards St Mary of Charity Church, Saint Mary Magdalene Church, St Catherine Church Preston Lane and other church towers and spires and historic landmarks.
9. Development for shopfronts will be supported where:
 - a. historic shopfronts or surviving features from historic shopfronts are preserved;
 - b. opportunities are taken to reinstate historic shopfronts;
 - c. any new or altered shopfront complements the character of the building.

Interpretation:

Heritage assets include both designated and non-designated heritage. Heritage Assets are defined through the Conservation Area boundaries and statutorily listed buildings. There is currently no local list. Reference should also be made to the Kent County Council's Historic Environment Record.

As with the design policy, this policy does not require or encourage stylistic imitation. Rather it places emphasis on the essential townscape character of the area, whilst supporting creative design.

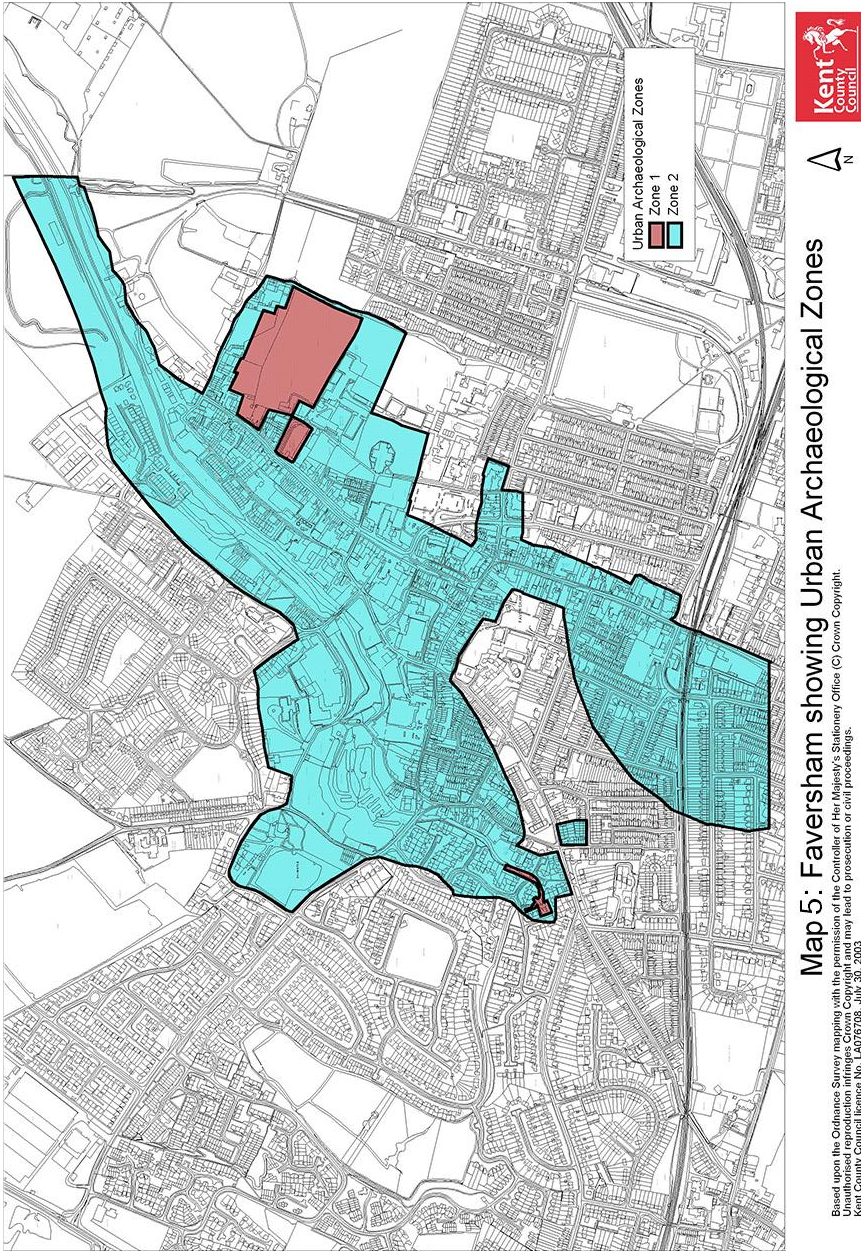
Micro-generation schemes involving historic buildings would need to be considered on their merits, having regard to the special heritage statutory duties. Certain kinds of micro-generation are allowed

Faversham Neighbourhood Plan 2023-2038

under permitted development rights, though there are some restrictions in conservation areas. Listed building consent is likely to be required for micro-generation involving alterations to listed buildings.

[Proposals for new development should also take account of the guidance and information contained in supporting documents including the Swale Heritage Strategy and Action Plan \(2020\) \(Swale Borough Council\), the Kent Historic Towns Survey \(2003\) \(Kent County Council\) and the Kent Historic Landscape Characterisation \(2001\) \(Kent County Council\).](#)

Figure 12: Faversham Urban Archaeological Zone



(Kent Historic Towns Survey, Kent County Council 2003)

3.8 Community Facilities

Purpose

To support a range of local community and recreational facilities.

Rationale and Evidence

National Planning Policy

The NPPF aims to achieve healthy, inclusive and safe places that:

- Provide and retain community facilities (such as local shops, meeting places, sports venues, cultural buildings and pubs).
- Resist the unnecessary loss of valued facilities and services.
- Promote social interaction.
- Enable healthy lifestyles.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan recognises that community services need to be managed. Policy CP 5 - Health and wellbeing - supports bringing forward accessible new community services and facilities and, along with Policy CP 6 safeguards viable community services and facilities.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

Policy ST2 'Swale Settlement Strategy' makes clear that the scale of development will deliver significant infrastructure improvements.

Open space, play and sports facilities will need to be provided to meet the needs of the existing and new residents of the area, ensuring no net loss in existing provision and in accordance with the requirements of Policy DM 17 'Open space, sport and recreation provision'.

Open Spaces and Play Area Strategy 2018-2022

The Open Spaces and Play Area Strategy concluded that there is generally sufficient provision of open spaces and that the medium-term focus should be on enhancing the quality of existing open spaces.

Neighbourhood Plan Community Survey Draft Key Themes Paper (carried out on behalf of Faversham Town Council (20 November 2020 - 31 January 2021)

When the respondents were asked to identify "what type of community space is lacking and where is it needed?" 56.1% of those who answered identified space, community space, place, park and green space as the highest-ranking themes. This clearly demonstrates that outdoor space provision is a significant need. The policy responds positively to this need, together with the designation of Local Green Space.

Question 4 and 5 asked about the provision of youth facilities for 0-8 year olds and 9-16 year olds. While those who responded to the 0-8 year olds 48.4% said there was not enough provision, overwhelmingly in the 9-16 year olds the result was 82.2%. The respondents went on to identify potential needs siting club, youth clubs, park, gym and skatepark.

Kent Country Council Priorities for play Pitches

Kent Country Council has identified the following priorities for future pitch provision:

- Need to increase the number of artificial pitches from one to three to meet the demand for rugby and football;
- Invest in grass pitch improvement to increase the capacity of already overused grass pitches;
- The access for King Georges Playing Fields (The Mount) and the Queen Elizabeth Grammar School in order to sustain and grow sporting provision on site; and
- Recognise that King Georges Playing Fields (The Mount) is at capacity and no further formal or informal community and sports facilities can be housed at the site.

Key Issues for Policy to Address

The policy seeks to:

- Promote new community services and facilities that are inclusive and accessible to all.
- Protect and safeguard existing community services and facilities.
- Encourage the provision of new or improved outdoor spaces and facilities for leisure and recreation.

FAV12: Community Facilities

1. Development to provide new or improved community facilities, including facilities to support more flexible live/work patterns, will be supported in the following locations, subject to there being no significant adverse impacts on the amenities of residential properties or on the historic or natural environments:

- a. in and around Faversham Town Centre;
- b. where there are existing clusters of community facilities;
- c. in easy walking distance of existing housing;
- d. as part of new housing development.

3.2. For housing schemes, the design of recreational space and play facilities should take account of the needs of people of all ages, including children and teenagers.

4.3. The loss of community facilities, including pubs and sports facilities, will be supported only where similar or better facilities are provided in close proximity, or where it can be demonstrated that continuing use is non-viable or it can be demonstrated to form a necessary part of a wider public service reorganisation.

5.4. Development should support active travel, meeting the requirements of Policies FAV10 and FAV4.

Interpretation:

The policy enables expansion of community facilities for people of all ages, including older and younger people. This includes healthcare, training and education and sports and recreational facilities. Many such facilities also provide local employment opportunities. The policy works in parallel to other policies that support healthy lifestyles.

Local community facilities of particular value include:

- Abbey Psysic Garden;
- Alexander Centre, Preston Street;
- Arden Theatre;
- Assembly Rooms, Preston Street;
- Faversham Cottage Hospital;
- Faversham Library;
- Faversham Recreation Ground and Pavilion;
- Faversham Swimming Pools (indoor and outdoor);
- Post Office, East Street;
- The Guildhall;
- The Jubilee Centre (Activity Centre);
- The Royal Cinema;
- Town Hall;
- Umbrella Centre; and
- West Faversham Community Centre.

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3.9 Local Green Spaces

Purpose

To protect green spaces of special community value.

Rationale and Evidence

National Planning Policy

The NPPF establishes that the designation of land as Local Green Space through neighbourhood plans allows communities to protect green areas of particular importance that can endure.

"The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land".

The NPPF sets out that policies for managing development Local Green Space should be consistent with those for Green Belts.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan establishes that Local Green Space designation will protect the spaces identified by communities as special to local communities because of, for instance, their recreational value, tranquillity, heritage or biodiversity value. Policy DM 18 - Local green spaces – sets out the type of appropriate development for Local Green Spaces.

The Local Green Spaces designated by the Local Plan are:

- Faversham Cricket Ground;
- The Town Green;
- Millfield allotments behind Cheney Road;
- Millfield playing field and play area;
- Allotments between Broomfield Road and Larksfield Road;
- Green spaces at Front Brents/Upper Brents;
- Green space at north end of Brent Road/Bridge Road;
- Play area at corner of Springhead Road and Brook Road;
- Playing field, including play area, enclosed by Barnfield Road and Reedland Crescent;
- Land at Front Brents;
- Land at Flood Lane;

Faversham Neighbourhood Plan 2023-2038

- The Stonebridge Ponds between Curtis Way, Davington Hill, Brent Hill and Flood Lane;
- The cricket ground at Greenway/Alexander Drive;
- Play area at Lower Road;
- Playing field at the end of Whiting Crescent;
- Willow beds surrounded by The Knole and Hazebrouck Road together with walkways along the stream;
- Open space surrounding Finch Close;
- King George V Recreation Ground.

The spaces designated by FAV13 are additional to these spaces already designated through the Local Plan process.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

Policy DM 28 'Local Green Spaces' sets criteria for where development would be supported on Local Green Space provided it is essential to the use, for example sports facilities, allotments, cemeteries etc. This version of the Local Plan is currently 'on hold'.

Swale Borough Council's 'Local Green Spaces (February 2021)' identifies potential new Local Green Space designations, as well as reconsidering existing ones. It is unclear whether this will be taken forward.

Neighbourhood Plan Community Survey

When the respondents were asked to identify "what type of community space is lacking and where is it needed?" 56.1% of those who answered identified space, community space, place, park and green space as the highest-ranking themes. This clearly demonstrates that communities value the quality and access of outdoor space open to the public. The policy responds positively to this need, with the designation of Local Green Space to ensure the provision of demonstrably special places to the community are preserved.

Furthermore, a key theme states "the need for youth club or youth provision, community spaces; more green and open spaces." 185 of the 396 respondents aligned with this theme. In addition, the community highlighted the need that when new housing is provided there needs to be a provision of new well designed and accessible green and community spaces, accessible to the new members of the community. People agreed that there should not be an assumption that the current provision is adequate for the existing or new communities. It is important that new communities have access to spaces as part of the design of new developments. The design policies and Local Green Space designations seek to positively address this.

Question 8 asked "Which local green spaces are important to you, and why?" 509 out of a total of 527 respondents (96.6%) answered this question with the "Rec', Park, Creek, Pond and Mount being identified.

Key Issues for Policy to Address

The policy seeks to:

- Make Local Green Space designations.
- Ensure that Local Green Spaces endure as a valued resource and asset.

FAV13: Local Green Spaces

1. The following spaces are designated as Local Green Space:

- FNP/LGS/001 – Playing field and play area at the Windermere Estate;
- FNP/LGS/002 – Land adjacent to New Creek Road;
- FNP/LGS/003 – Playing area and pitch at junction of Bysing Wood Road and Giraud Drive;
- FNP/LGS/004 – Crab Island, Front Brents;
- FNP/LGS/005 – Fields from Upper Brents towards Faversham Creek;
- FNP/LGS/006 – Woodlands at Wildish Road;
- FNP/LGS/007 – Former play area off Wallers Road and rear of Lion Field;
- FNP/LGS/008 – Playing area and field at Lower Road / Bensted Grove.

~~2. Development proposals in the eight designated Local Green Spaces listed above and defined on Figures 13-20 will be managed in accordance with national policy for Green Belts, should not encroach onto Local Green Space, unless:~~

- ~~a. it is specifically required to support the community use of the space;~~
- ~~b. it is small in scale and discreetly located so that it would not compromise the open or green character of the space;~~
- ~~c. its design complements the green character of the space.~~

~~3. Development adjacent to Local Green Space or affecting its setting must have no adverse impact on the amenity, safety, or accessibility of the space and should take opportunities to enhance the setting of the space.~~

~~2.~~

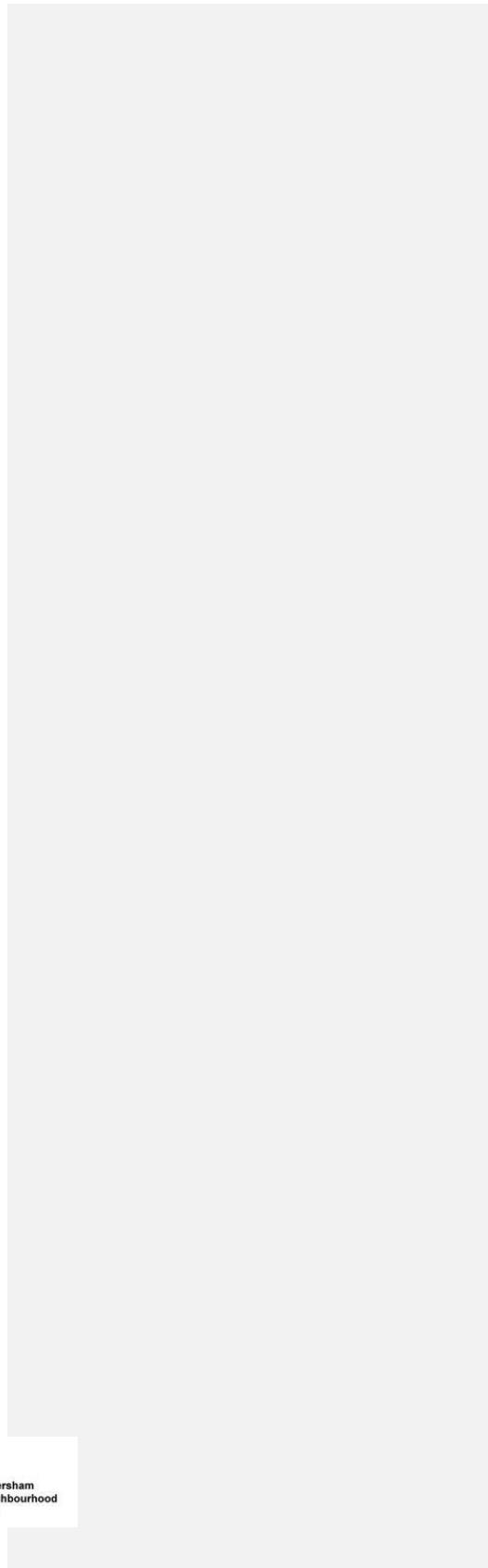
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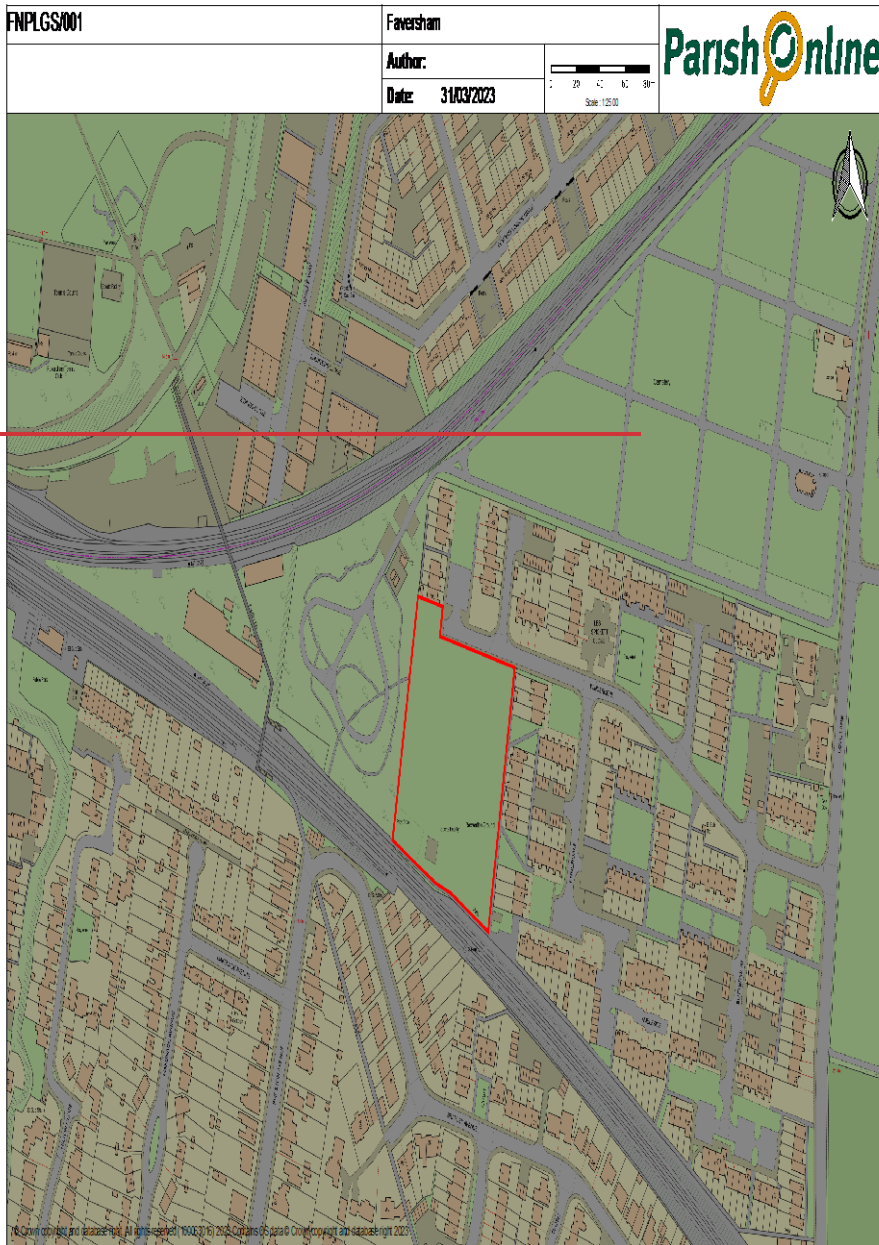
The National Planning Policy Framework makes clear that Local Green Space have similar protection as green belts. However, it should be noted that the purposes of Local Green Space and green belt are different. The policy also reflects National Design Guidance 2021.

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Figure 13: FNP/LGS/001 – Playing field and play area at the Windermere Estate





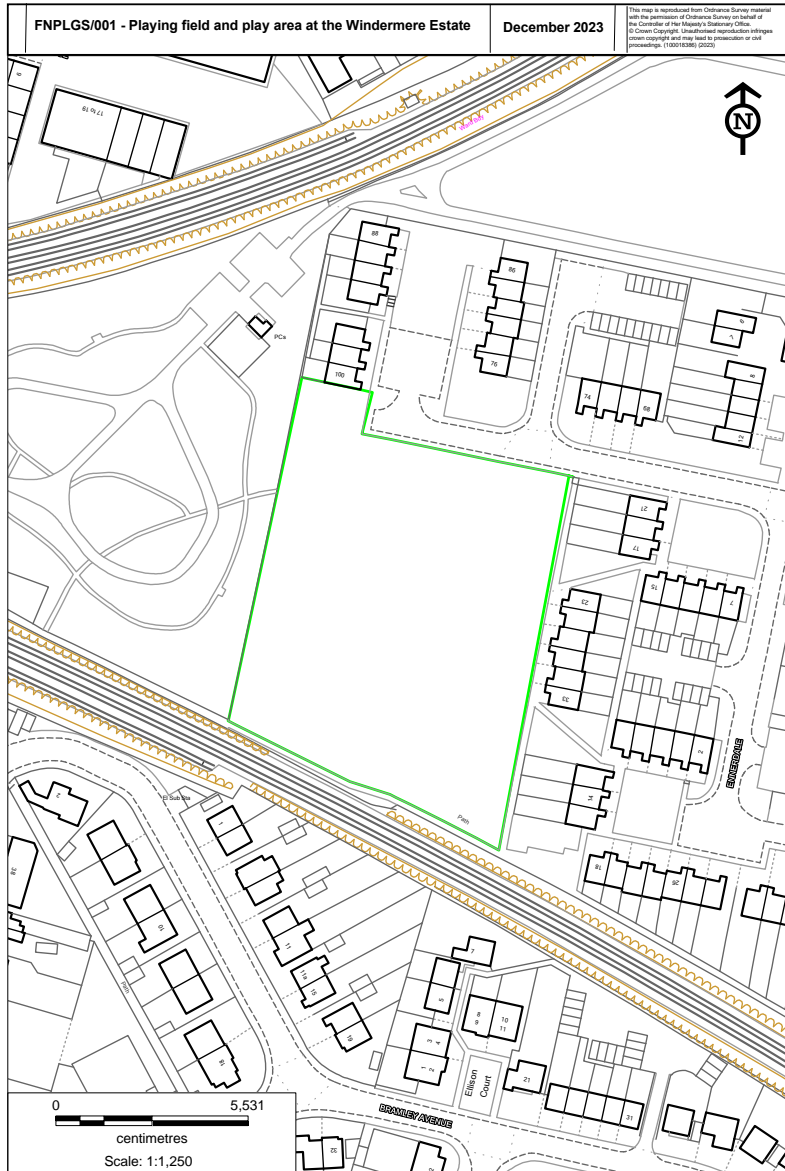


Figure 14: FNP/LGS/002 – Land adjacent to New Creek Road

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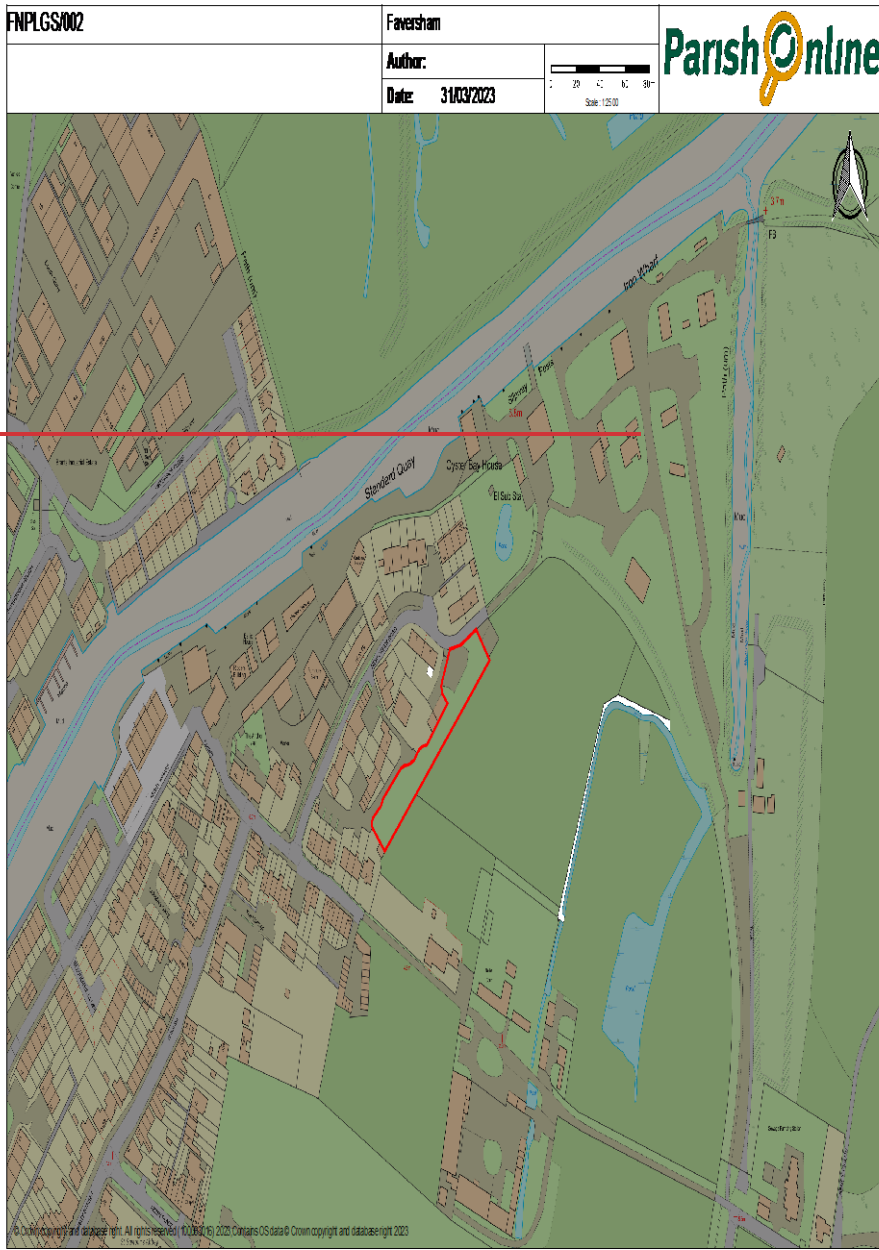
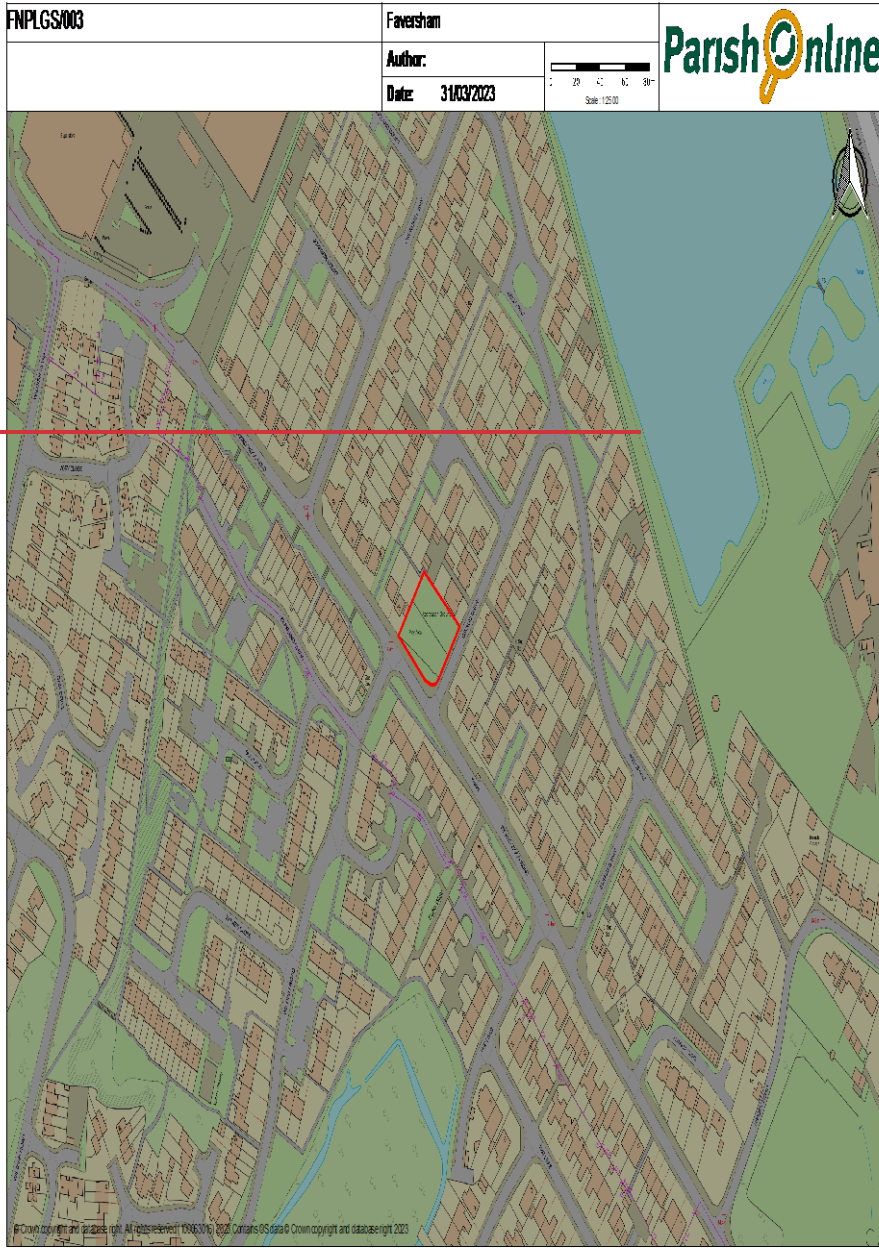




Figure 15: FNP/LGS/003 – Playing area and pitch at junction of Byssing Wood Road and Giraud Drive



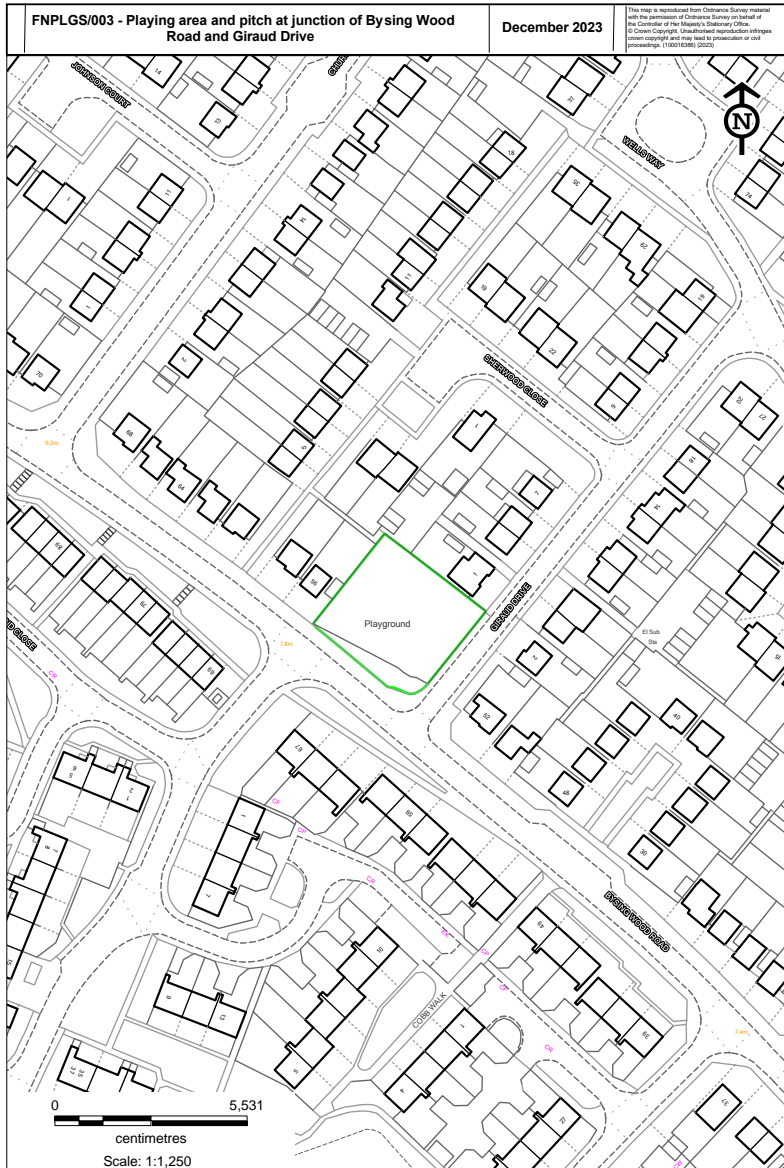
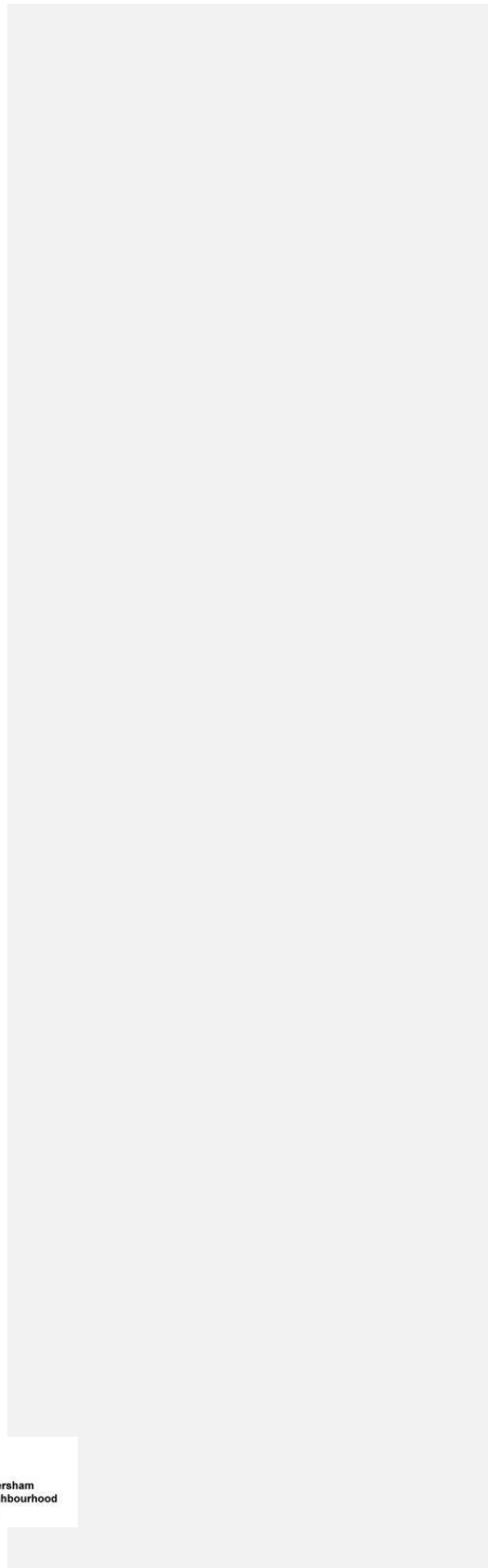


Figure 16: FNP/LGS/004 – Crab Island, Front Brents



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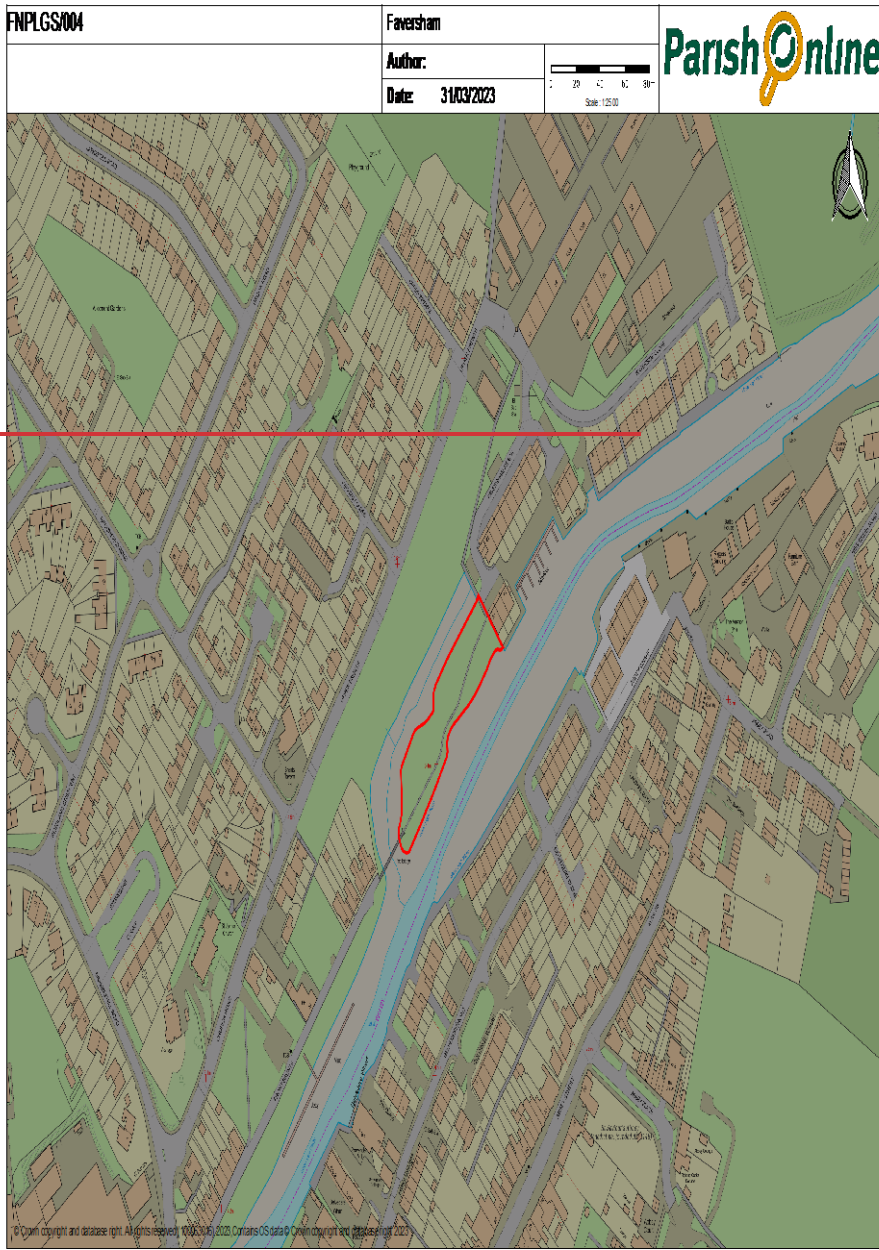
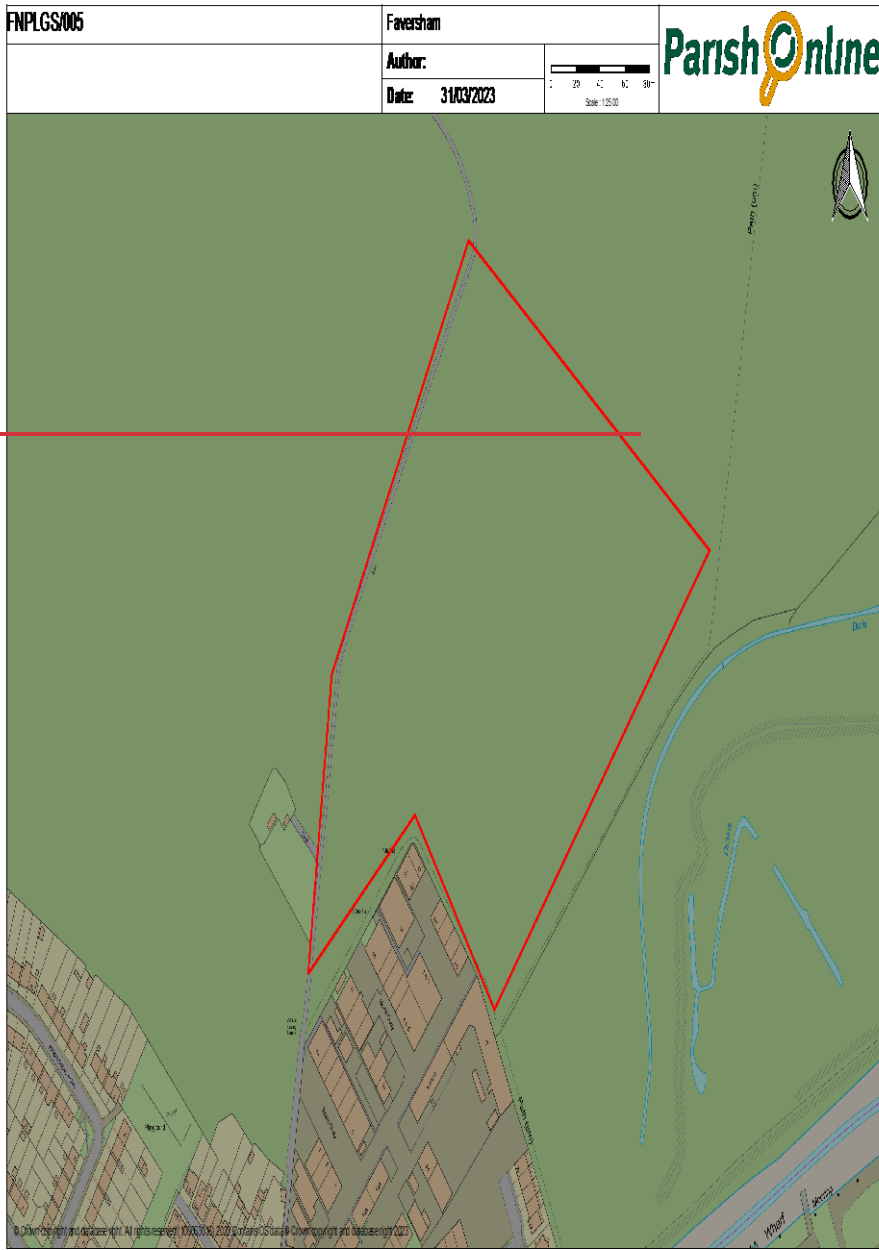




Figure 17: FNP/LGS/005 – Fields from Upper Brents towards Faversham Creek

Faversham Neighbourhood Plan 2023-2038



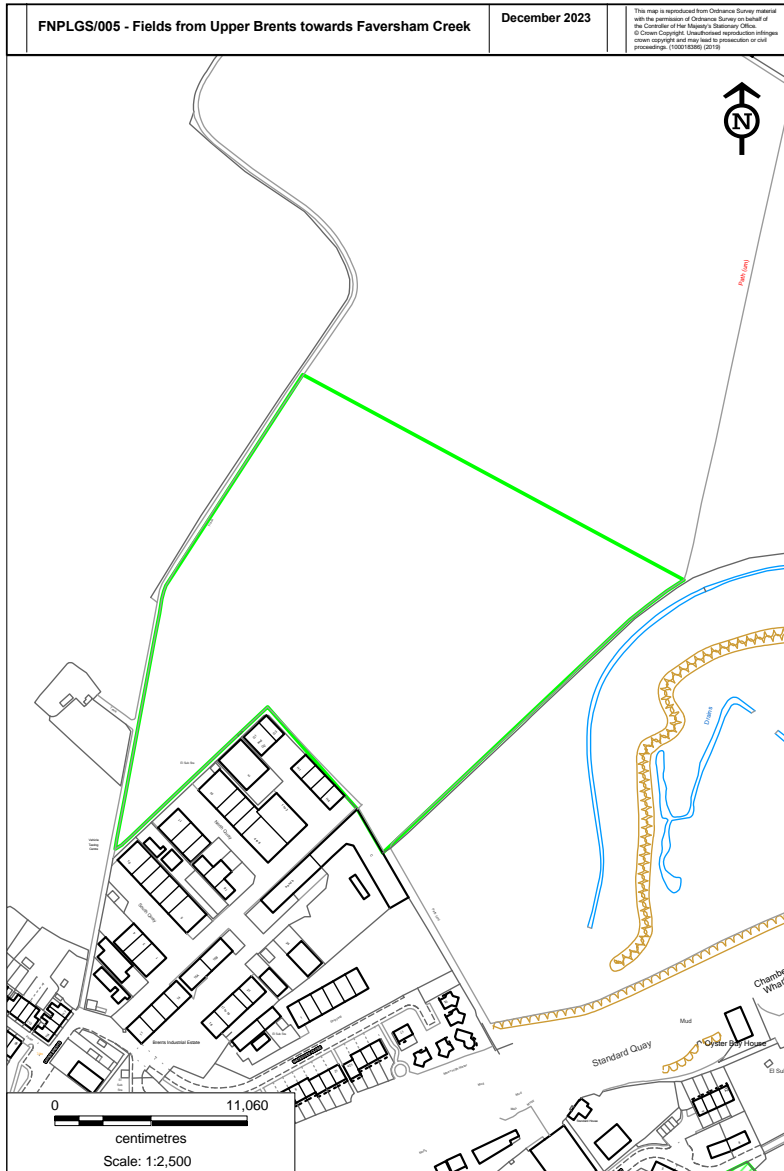


Figure 18: FNP/LGS/006 – Woodlands at Wildish Road

Faversham Neighbourhood Plan 2023-2038



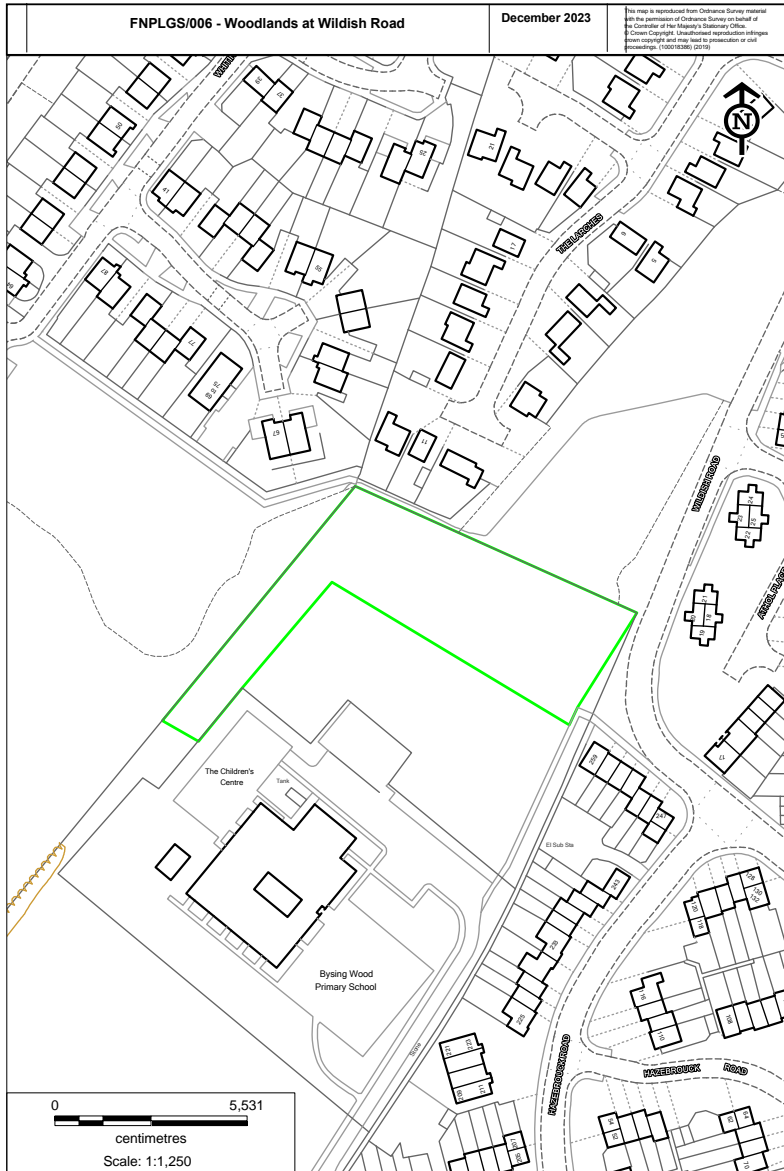
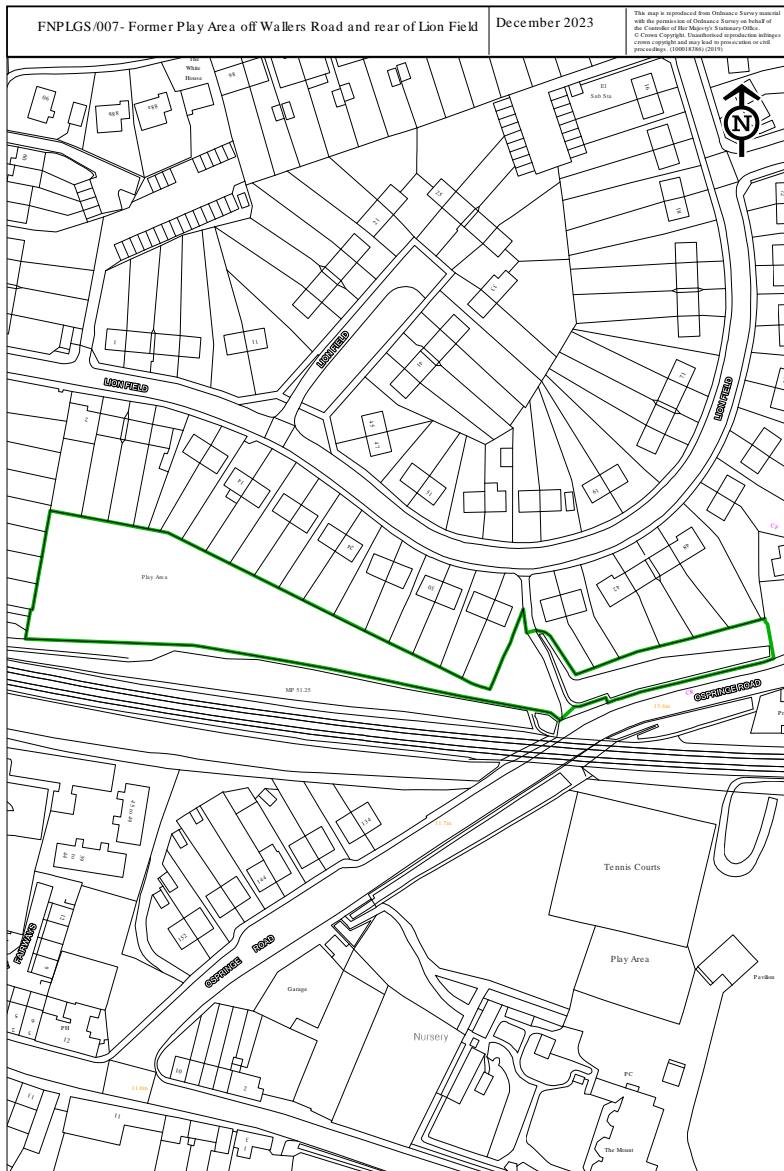
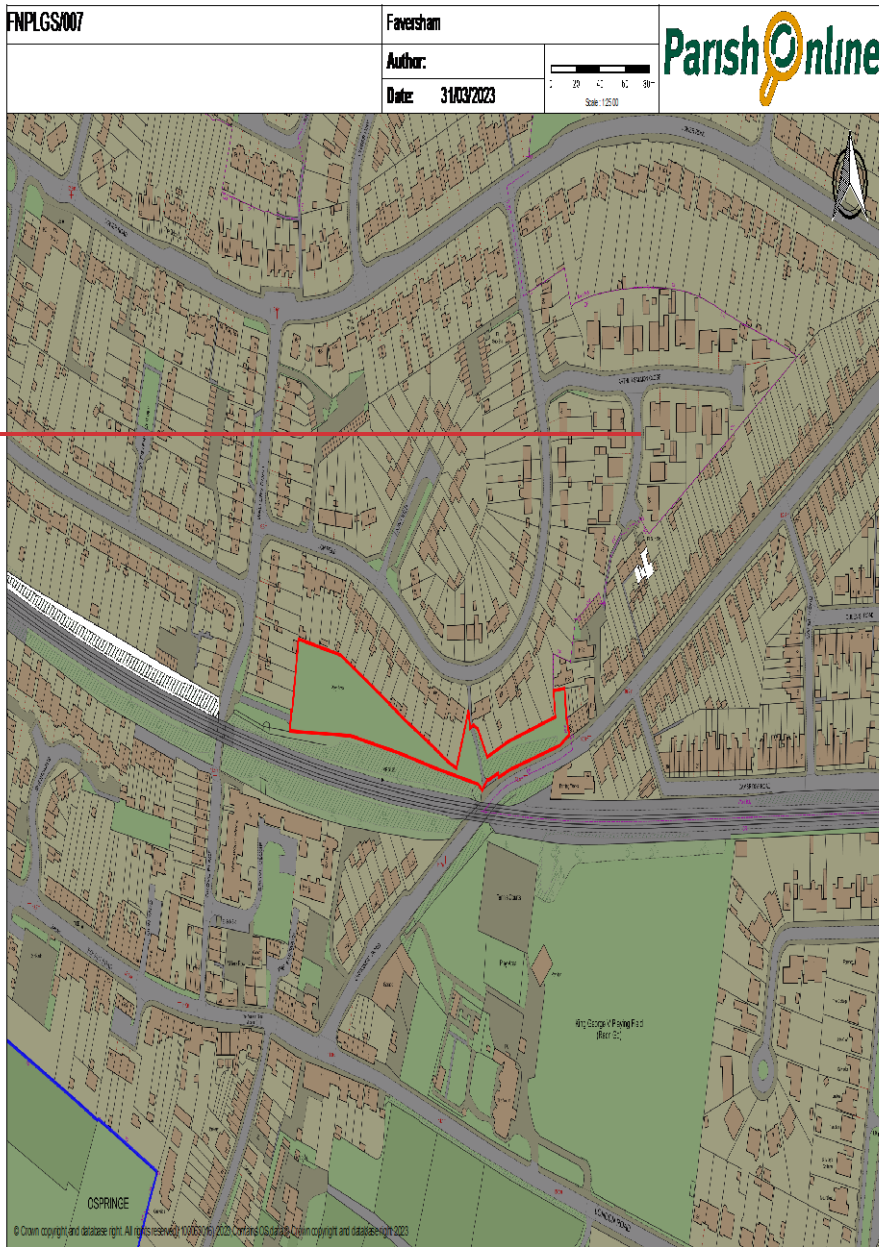


Figure 19: FNP/LGS/007 – Former play area off Wallers Road and rear of Lion Field



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Figure 20: FNP/LGS/008 – Playing area and field at Lower Road / Bensted Grove





3.10 Renewable Energy

Purpose

To support sustainable, local energy generation and increased energy efficiency.

Rationale and Evidence

National Planning Policy

The NPPF seeks to encourage the transition to a low carbon future by, amongst other things, supporting renewable and low carbon energy. It seeks a positive approach while ensuring that any adverse impacts are addressed.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan positively supports renewable energy. It indicates that where schemes are appropriate to their location and where the local environmental impact is acceptable a favourable response can be expected; particularly for community-led initiatives.

Policy DM 20 - Renewable and low carbon energy – establishes that all impacts (including visual and heritage impacts) from renewable energy schemes are minimised and mitigated to acceptable levels.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The vision for Swale supports renewable energy initiatives and development that contributes to supporting low carbon or zero carbon objectives.

Policy ST3 'Delivering sustainable development in Swale' supports the delivery of renewable energy and district heat networks in new developments. It also promotes the use of renewable energy in the management of emissions, helping to reduce air pollution.

Renewable energy requirements form part of the policy design brief for many of the strategic allocation in the plan.

Policies DM3 'Mitigating and adapting to climate change through sustainable design and construction' requires new development to demonstrate that they meet at least 20% of the total energy demand from on-site renewable energy. Policy DM4 'Sustainable energy production, distribution and storage' refers to the commitment in policy DM3.

The Faversham Creek Neighbourhood Plan

The Faversham Creek Neighbourhood Plan covers part of the current neighbourhood area, and this area is now subject to Policy FAV15. The policies of the Faversham Creek Neighbourhood Plan have informed FAV15, but also several of the other policies in this new Neighbourhood Plan.

Key Issues for Policy to Address

The policy seeks to:

- Encourage local and community-led renewable energy schemes that are small in scale and deliverable in an urban setting, responding to the climate crisis, finite resources and escalating costs.
- Ensure that the environmental and amenity impacts are acceptable.

FAV14: Local Renewable Energy Schemes

1. Local renewable energy schemes will be supported, subject to there being no significant adverse impact on:
 - a. the amenities of residential properties;
 - b. Faversham's historic and natural environments.
2. Support will be given to inclusion of micro-generation features in new-build residential, industrial or employment development.

Interpretation:

The policy enables local energy schemes, including community-led schemes. The policy applies in conjunction with other policies in the Neighbourhood Plan. Assessment of environmental impacts should take account of policies FAV7 and FAV11. FAV-10 deals with design.

Micro-generation could include photovoltaics on roofs of ground source heat pumps.

Micro-generation schemes involving historic buildings would need to be considered on their merits, having regard to the special heritage statutory duties. Certain kinds of micro-generation are allowed under permitted development rights, though there are some restrictions in conservation areas. Listed building consent is likely to be required for micro-generation involving alterations to listed buildings.

3.11 Faversham Creek

Purpose

To promote regeneration of brownfield and heritage sites and to realise the economic, community and environmental potential of Faversham Creek.

Rationale and Evidence

To preserve or enhance Faversham Creek and its environs, improving public access, and supporting the local economy.

National Planning Policy

The NPPF seeks to enhance the natural and local environment by protecting and enhancing valued landscapes with conservation. Enhancement of wildlife and cultural heritage are also important considerations.

In particular, within areas defined as Heritage Coast the special character of the area and the importance of its conservation are highlighted. Further, the NPPF promotes a positive approach to the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan establishes that the Faversham Creek area is part of the 'town's conservation area and contains historic buildings, together with traditional marine related activities, recreational opportunities and a series of green spaces. These contribute to the character of the area and represent an important asset to the town. The regeneration of Faversham Creek and its integration within the town is a principal objective.

The Local Plan recognises Swale's principal tourism assets and potential with a particular emphasis on:

- Built heritage - a range of heritage assets reflecting its Roman and Medieval legacy, its naval and maritime history and its industrial and agricultural past.
- Industrial heritage - gunpowder, naval, brewing, aviation, 'defence of the realm', sailing barges, brick and paper-making.
- Market Town of Faversham. A small historic Cinque Port town, lively town centre, unexploited creek and marshland, a multi-faceted town with links to the countryside.

Policy NP 1 - Faversham Creek Neighbourhood Plan – establishes that priority will be given to the regeneration of Faversham Creek by retaining maritime activities with complementary redevelopment opportunities. It promotes respect for the settings of historic buildings, protection of open space and upgrading of the public realm. Improved accessibility and opportunities for recreation and tourism are promoted. A flexible response to flood risk to enable regeneration to take place is outlined.

Policy ST 7 - The Faversham area and Kent Downs strategy – places importance on the Faversham Creek Neighbourhood Plan and emphasised enhancing tourism and placemaking.

Policy CP 1 - Building a strong, competitive economy – promotes the safeguarding or enhancement of Swale's 'Principal Tourism Assets' and seeks to consolidate or widen the Borough's tourism potential.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The emerging local plan recognises Faversham Creek as one of the key characteristics of the Borough, describing it as:

“Part of the town’s extensive conservation area and contains a number of historic buildings, together with traditional marine related activities and a series of green spaces. All contribute to the character of the area and represent an important asset to the town.”

The emerging local plan also acknowledges the issues stating that:

“The attractive waterside environment of the creekside area has not had the same investment to improve the quality of its environment as the town centre. There are also a number of historic buildings in need of restoration.

For these reasons, the regeneration of Faversham Creek, whilst protecting the rich maritime, industrial and landscape heritage for economic, environmental, and educational purposes, is the principal objective.”

This has been strongly supported by local consultation over a number of years and continues to be a priority in Faversham.

The emerging local plan also states that:

“Within the areas of heritage/marine-related activity adjoining the Creek, listed and other historic buildings and maritime uses, wharves and moorings important to the character of the Creek should be retained and, where necessary, restored alongside complementary redevelopment opportunities.”

The ‘Swale’s principal tourism assets and potential statement’, continues to identify the portfolio of important principal tourism assets as in the adopted local plan. These include the built heritage, industrial heritage, sustainable tourism, wild landscapes and marshes, birdlife and summaries Faversham as:

“A small historic Cinque Port town, lively town centre, unexploited creek and marshland, a multi-faceted town with links to the countryside.”

Policy NP 1 ‘Faversham Creek Neighbourhood Plan’ continues to establish the same priorities as set in the adopted local plan. These priorities continue into the policies of this neighbourhood plan which will supersede the Faversham Creek Neighbourhood Plan once Made.

Faversham Creek Neighbourhood Plan (referendum 2017)

The Faversham Creek Neighbourhood Plan covers part of the current neighbourhood area, and this area is now subject to Policy FAV15. The policies of the Faversham Creek Neighbourhood Plan have informed FAV15, but also several of the other policies in this new Neighbourhood Plan.

Swale Heritage Strategy and Action Plan, Swale Borough Council (2020)

The heritage strategy draws upon the industrial heritage of the Creek. It highlights the importance of Gunpowder manufacturing and the industrial legacy which survives in Faversham Creek. The special area policies in this part of the Plan aim to protect, conserve and enhance the cultural and built legacy of the industrial past.

Faversham Creek Neighbourhood Plan establishes its importance through a vision that sets out that:

"Faversham Creek is a place where we can celebrate the 'town's rich history and attractive appearance; where we can enjoy spending time, both on and off the water; where boats, residents and visitors want to be; where developments integrate the needs of people and nature; and where there is a distinctive character and identity, rooted in traditional industries and enriched by new businesses and uses".

Evidence

The rich history of Faversham Creek includes many notable features and buildings and a history steeped in gun-powder manufacture. Some of the key events in the Creek's rich industrial past include:

- 1300 – Magna Carta presented to the Barons and Port of Faversham.*
- 1560 – Gunpowder industry starts at Home Works.*
- 1585 – More corn shipped through creek to London than from any other port.*
- 1588 – Faversham was fitting out the Hazard to fight the Spanish Armada.*
- 1683 – More wool exported through the Creek than from any English Port.*
- 1698 – Shepherd Neame founded.*
- 1917 – Pollock's Shipyard opens.*

(Source, <https://infaversham.co.uk/2020/06/15/faversham-market-through-the-ages/> accessed August 2022)

There is an aspiration to create improved access across the Creek, though an opening swing bridge and sluice gates. This would support the development of the Creek area.

The Maritime Gateway Heritage Regeneration area identified in FAV16 is key part of the Plan's wider strategy for heritage-led regeneration and promotion of tourism and the visitor economy. The area includes a concentration of industrial and maritime heritage. Development of this area will help to realise the economic and cultural potential of the built heritage, whilst acting as a catalyst for wider regeneration.

Key Issues for Policy to Address

The policy seeks to:

- Encourage the enjoyment of the Faversham Creek area; particularly related to maritime and trade heritage, marine and recreational activity.
- Contribute to the economic wellbeing of Faversham by ensuring that the Creek can attract inward investment.
- Encourage moorings along the creek, particularly for heritage vessels.
- Encourage development that attracts tourists and visitors with a particular emphasis in the area's industrial heritage.
- Encourage small businesses, cultural and heritage attractions that contribute positively to the visitor economy.
- Conserve and enhance heritage assets and their setting including Grade II* listed building Training Ship Hazard, the Old Pump House and Town Quay to develop for leisure and tourism to attract residents and visitors to Faversham Creek basin.
- Improve access to Faversham Creek; particularly on the water and through walking and cycling.
- A new continuous publicly accessible Creekside with the potential to expand the 'Town Centre' to the West to integrate the tourist and visitor economy with access to heritage assets and both banks of the Creek.
- Protection and enhancement of Public Footpath ZF39 and the England Coast Path National Trail (ECP), which are aligned along the side of the Creek.

FAV15: Faversham Creek Policy Area

1. Development will be supported within the Faversham Creek Policy Area (see figure 21) where it comprises:
 - a. uses that enhance the economic, leisure, maritime or recreational use of the Creek, including visitor facilities;
 - b. uses set out in FAV16 within the Maritime Gateway Heritage Regeneration Area;
 - c. uses specified in relevant site allocation policies (FAV179, FAV1820, FAV219, FAV214, FAV225, FAV236, FAV247, FAV28).
2. Loss of existing employment uses will only be supported where it can be demonstrated that the use is economically unviable.
3. Development of waterfront sites should:
 - a. provide and maintain public access to the waterfront;
 - b. have no adverse impact on existing public access to the waterfront;
 - c. provide links to existing footpaths, including waterfront paths, around the site; take opportunities to improve public access to the waterfront and provide links to the Public Rights of Way network and to the King Charles III England Coast Path (KC3CP) National Trail;
 - d. take opportunities to provide moorings, where practicable.
4. Development must have no significant adverse impact on Faversham Creek in terms of landscape character, the waterway and mudflats, connecting chalk streams and Stonebridge Pond and allotments, also meeting the requirements of Policy FAV7.
5. Development must complement the character of the Faversham Creek area, including the predominant 3-storey height of buildings, meeting the requirements of Policy FAV10.
6. Development must preserve or enhance the character or appearance of Faversham Conservation Area and preserve the Creek's heritage assets and their settings, meeting the requirements of Policy FAV11.
7. Development must have no adverse impact on the water quality of the Creek, including impacts from surface water or other water discharge, considering impacts on protected sites downstream.
8. Development must have no significant adverse impact on the operations of existing commercial uses.

Interpretation:

It should be noted that the Environment Agency sets requirements for development to be set back from the water's edge to allow for maintenance. This is likely to differ, depending on the specific site. Engagement with the Environment Agency at an early stage is strongly advised.

Three storey buildings would comprise ground, first and second floors, or ground and first floors with a second floor in the roof space.

Faversham Neighbourhood Plan 2023-2038

The policy sets out specific requirements for development in the defined Faversham Creek area. It complements other policies in the Neighbourhood Plan.

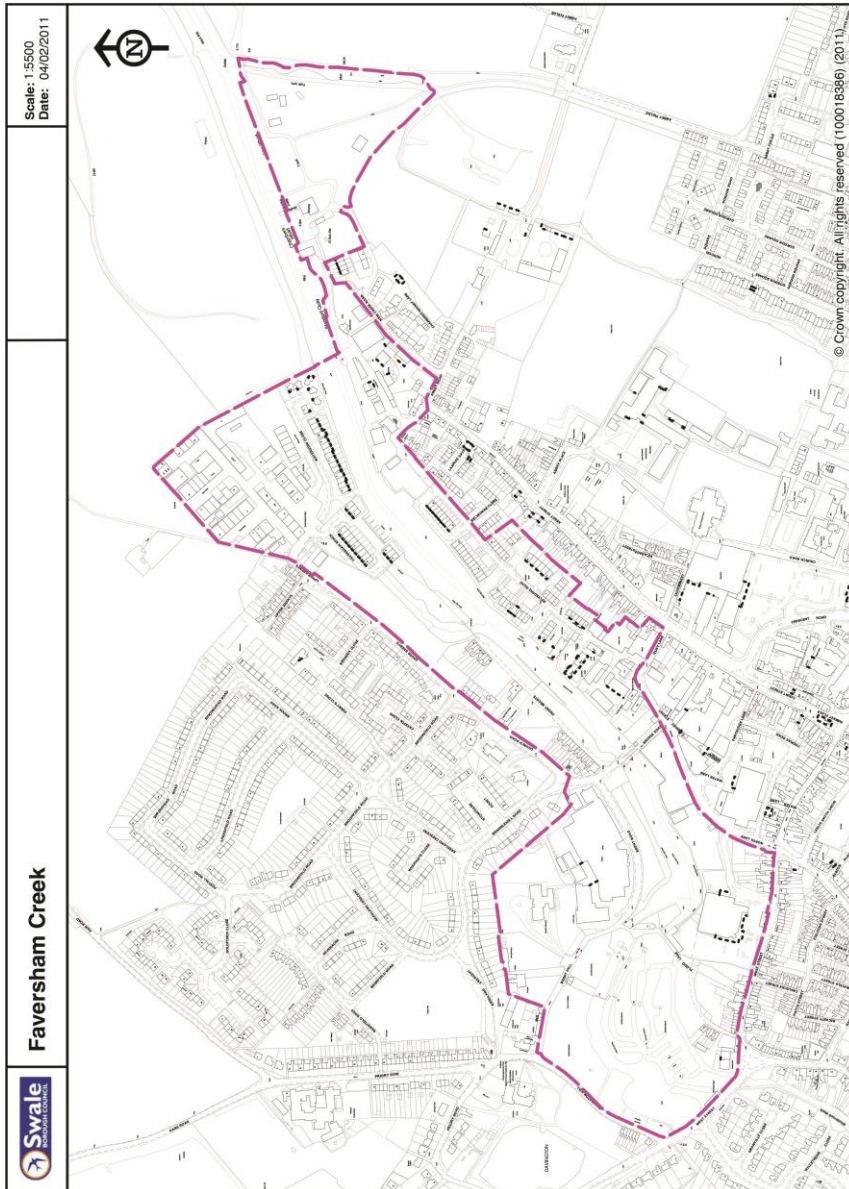
Harm to public access to the Creek could include encroachment onto footpaths, but also loss of other landscape or public realm that is used by the public.

In providing public access to the waterfront, regard should be made to the Design Policy requirements to consider the needs of people with a range of mobility and visual impairment.

Many sites are of high archaeological significance, so archaeological assessment and a watching brief may be necessary.

Southern Water has highlighted the drainage hierarchy in the area, and pointed out that connections to a combined sewer will only be possible where agreed in advance with Southern Water and where there is robust evidence to show there are no other options. It is a stipulation by Southern Water that no surface water will be allowed to connect to the foul or combined sewer networks in the Policy Area, unless agreed in advance. They would not allow surface water to connect to the foul or combined sewer networks. Early liaison with Southern Water is recommended.

Figure 21: Faversham Creek Area



FAV16: Maritime Gateway Heritage Regeneration Area

1. The use, reuse and refurbishment of historic buildings and other development **within the area defined on Figure 22** will be supported where it supports and complements or enhances and does not harm the tourism and visitor potential of the area.
2. Suitable uses would include:
 - a. business, hospitality, leisure, assembly, recreation, tourism and community uses, workshops, studios and exhibition space;
 - b. residential use at upper floors and only where it is part of a mixed-use scheme including the other uses set out in this clause;
 - c. visitor accommodation at upper floors.
3. Support for development is subject to:
 - a. meeting the requirements of FAV15;
 - b. retaining the existing slipway and access to it;
 - c. complementing the character of the Faversham Conservation Area, including retention of buildings and features that contribute to its special architectural or historic interest;
 - d. enhance the setting of listed buildings around the site, including those relating to maritime heritage and brewing;
 - e. taking account of views towards the tower of the Grade I listed St Mary of Charity church;
 - f. being designed to take account of the visibility of the Training Ship Hazard building.
4. Development should include a public walkway along the Creek edge and also create good connectivity with Town Quay and Belvedere Road.
5. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.

Interpretation:

This policy should be applied together with FAV15 and other relevant policies relating to design and other matters.

It should be noted that the Environment Agency sets requirements for development to be set back from the water's edge to allow for maintenance. Engagement with the Environment Agency at an early stage is strongly advised.

Early engagement is also advised with Southern Water with regard to the implications of the site's proximity to Quay Lane Faversham Pumping Station.

The policy recognises the current focus of the area on tourism and visitor facilities and seeks to build on this potential. At the same time, it requires development to respond to the historic context. This is a key policy for the regeneration of the area and promotion of tourism. The Maritime Gateway

Heritage Regeneration Area should act as a catalyst for wider regeneration, including development of allocated sites.

The Chaff House and the stone built wharf front make a valuable contribution to Conservation Area's character, so development should retain them as part of the scheme. To protect the setting of the Training Ship Hazard, any new building's profile should be as simple as possible, design must be of a very high standard and dormers and rooflights should not be employed. Access along Belvedere Road is restricted due to its width near the junction with Quay Lane, although alternative access may be possible directly from Conduit Street, subject to discussions with the highways authority and consideration of the contribution of the historic timber-framed shed in this corner of the site to the setting of both the listed building on the site and the wider Conservation Area. The existing buildings might be used/converted for various uses specified in the policy.

The former Frank & Whittsome site is in close proximity to a number of Grade II listed buildings on Belvedere Road, Quay Lane and Abbey Street. While not listed, the existing warehouse buildings on the site make an important contribution to the Conservation Area and reflect the industrial/brewing/maritime heritage of this part of Faversham. Site access is restricted by the width of Belvedere Road, which in places cannot accommodate two-way traffic. The existing area for parking and servicing at the corner of Belvedere Road and Quay Lane is unlikely to be large enough to serve an intensification of uses on the site, and consultation with the highways authority on the suitability of vehicular access is recommended to identify whether parking and servicing can be provided elsewhere on the site. Pedestrian access is via the narrow pavements on Quay Lane and Smack Alley, or wider footways along Conduit Street/North Lane.

The local authority may wish to consider conditioning any planning permission to ensure that development remains in the uses envisaged by the policy.

The mix of uses could include:

- Offices and other uses in Use Class E;
- creative workshops, studios and exhibition space
- A gallery and other uses in Use Class D1.
- Visitor Centres (Use Class F1);
- Hotel or visitor accommodation (Use Class C1);
- Live/work units;
- Residential Development (Use Class C3).

The policy supports residential development only for upper floors only, due to flood risk considerations.

The 2004 Conservation Area Appraisal may be helpful in securing compliance with the policy (a replacement character appraisal is currently in preparation).

To comply with the policy and other policies of the Plan, the sensitive reuse of historic buildings would be part of any proposal and any new-build elements would need to complement the character and townscape qualities of the existing building grouping and the wider historic context.

The site is in Flood Risk Zone 3a(i) and therefore any residential development should be restricted to the upper floors. A Flood Risk Assessment will be required as part of any planning application. Development should only be permitted where it satisfies the Exception Test.

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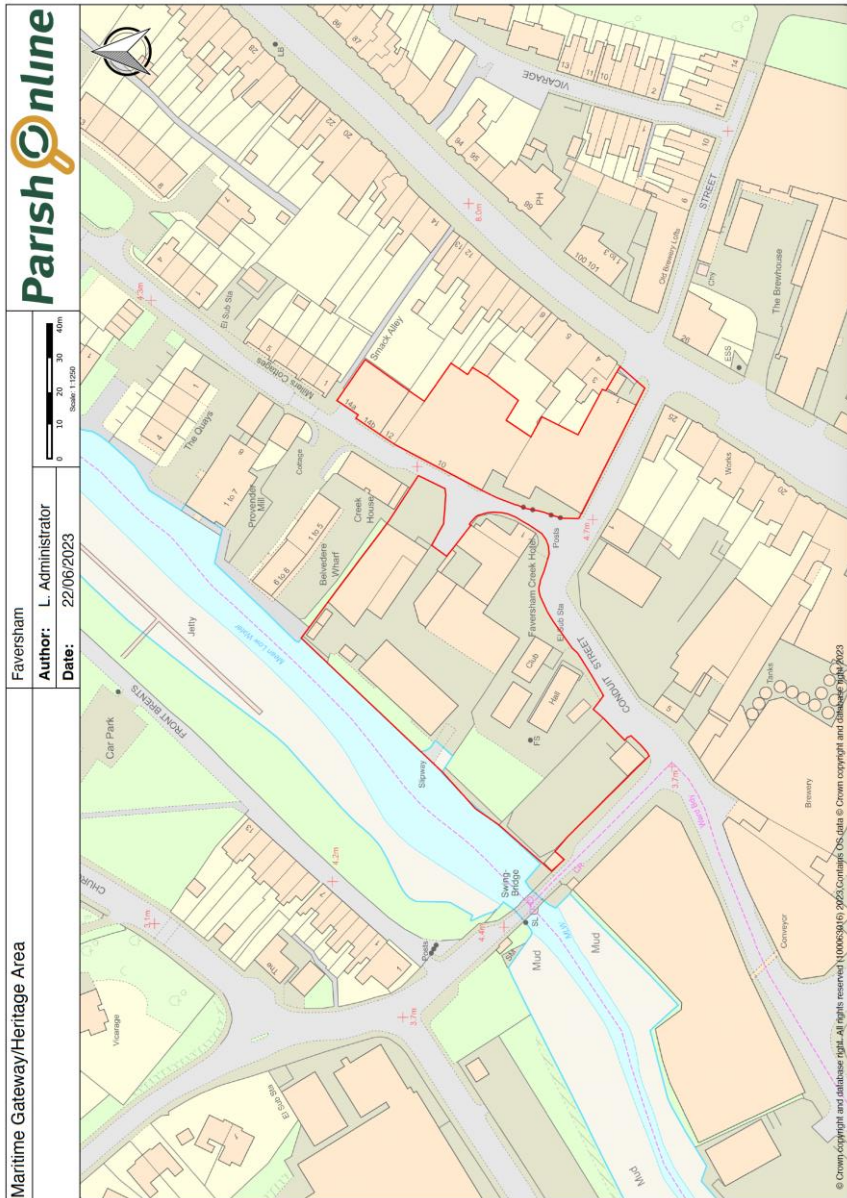
The area is within a Priority Habitat - Priority Habitat Inventory - Mudflats (England). Priority Species for CS Targeting Lapwing and Priority Species for CS Targeting – Redshank. Planning applications may need to be accompanied by appropriate surveys.

Archaeological investigations, if necessary, are likely to take place at the eastern end of the site. Earlier pavings may underlie the current ground finishes. Development proposals will need to be informed by a programme of archaeological assessment, possibly including evaluation, agreed with the Swale Borough Council. The inland part of the site stands on an earlier Creek line and if works take place there, then archaeological investigation can be expected there.

It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

In considering whether development proposals would have adverse impacts upon the highway network in the defined area, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.

Figure 22: Maritime Gateway Heritage Area



~~1.12~~ 3.12 Site Allocations

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Purpose

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To allocate sites for residential development or mixed-use including residential in sustainable locations, contributing to meeting local needs.

Rationale and Evidence

National Planning Policy

The NPPF establishes that it is important that a sufficient amount and variety of land for housing can come forward. A sufficient supply and mix of deliverable sites are expected.

The NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and that neighbourhood planning groups should consider the opportunities for allocating such sites suitable for housing in their area. This should accommodate at least 10% of the housing requirement.

Bearing Fruits 2031 - The Swale Borough Local Plan (2017)

The Local Plan seeks to deliver a wide choice of high-quality homes and create sustainable, inclusive, and mixed communities. For Faversham the overall housing objective is to reinforce its housing offer with a re-balancing of the housing stock in appropriate locations. Neighbourhood Plans are established as a means to indicate what the intended purpose of proposed housing will be.

Policy ST 1 Delivering sustainable development in Swale, calls for a wide choice of homes by meeting local housing need.

Policy CP 3 Delivering a wide choice of high-quality homes:

- Promotes comprehensive action to deliver the 'plan's housing ambition.
- Provides affordable housing
- Seeks to achieve a mix of housing types, reflecting established local need.
- Meet the housing requirements of specific groups.

Policy CP3 also establishes that neighbourhood plans will help deliver housing choice.

Local Plan Review 2021- Pre-Submission Document Regulation 19, Swale Borough Council

The emerging local plan identifies Faversham as the borough's secondary town. Whilst the planned level of growth can be delivered predominantly through site allocations it highlights concerns around *"affordability of housing, infrastructure capacity and local job opportunities."*

It makes clear that the growth strategy will be delivered through the development plan, supporting the neighbourhood plan in making further site allocations that integrate the town and new development.

Policy ST2 'Swale Settlement Strategy' makes clear that the scale of development will deliver significant infrastructure improvements. This will be delivered through the sustainable urban extension in the strategic site allocations.

Strategic Housing Land Availability Assessment (2020)

The SHLAA identifies a number of sites within the neighbourhood area. The emerging local plan identifies strategic allocations informed by the SHLAA. In addition, this plan makes site allocations to meet the level of growth identified by Swale Borough Council. In evaluating potential sites all small and medium sites in the neighbourhood area within the SHLAA were also considered. The results of this can be found in the AECOM Site Assessment Report 2021.

Growth Strategy

The National Planning Policy Framework (NPPF) 2021 (paragraphs 66 and 67) requires Local Authorities to provide neighbourhood plan groups upon request with a definitive or indicative number of new homes to plan for over the Neighbourhood Plan period.

Swale Borough Council identified the level of growth required would be 200 new homes in the Neighbourhood Plan period. This would be in addition to any growth planned positively for in the Faversham Creek Neighbourhood Plan through site allocations or any strategic allocations in the emerging Local Plan.

Swale Borough Council have 12 site allocations recorded from the Faversham Creek Neighbourhood Plan. This provided an indicative housing figure of 94 new homes in the neighbourhood plan period. Based upon calculation in January 2022, Swale Borough Council demonstrated that 75 had been delivered or granted permission.

This shows a difference of 19 new homes to be included in any housing growth strategy of the Faversham Neighbourhood Plan. Together with the Faversham Neighbourhood Plan figure set by Swale Borough Council of 200 this indicates that sites for a total of 219 new homes are required in the Neighbourhood Plan period.

Site Allocation Process

The process for selecting sites has been as follows.

Potential sites for housing development were identified from three main sources:

- Swale Strategic Housing Land Availability Assessment (SHLAA) April 2020. The SHLAA identifies and assesses a total of 24 sites in the Neighbourhood Area, of which two are largely outside the Neighbourhood Area;

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- The Call for Sites was issued in early 2021. The 'Call for Sites' yielded a total of 20 sites (five of these sites included sections of SHLAA sites and the rest had not been assessed in the SHLAA);
- The Made Faversham Creek Neighbourhood Plan allocated sites and five of these had not yet been developed.

During the various stages of engagement and consultation we have involved stakeholders, landowners, Swale Borough Council and the wider community. This engagement has shaped the process and outcomes.

Faversham Town Council's Site selection criteria gave preference to:

- Brownfield sites;
- Sites within the existing built area;
- Sites that have potential to deliver wider community benefit.

The Housing Site Selection Process report, December 2022 (updated June 2023) was prepared, informed by the evidence taken from the following documents:

- AECOM Site Assessment Report;
- Site Selection Criteria; and
- Swale Borough Council SHLAA April 2020

Public Rights of Way

Kent County Council maintains a definitive map of all public rights of way. The following are relevant to site allocations:

Site	PRoW	Comments
Fav202 - The Railway Yard	ZF24 is the long railway bridge	Access across the site, so within the site boundary, but above it.
Fav16 – Maritime Gateway Heritage Regeneration Area Gateway	England Coastal Path adjacent	Development to site would enhance public access to creek.
Fav225 – BMM 1b & 1c	ZF40 adjacent	Adjacent to site.
Fav247 - BMM Parcel 3	ZF40	Within site.
Fav259 – Kiln and Osborne Court	ZF17	Adjacent to site.

Key Issues for Policies to Address

The policies seek to:

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- Provide sufficient small and medium site allocations to meet need.
- Identify specific issues related to the sites and their context, such as heritage and landscape sensitivity.

FAV 179 Former Coach Depot, Abbey Street

1. Former Coach Depot (see figure 23) is allocated for mixed uses, as follows:
 - a. Offices, workshops and other uses in Use Class E;
 - b. Residential development (Use Class C3).
2. Development should provide active frontages at ground floor level, including uses open to the public.
3. The development should provide safe and convenient pedestrian access to and into the site.
4. Development should have no adverse impacts on The Swale Special Protection Area and Ramsar site, including during the construction period, in addition to complying with the requirements of Policy FAV7.
5. Development should:
 - a. enhance the setting of listed buildings around the site and this includes not exceeding three storeys in height;
 - b. complement the character of the Faversham Conservation Area, including retention of buildings and features that contribute to its special architectural or historic interest.
6. Development should include a public walkway along the Creek edge, meeting the requirements of FAV15.
- ~~6-7.~~ Development should have no adverse impact on Public Right of Way ZF39 and the King Charles III England Coast Path (KC3CP) National Trail which are adjacent to this site.
- ~~7-8.~~ Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.
- ~~8-9.~~ The design, orientation and specification of development should take account of the proximity of nearby industrial uses.

Interpretation

This policy should be applied together with FAV15 and other relevant policies relating to design and other matters. Given the industrial setting, the site would be suited to apartments, rather than a more suburban scheme with enclosed gardens.

It should be noted that the Environment Agency sets requirements for development to be set back from the water's edge to allow for maintenance. This is likely to differ, depending on the specific site. Engagement with the Environment Agency at an early stage is strongly advised.

Buildings that contribute to the special interest of the Conservation Area include the flat roofed former coach offices.

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This site would be particularly suitable for apartments, with non-habitable rooms at ground floor level.

The site is located on the edge of Faversham Creek, opposite a development of 3-storey riverside homes and surrounded by light industrial uses and residential properties. The site would be capable of supporting a 2-3 storey mixed use development with employment/retail on the ground floor with residential above.

There is currently no footway leading to the site, so pedestrians currently share the road with motor vehicles. So, provision of suitable pedestrian access is necessary.

Development should have sufficient parking on site so as not to exacerbate on-street parking issues on Abbey Street. Parking standards are contained in Swale Borough Council Parking Standards May 2020.

In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.

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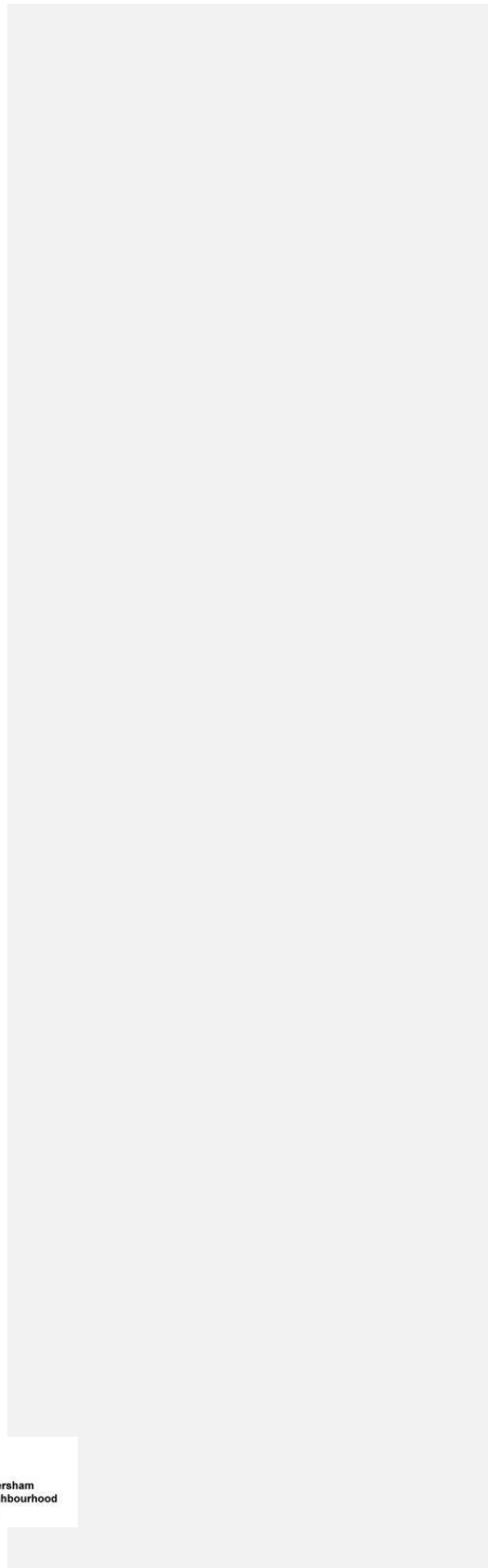
The site is in Flood Risk Zone 3a(i) and therefore any residential development should be restricted to the upper floors. A Flood Risk Assessment will be required as part of any planning application. Development is likely to be permitted only where it satisfies the Exception Test.

Development should be designed to enhance the northwards view up Abbey Road from the Anchor Public House.

It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

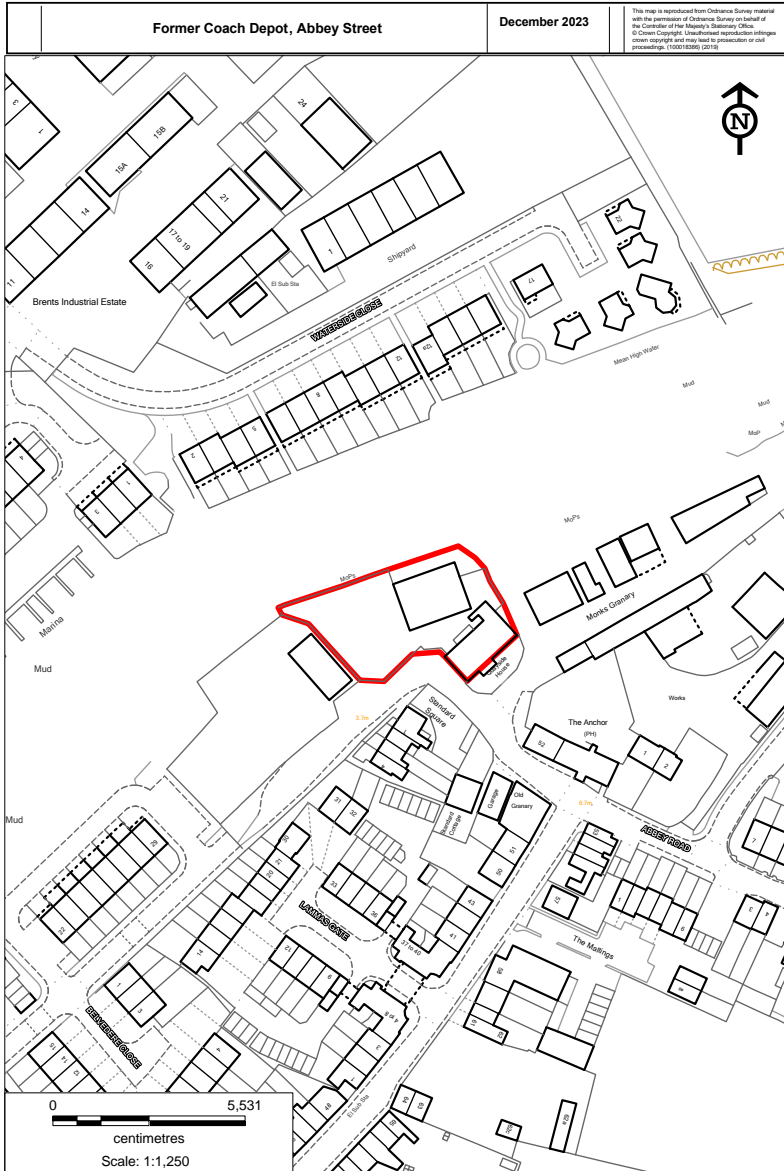
The site is within a Priority Habitat - Priority Habitat Inventory - Mudflats (England). Priority Species for CS Targeting – Lapwing and Priority Species for CS Targeting – Redshank. Planning applications may need to be accompanied by appropriate surveys.

Figure 23: Former Coach Depot





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FAV1820 Ordnance Wharf, Brent Road

1. **Ordnance Wharf (see figure 24) is allocated for mixed uses, as follows:**
 - a. **offices and workshops (Use Class E);**
 - b. **residential development (Use Class C3);**
 - c. **A community hall or other community uses (Use Class F2).**
2. **The layout, form and design of development should:**
 - a. **enhance the setting of listed buildings around the site, including the Purifier;**
 - b. **preserve or enhance the character or appearance of the Faversham Conservation Area,**
 - c. **retain of features that contribute to special architectural or historic interest including the 18th Century wharf walls and stone crane base;**
 - d. **take account of the site line towards Saint Mary Magdalene Church, Davington Priory.**
3. **Development should avoid the loss of archaeological remains in its design and layout and through use of appropriate construction techniques**
4. **Development should include a public walkway along the Creek edge, meeting the requirements of FAV15.**
5. **Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.**

Interpretation

This policy should be applied together with FAV15 and other relevant policies relating to design and other matters. Given the industrial setting, the site would be suited to apartments, rather than a more suburban scheme with enclosed gardens.

It should be noted that the Environment Agency sets requirements for development to be set back from the water's edge to allow for maintenance. This is likely to differ, depending on the specific site. Engagement with the Environment Agency at an early stage is strongly advised.

Southern Water has indicated that the layout of the development must ensure future access to existing sewerage infrastructure for maintenance and upsizing purposes. Early liaison with Southern Water is recommended.

The AECOM SEA identified potential land contamination, which would need to be addressed.

Development must have regard to the presence of the Purifier Building adjacent and the impact new development will have upon its setting. This should not be interpreted as imitating this distinctive landmark.

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Development should be designed to preserve or enhance evidence of the site's historic role as part of the Home Works of the Faversham Gunpowder Works as wharfs, including provision for conservation of the 18th Century wharf walls and stone crane base with a wharf edge space and revealing identified archaeological remains as publicly accessible space, where practical.

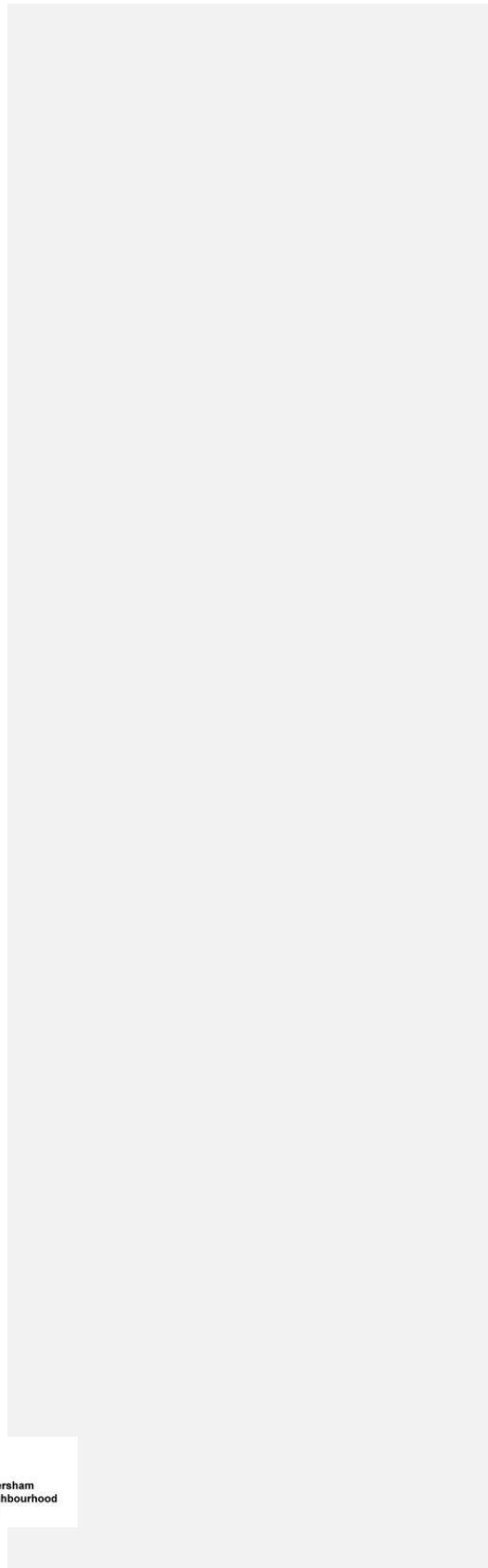
A Flood Risk Assessment will be required as part of any planning application. Development will need to satisfy the Exception Test. In addition, there are potential land contamination and stability issues which would need to be addressed.

It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

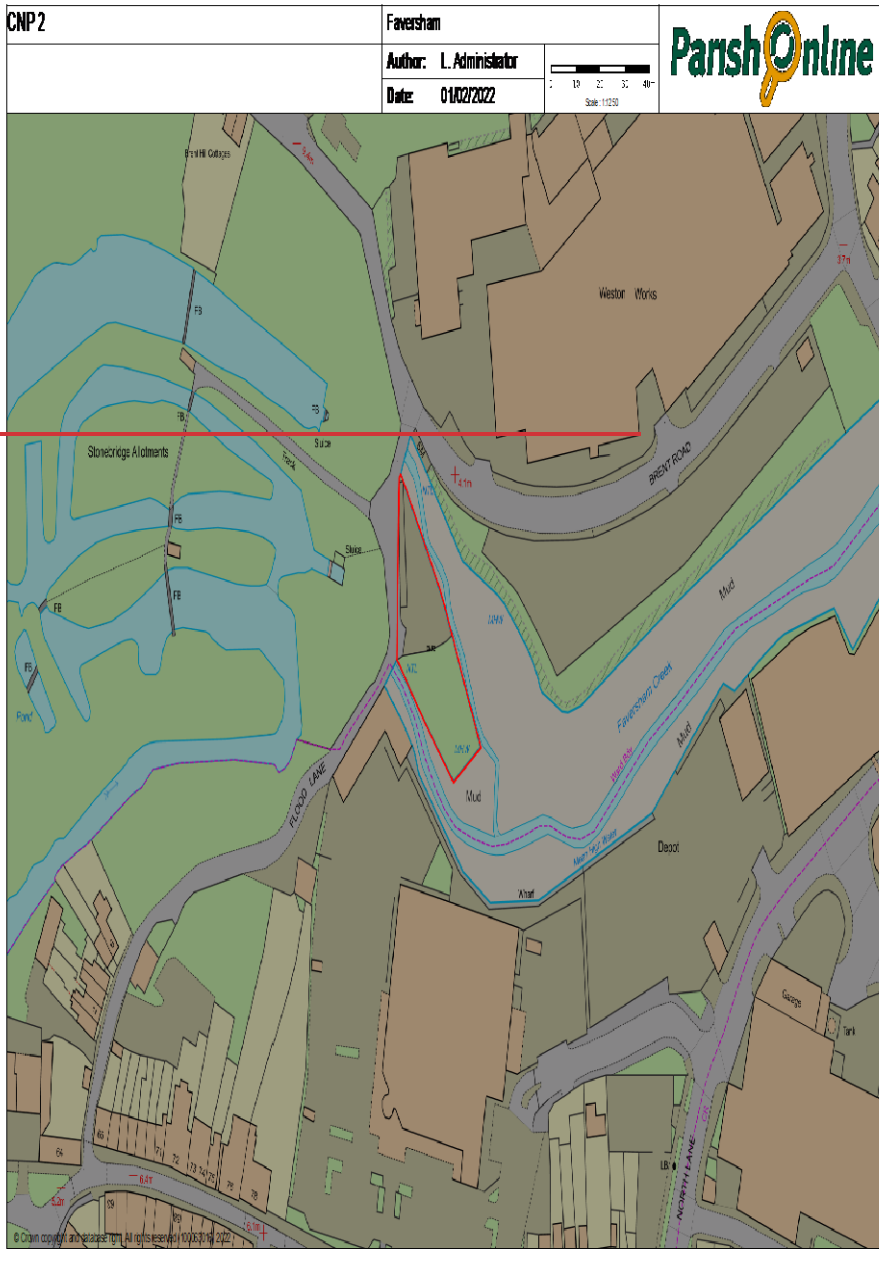
The following extract (figure 25) from the Conservation Area Appraisal may be useful in interpreting key site lines within the development site.

[In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.](#)

Figure 24: Ordnance Wharf



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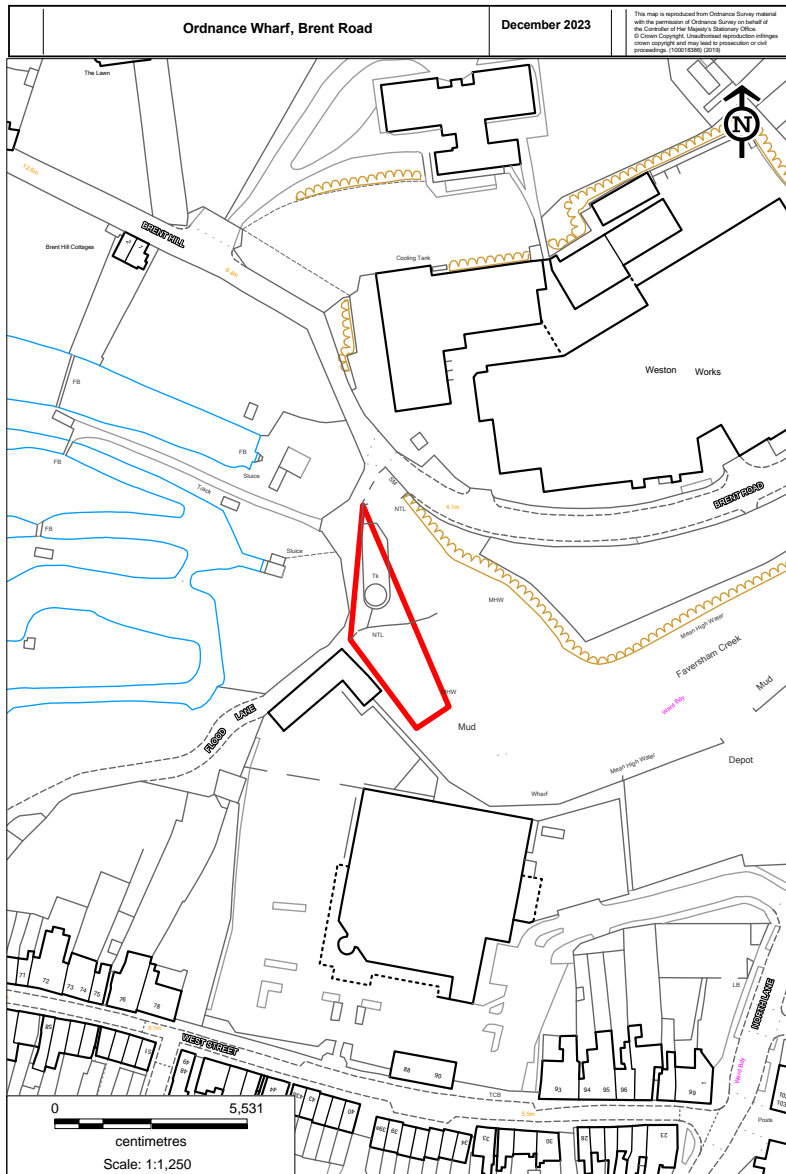


Figure 25: Sight Lines Plan



FAV1924 Fentiman's Yard, New Creek Road

1. Fentiman's Yard (see figure 26) is allocated for mixed uses, as follows:
 - a. residential development (Use Class C3);
 - b. visitor facilities and workshops (Use Class E);
 2. Development should include sufficient parking provision to avoid additional street parking in the vicinity of the site.
 3. Development should have no adverse impacts on The Swale Special Protection Area and Ramsar site, including during the construction period, in addition to complying with the requirements of Policy FAV7.
1. Development should:
 - a. enhance the setting of listed buildings around the site and this includes not exceeding three storeys in height;
 - b. preserve or enhance the character or appearance of the Faversham Conservation Area.
 2. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.

Interpretation

This policy should be applied together with FAV15 and other relevant policies relating to design and other matters.

Listed buildings within close proximity of the site, including a Grade II listed cottage and Grade II* listed granary which back directly onto the site.

There are existing structures on site which would require demolition, which would need consent, and the land may require remediation due to its existing use, which may affect viability.

If access is required into the site, the existing access at the junction of Abbey Road and New Creek Road is unlikely to be wide enough to service development and a new access further north on New Creek Road is likely to be preferable. This would increase visibility and pedestrian safety.

[In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.](#)

However, a more efficient way of developing the site may be to locate housing on the New Creek Road frontage. The rear part of the site could then be integrated into the surrounding heritage-based commercial sites.

A Flood Risk Assessment may be required as part of any planning application. Development will need to satisfy the Exception Test. There are some small areas at high risk of flooding near the northern

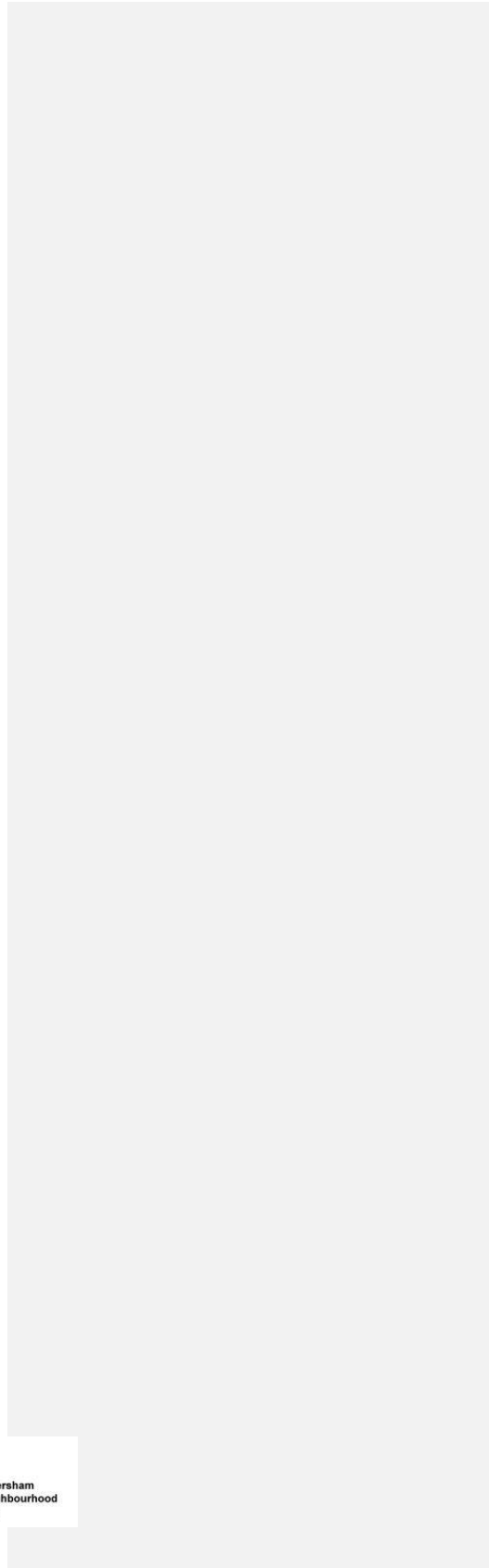
Faversham Neighbourhood Plan 2023-2038

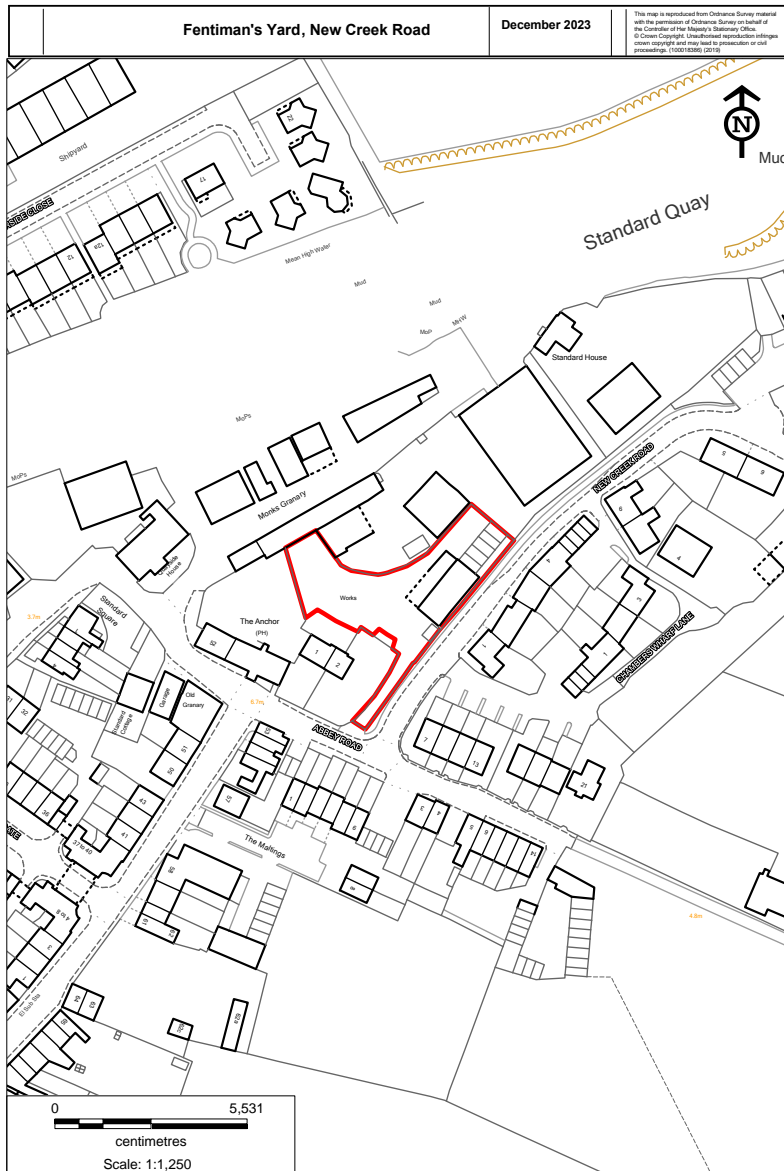
boundary of the site. Residential and other sensitive development should be avoided on these parts of the site.

The site is within a Priority Habitat – Priority Habitat Inventory - Mudflats (England). Priority Species for CS Targeting – Lapwing and Priority Species for CS Targeting – Redshank. Planning applications may need to be accompanied by appropriate surveys.

It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

Figure 26: Fentiman's Yard





FAV202 The Railway Yard, Station Road



1. The Railway Yard (see figure 27) is allocated for Residential development (Use Class C3).
2. Development should include design measures to mitigate noise and vibration from the nearby railway.
3. The layout and design of development should take account of the raised public walkway across the site.
4. Development should preserve or enhance the character or appearance of the Faversham Conservation Area.
5. The development must not be occupied unless a new footway is provided to link the development to Station Road and also convenient pedestrian connections to the recreation ground.
- 5-6. Development should have no adverse impact on Public Right of Way ZF24 which crosses this site and contributions to the improvement of the route to the Town Centre and to the Recreation Ground may be required.
- 6-7. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.

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Interpretation

This policy should be applied together with other relevant policies relating to design and other matters. Given the nature of the site and its setting, it would be well-suited to development of apartments. Landscape design should take account of the proximity to the recreation ground.

The existing access from Station Road could service the development subject to provision of a footway and additional pedestrian access could be established to the adjacent recreation ground to the north.

In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.

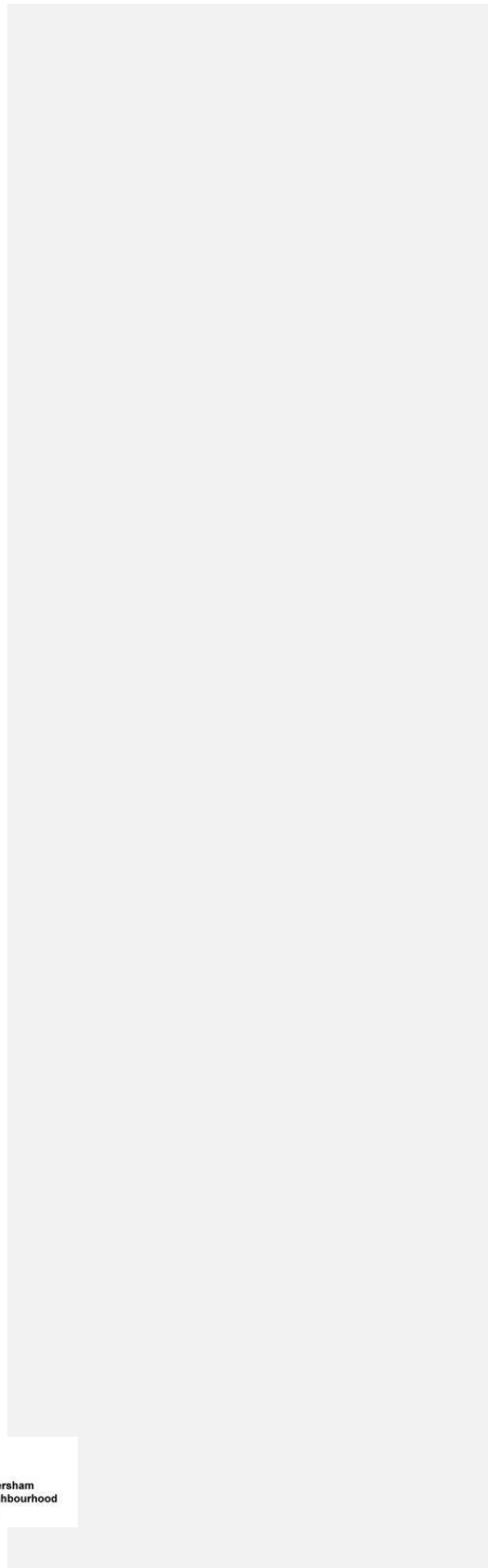
A small part of the site is in Flood Risk Zone 3 - this crosses the access road, and a drainage solution is likely to be required to allow safe access to the site. There is also a risk of surface water flooding which should be addressed in the drainage strategy.

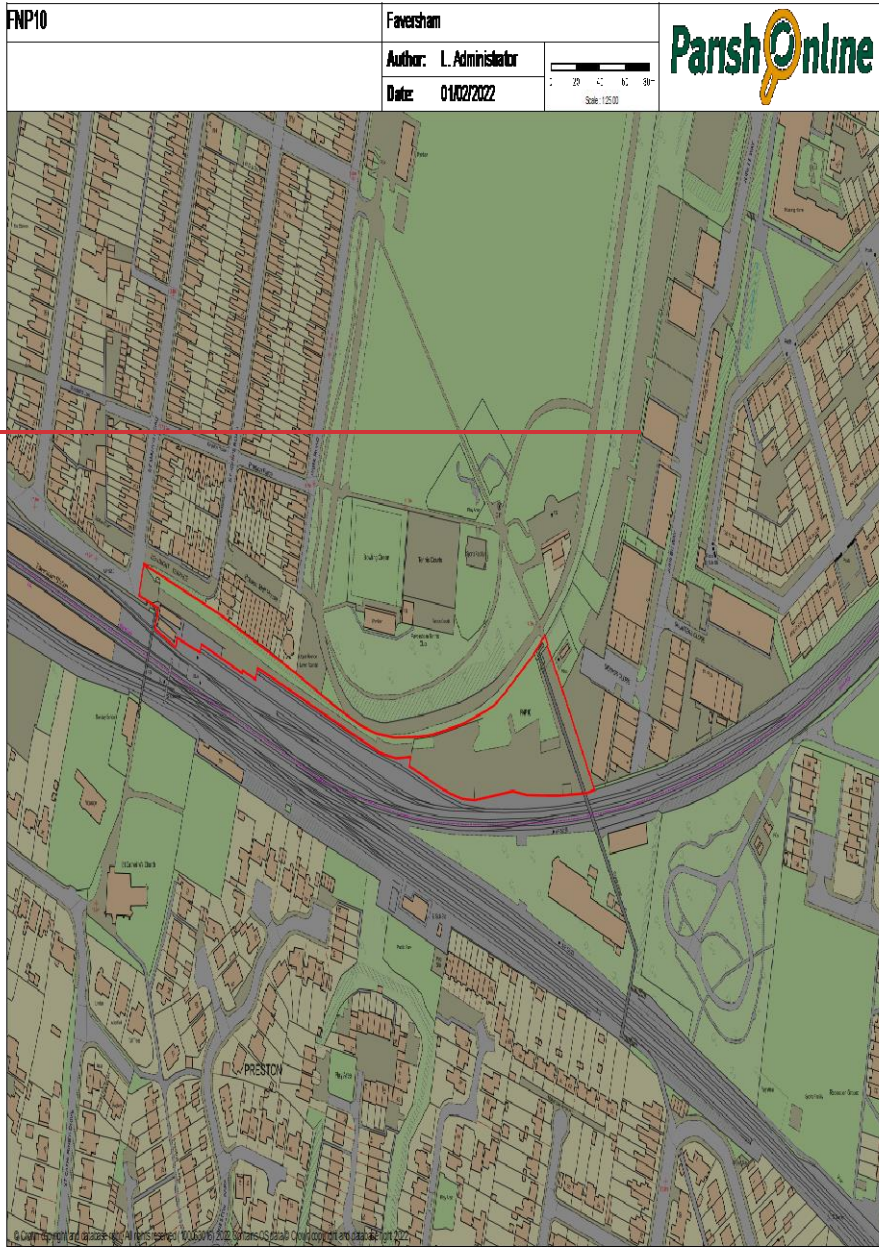
The site has been cleared, but there may be a need for land remediation, as well as the relocation of infrastructure, which has the potential to affect site viability.

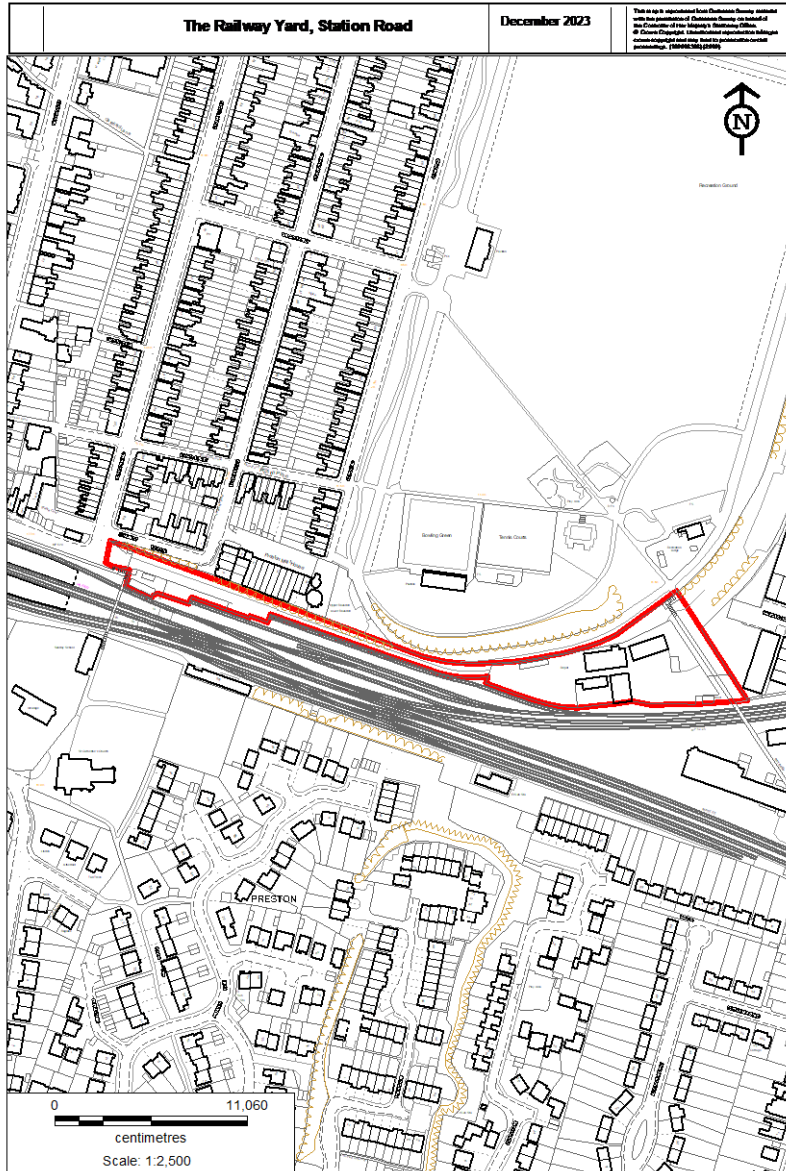
Features to mitigate noise could include suitably specified glazing and an acoustic fence. Network Rail development guidelines are here:
<https://www.networkrail.co.uk/communities/living-by-the-railway/noise-and-vibration/>

It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

Figure 27: The Railway Yard







FAV214 Former White Horse Car Park Site, North Lane

- 1. The Former White Horse Car Park (see figure 28) is allocated for residential development, (Use Class C3).**
- 2. Development should:**
 - a. enhance the setting of listed buildings around the site;**
 - b. preserve or enhance the character or appearance of the Faversham Conservation Area.**
- 3. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.**

Interpretation

This policy should be applied together with other relevant policies relating to design and other matters. Given the nature of the site and its setting, it would be well-suited to development of apartments.

The southern edge of the site backs onto the rear gardens of a number of Grade II listed houses/shops dating from the 15th to 19th centuries, so the design and layout needs to take account of this.

The site sits entirely within Flood Risk Zone 3a(i). The Swale SFRA states that vulnerable uses in this zone should be located above the ground floor, and a Flood Risk Assessment would be required as part of any planning application. Development will only be permitted where it satisfies the Exception Test.

Southern Water has indicated that the layout of the development must ensure future access to existing sewerage infrastructure for maintenance and upsizing purposes. Early liaison with Southern Water is recommended.

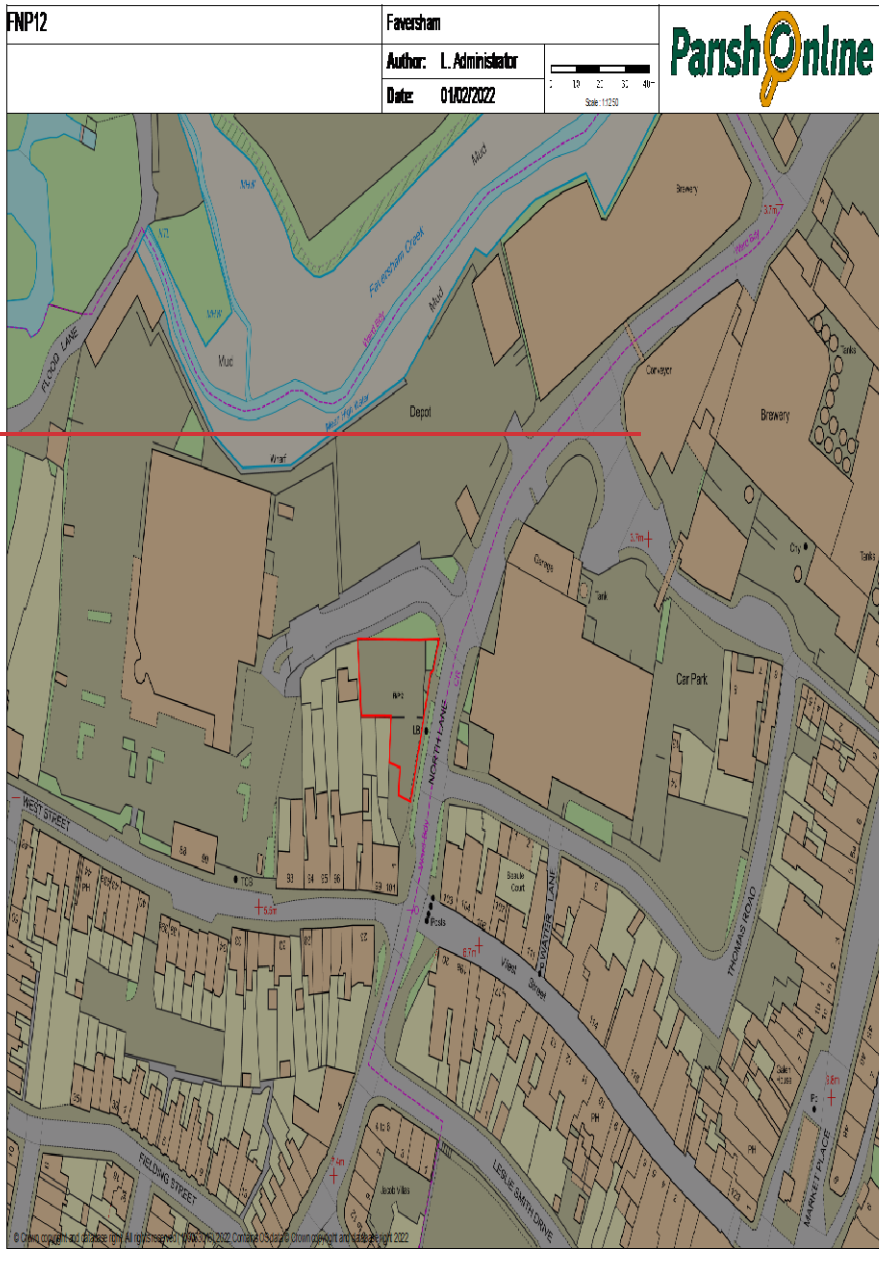
The site is within a Priority Habitat - Priority Habitat Inventory - Mudflats (England). Priority Species for CS Targeting – Lapwing and Priority Species for CS Targeting – Redshank. Planning applications may need to be accompanied by appropriate surveys.

It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

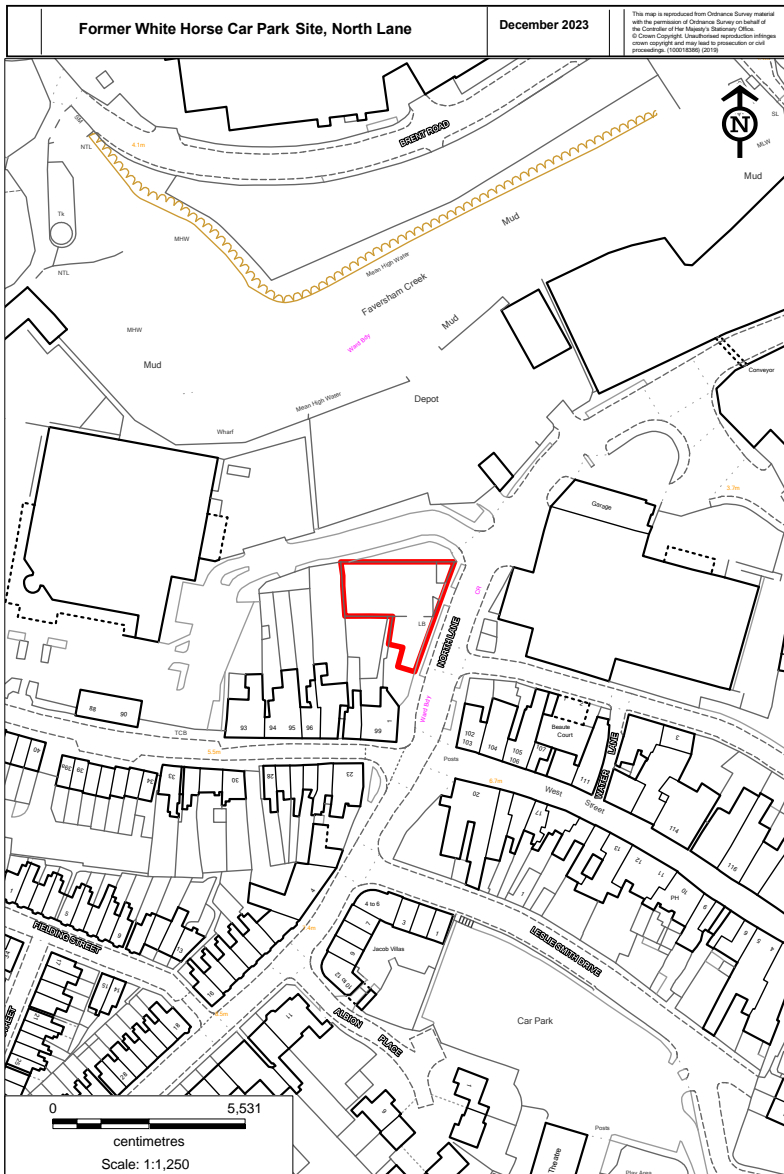
[In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.](#)

Figure 28: Former White Horse Car Park

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FAV25 BMM Weston Ltd (parcel 1b and 1c) Land at Brent Road

1. The BMM Weston parcels 1b (figure 29) and 1c (figure 30) are allocated for residential development (Use Class C3).
2. Development should:
 - a. enhance the setting of listed buildings around the site;
 - b. preserve or enhance the character or appearance of Faversham Conservation Area;
 - c. take account of views of the Grade I listed Saint Mary Magdalene Church, Davington Priory from Bridge Street/Swing Bridge.
3. Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.
- 3.4. Development should have no adverse impact on Public Right of Way ZF40 and the King Charles III England Coast Path (KC3CP) National Trail which are in close proximity to this site, and contributions to the improvement of public footpaths in the vicinity of the site may be required.

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Interpretation

This policy should be applied together with FAV15 and other relevant policies relating to design and other matters.

The site is within the Faversham Conservation Area and in close proximity to the Grade II listed Bridge House. Development of the site has the potential to affect the setting of the listed building, although this could be overcome with sensitive, low-rise design.

A three-storey terrace is likely to be acceptable in principle here and in places may need to be single-aspect, facing towards the basin. This would help secure maximum width open space between building and basin.

The adjacent factory is operational, and there is the potential for residents to be affected by noise from its existing use. It is likely to be possible to address this through building design and specification.

There are challenges in making access to site 1c, due to the sharp bend in Brent Road as it turns up Brent Hill. The road narrows at this point, and access from the hill is likely to be unsuitable. There is existing access to the neighbouring factory from Brent Road, but this is outside the site boundary. The highways authority should be consulted on the suitability of access.

In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.

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The whole of site 1b and southern edge of site 1c are within Flood Risk Zone 3a(i) and any residential development would be restricted to upper floors, with ground floor servicing or less-vulnerable uses. A Flood Risk Assessment will be required as part of any planning application. The

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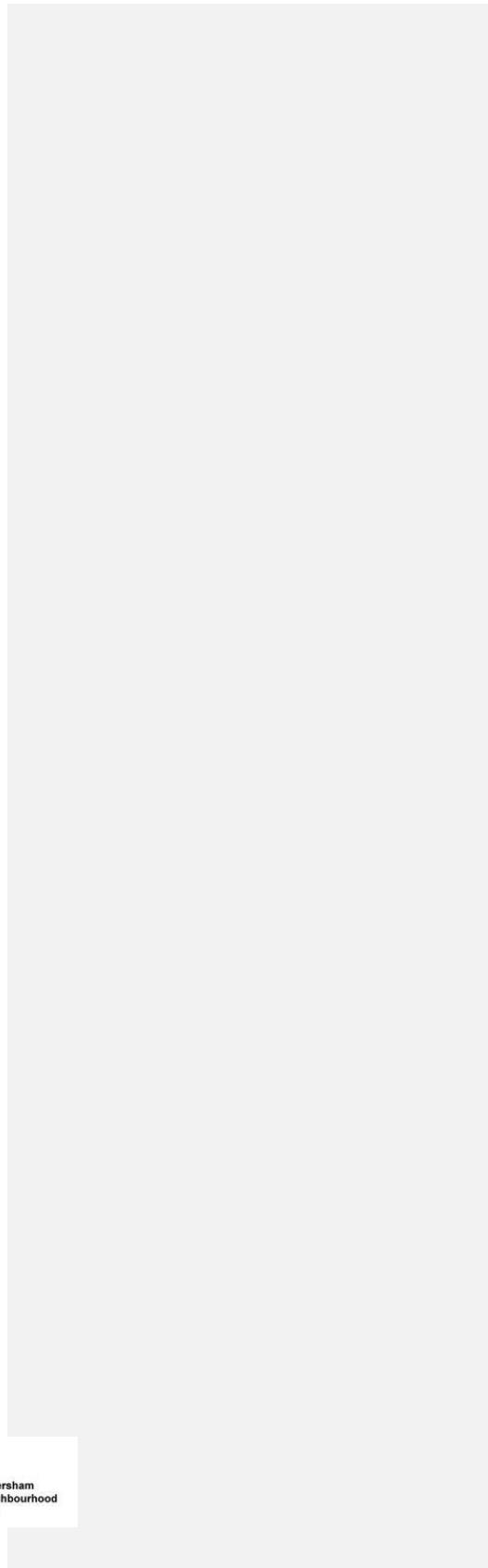
site is also at risk of surface water flooding and a drainage strategy would be required to address this risk. Development will only be permitted where it satisfies the Exception Test.

It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

Archaeological investigation will almost certainly be required.

The site is within a Priority Habitat - Priority Habitat Inventory - Mudflats (England). Priority Species for CS Targeting – Lapwing and Priority Species for CS Targeting – Redshank. Planning applications may need to be accompanied by appropriate surveys.

Figure 29: BMM Weston Ltd 1b



Faversham Neighbourhood Plan 2023-2038



Faversham Neighbourhood Plan 2023-2038

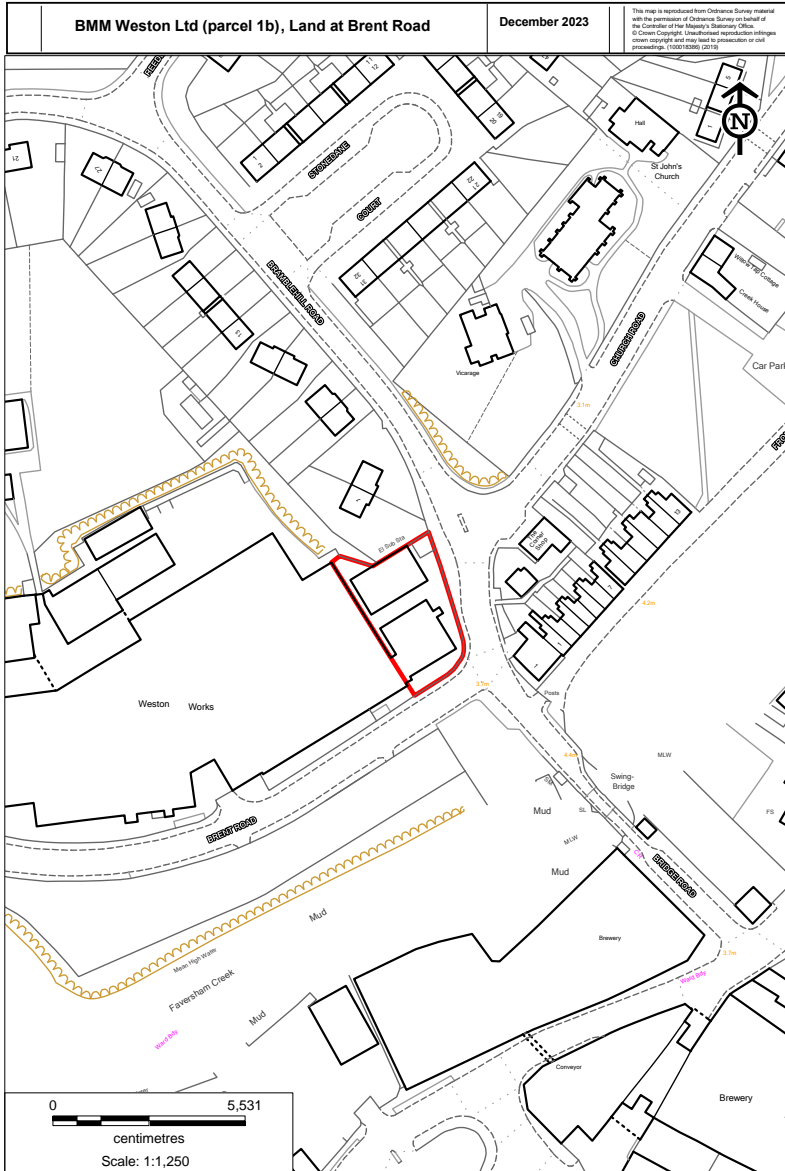
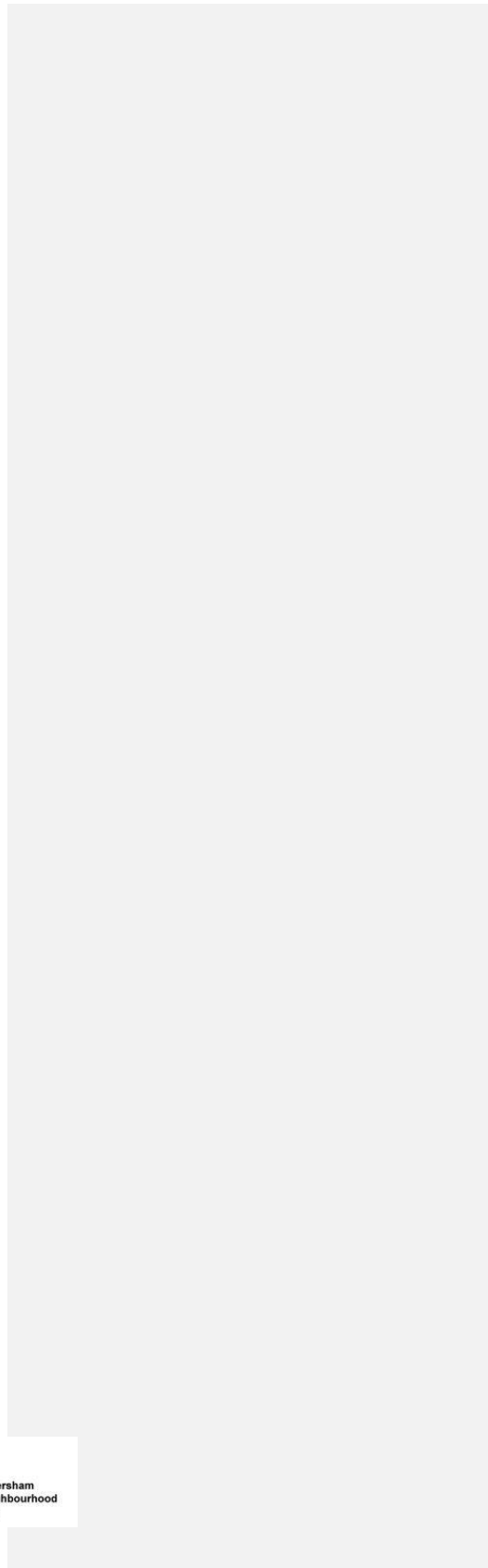
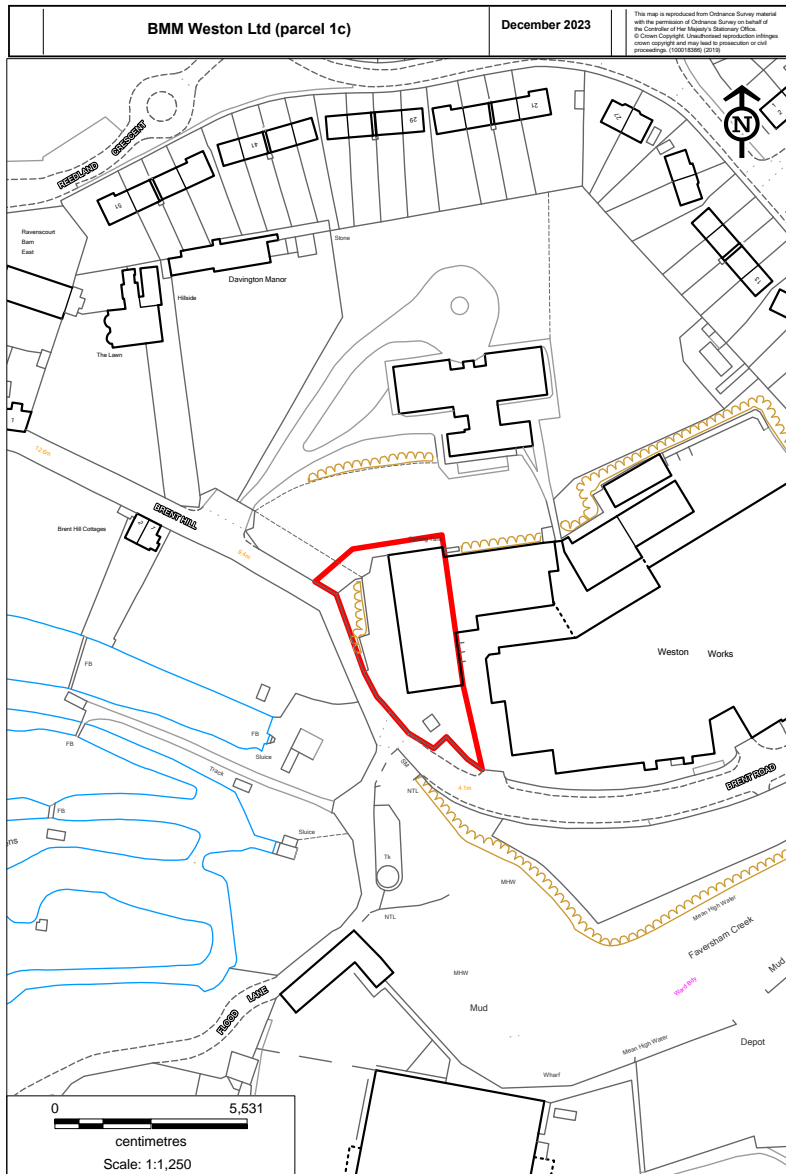


Figure 30: BMM Weston Ltd 1c







FAV236 BMM Weston Ltd (parcel 2) land at Brent Road

- 1. BMM Weston Parcel 2 (see figure 31) is allocated Residential development (Use Class C).**
- 2. Development should:**
 - a. Include the retention of the BMM Weston Office Building;**
 - b. enhance the setting of listed buildings around the site;**
 - c. preserve or enhance the character or appearance of Faversham Conservation Area, including retention of the brick wall to the site boundary;**
 - d. take account of the topography and prominence of the site.**

Interpretation

This policy should be applied together with FAV15 and other relevant policies relating to design and other matters. The most satisfactory way of developing the site would be through apartment buildings (conversion and extension) in a landscape setting, to preserve something of the existing character. Housing with enclosed gardens would be likely to harm that character.

The site includes a white painted building and its gardens. Its current appearance results from alteration and extension works from the 1940s, probably influenced by European Modernism. The centre portion incorporates a three-bay Italianate residence. It is within the Conservation Area and slopes downwards to the north, making the existing building prominent in longer range views and from the listed building cluster which includes Davington Manor immediately north of the site.

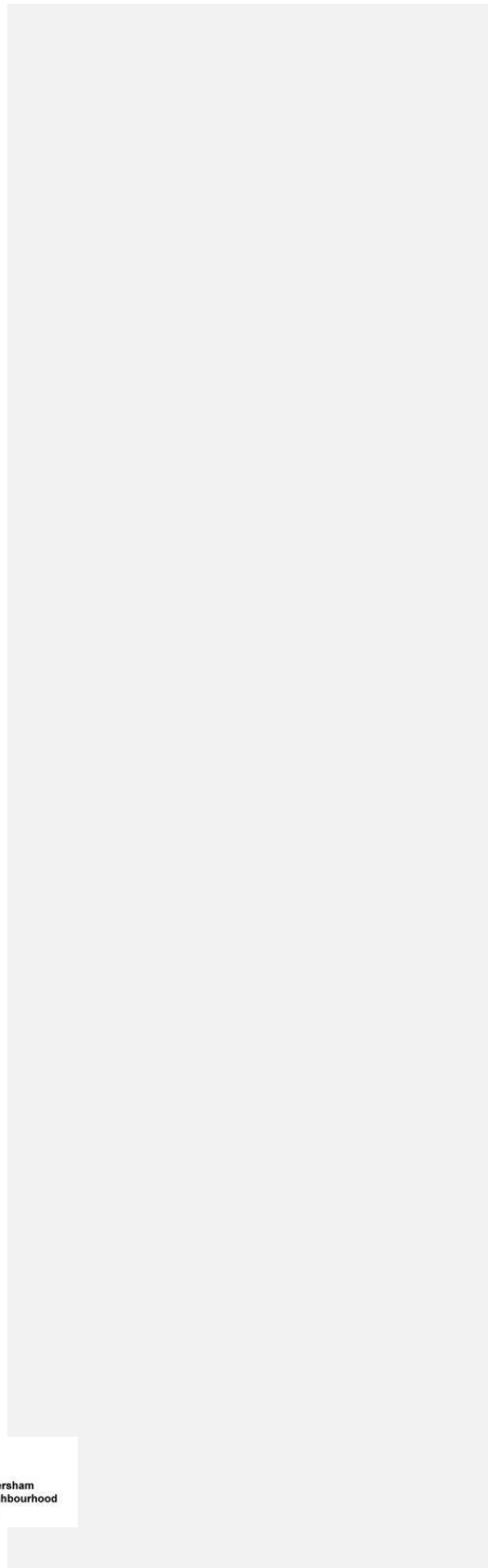
There is existing access from Brent Hill which could service development on the site, although the road is narrow, and capacity is somewhat limited. Consultation with the highways authority on the suitability of the existing access to serve new residential development is recommended.

[In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.](#)

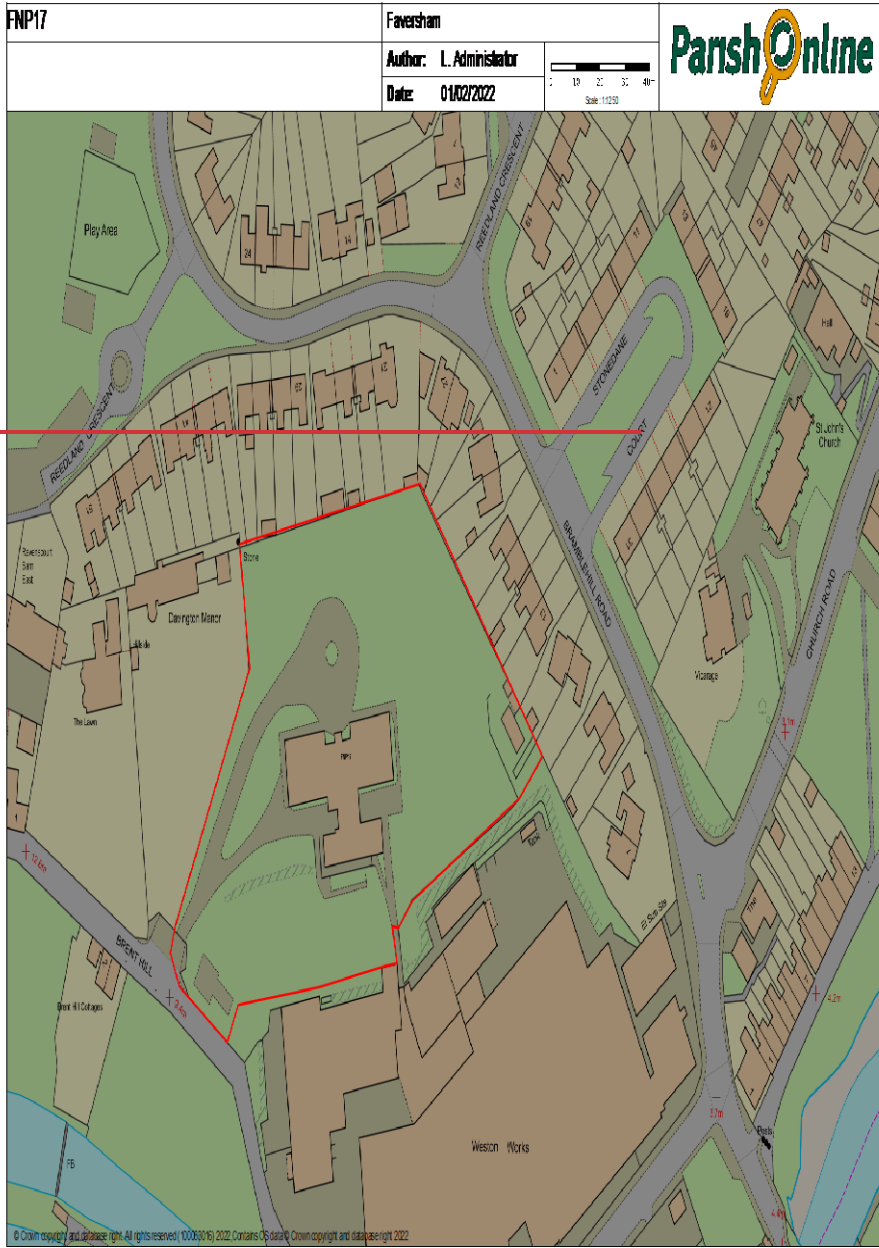
It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

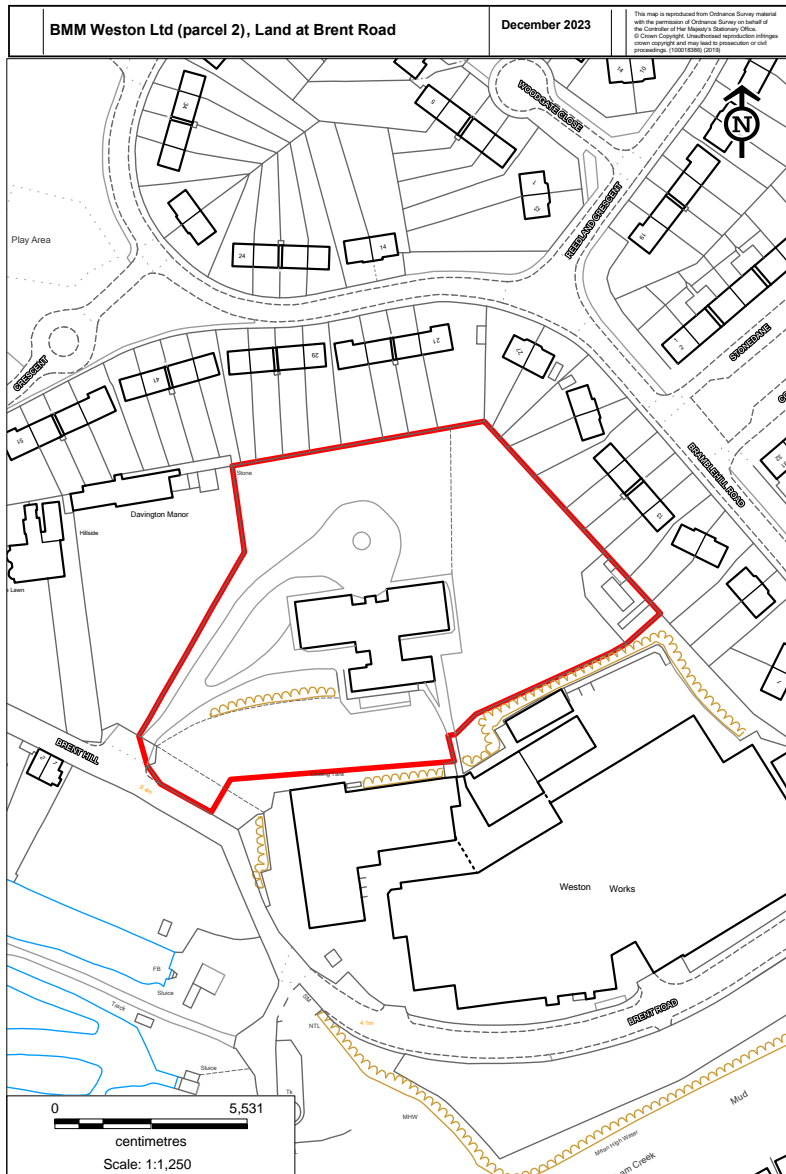
The site is within a Woodland Priority Habitat - Priority Habitat Inventory - Mudflats (England). Priority Species for CS Targeting Lapwing and Priority Species for CS Targeting – Redshank. Planning applications may need to be accompanied by appropriate surveys.

Figure 31: BMM Weston Ltd Parcel 2



Faversham Neighbourhood Plan 2023-2038





FAV247 BMM Weston Ltd (parcel 3) land at Brent Road

1. **BMM Weston Parcel 3 (see figure 32) is allocated for mixed use development, as follows:**
 - a. **commercial, business and services (Use Class E);**
 - b. **residential development (Use Class C);**
 - c. **community uses.**
2. **Development should:**
 - a. **enhance the setting of listed buildings around the site;**
 - b. **preserve or enhance the character or appearance of Faversham Conservation Area;**
 - c. **take account of views of the Grade I listed Saint Mary Magdalene Church, Davington Priory from Bridge Street/Swing Bridge.**
3. **Development must take account of the high risk of flooding and include appropriate mitigation and avoid putting uses vulnerable to flood damage, including habitable rooms, at ground floor level.**

The layout and design of the scheme should take account of the Public Right of Way running along the southern edge of the site between Bridge Road and Flood Lane, meeting the requirements of Policy FAV6.

4. **Development should have no adverse impact on Public Right of Way ZF40 and contributions to the improvement of public footpaths in the vicinity of the site may be required.**

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Interpretation

This policy should be applied together with FAV15 and other relevant policies relating to design, natural environment and other matters.

The site would be suitable for apartments. Developers should consider whether there is a need for noise mitigation in the specifications of the development, for example for windows.

Development would affect the setting of the numerous listed buildings to the south of Faversham Creek including the Purifier Building. This should be reflected in the design and layout of the scheme.

In complying with clause 4 of the policy, the Public Right of Way should be maintained in as natural a state as possible with trees and shrubs and should not be bounded by blank walls or fences, so that it is overlooked and feels safe.

In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.

Southern Water has indicated that the layout of the development must ensure future access to existing sewerage infrastructure for maintenance and upsizing purposes. Early liaison with Southern Water is recommended.

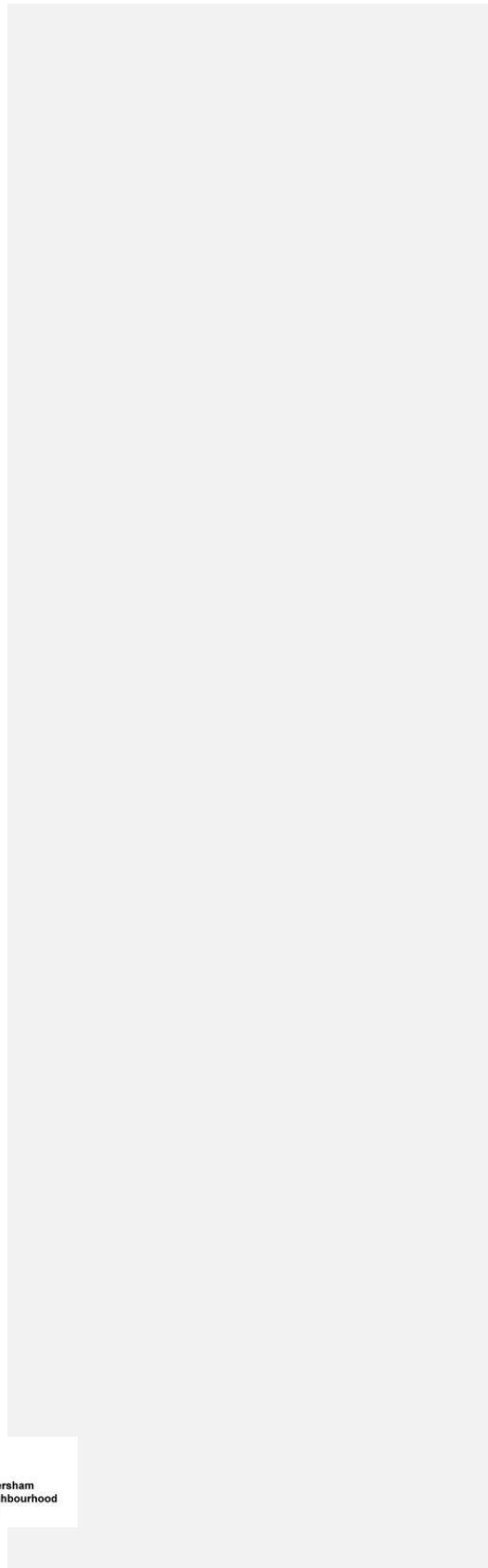
Faversham Neighbourhood Plan 2023-2038

The entire site is in Flood Risk Zone 3a(i). Residential uses should be located above the ground floor and any application should be accompanied by a Flood Risk Assessment. Development will only be permitted where it satisfies the Exception Test.

It is likely that Heritage Impact Assessment Statement will be required to accompany planning applications.

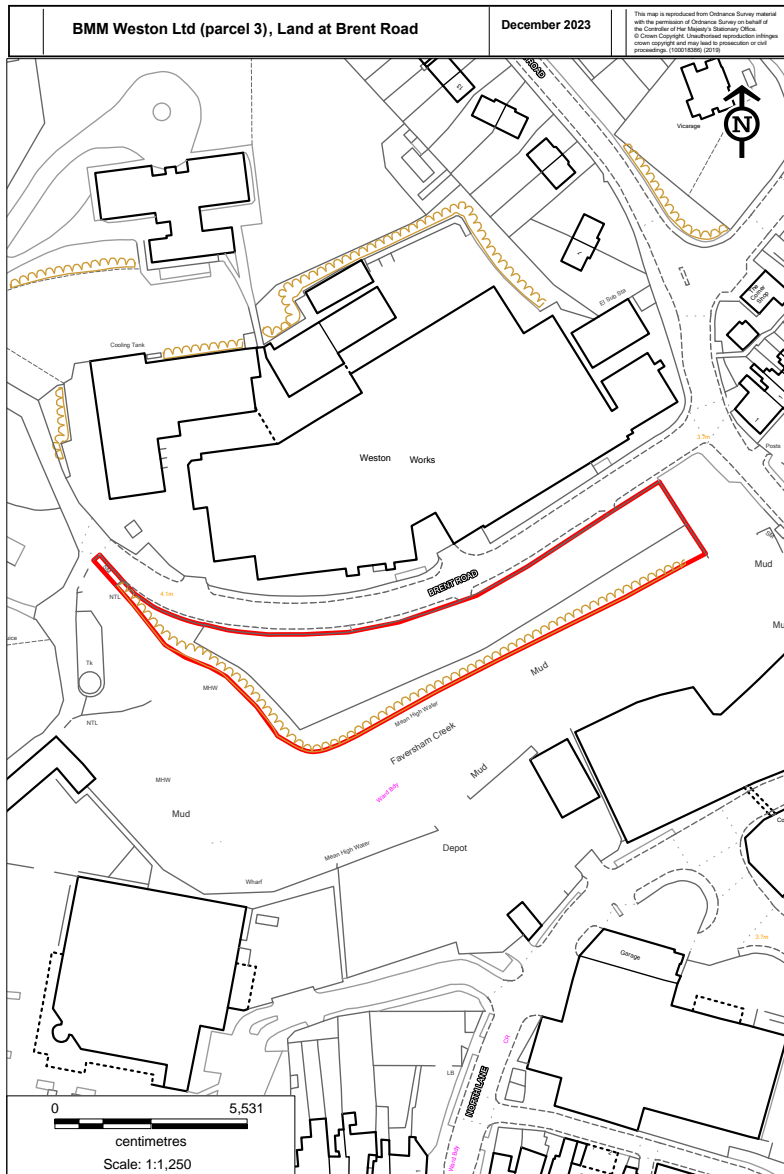
The site is within a Priority Habitat - Priority Habitat Inventory - Mudflats (England). Priority Species for CS Targeting Lapwing and Priority Species for CS Targeting – Redshank. Planning applications may need to be accompanied by appropriate surveys.

Figure 32: BMM Weston Ltd Parcel 3



Faversham Neighbourhood Plan 2023-2038





FAV259 Kiln Court and Osbourne Court

1. The sites at Kiln Court and Osbourne Court are allocated for residential development including dwellings and residential institutions (see figure 33).

2. Suitable safe access must be provided for vehicles, cycles and pedestrians.

2.3. Development proposals at Kiln Court will require contributions to the improvement of Public Bridleway ZF17 in order to improve pedestrian and cycle links to Western Link.

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Interpretation

This policy should be applied together with other relevant policies relating to design and other matters.

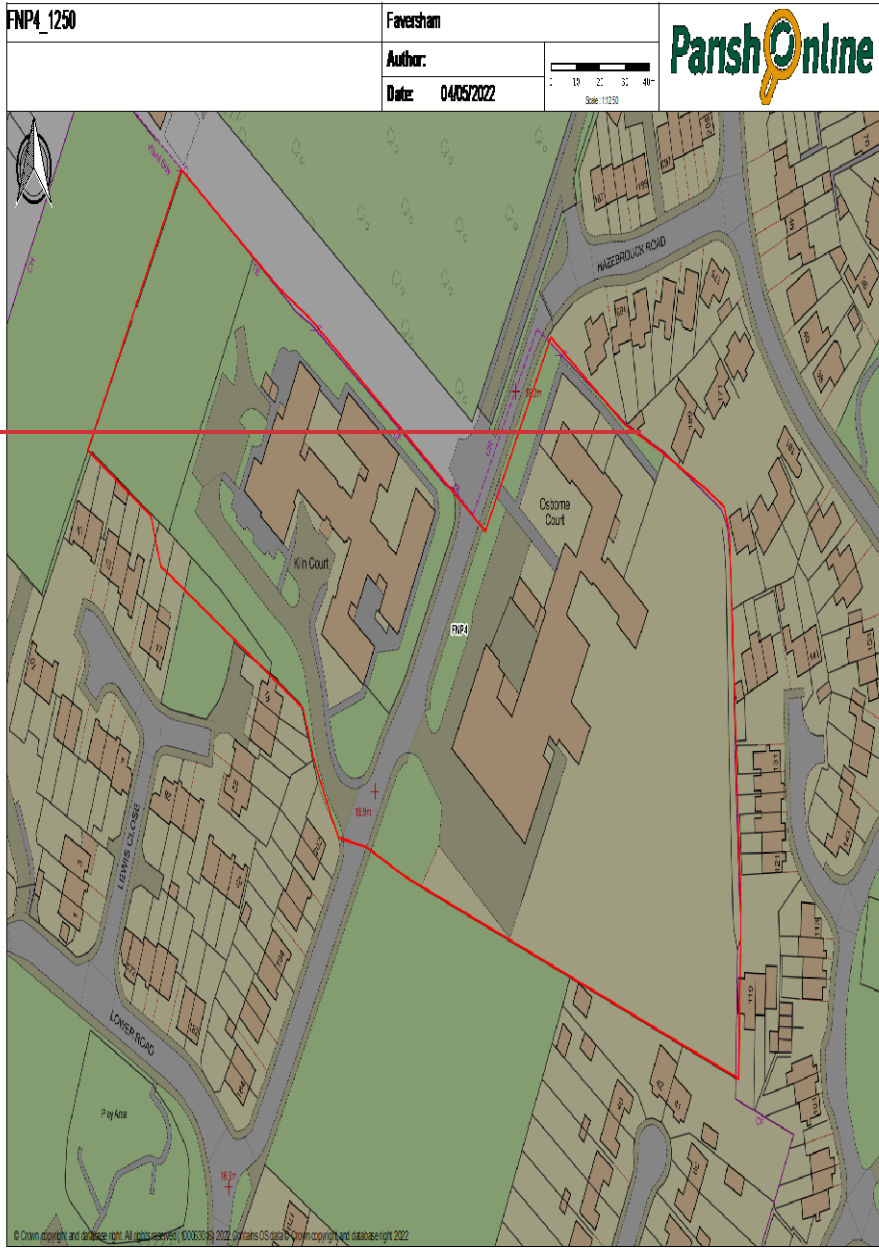
The policy makes allocation for residential development including dwellings (Use Class C3) and residential institutions (use Class C2). The former could include houses or apartments. The latter could include residential care homes and nursing homes.

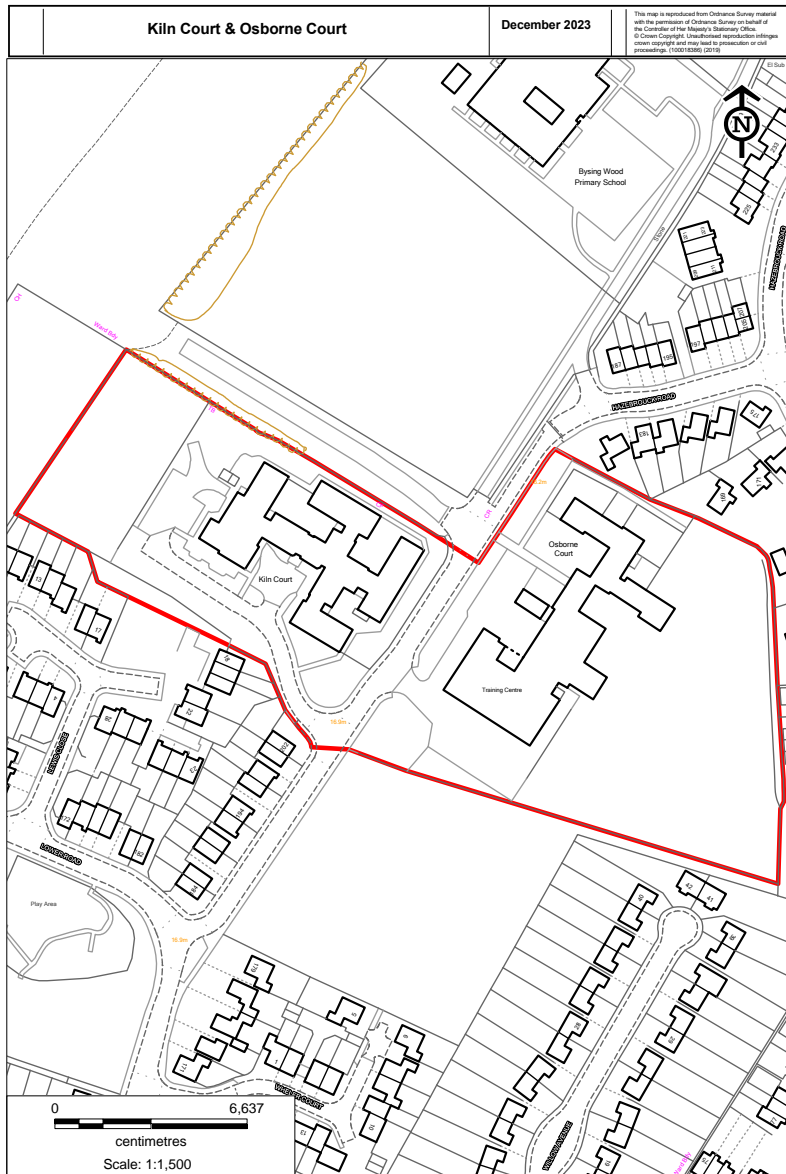
Development could involve reuse of existing buildings, with upward or lateral extension, or redevelopment of the site. Sensitivity would be required to complement existing housing around the site, but within the site and road frontages, there may be potential for higher densities to be achieved, as in the historic core and traditional housing areas of Faversham. The scale of development provides the opportunity to provide a good mix of accommodation and specialist and affordable provision, meeting the requirements of Policy FAV3.

In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.

Figure 33: Kiln Court and Osborne Court

Faversham Neighbourhood Plan 2023-2038





FAV2630 Land at Beaumont Davey Close, Ashford Road

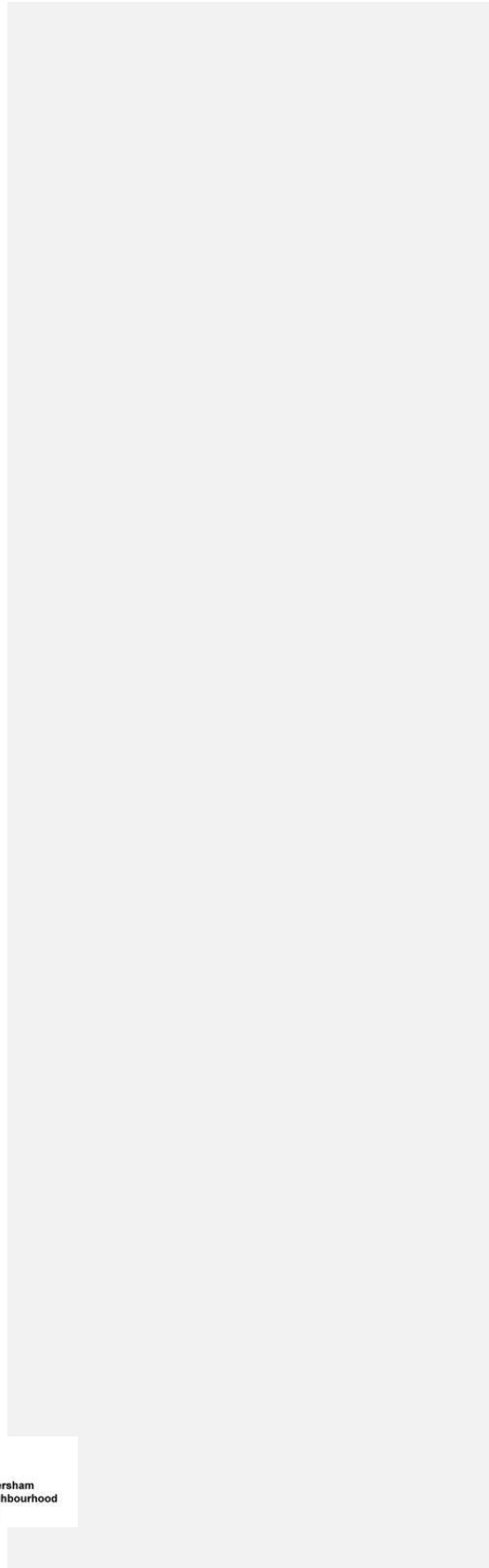
1. Land at Beaumont Davey Close is allocated for residential development (figure 34).
2. Suitable safe access must be provided for vehicles, cycles and pedestrians.

Interpretation

This policy should be applied together with other relevant policies relating to design and other matters. The policy makes allocation for residential development.

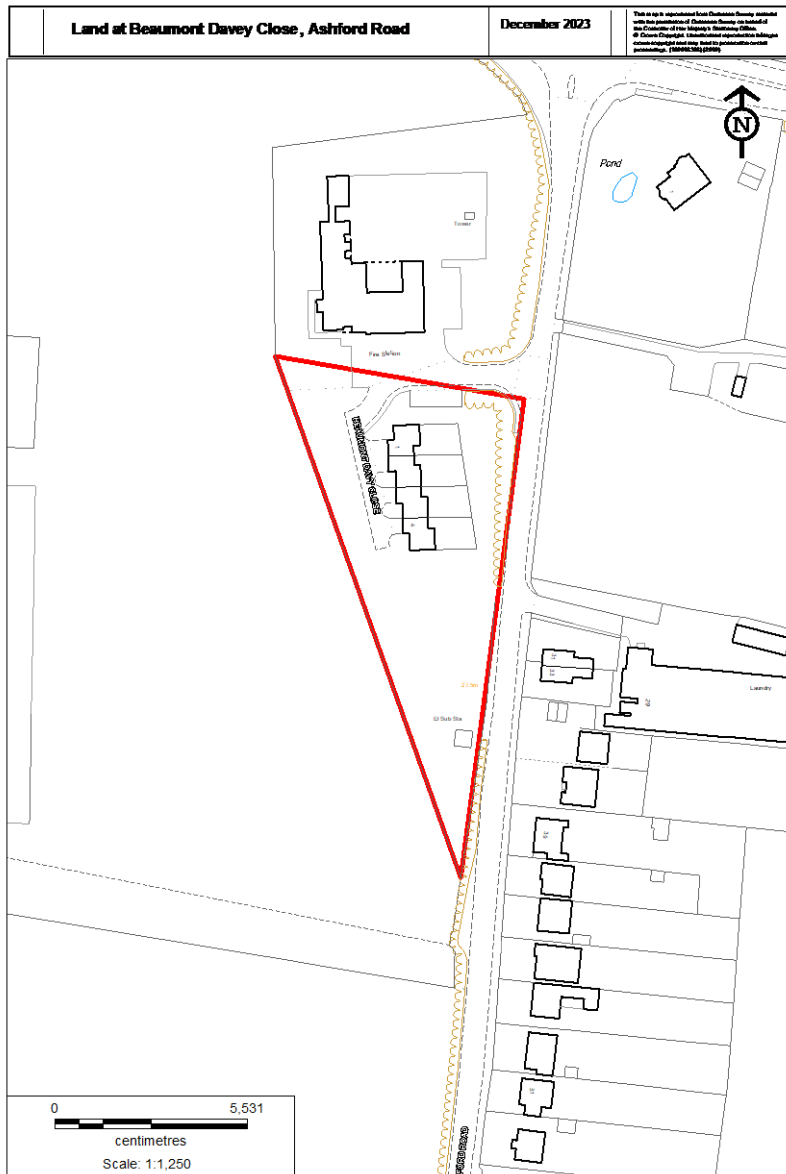
In considering whether development proposals would have adverse impacts upon the highway network around the site, the submission of a Transport Assessment is likely to be required for those proposals likely to generate significant levels of traffic.

Figure 34: Beaumont Davey Close



Faversham Neighbourhood Plan 2023-2038





Contacts



4. Contacts



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Intelligent Plans
and examinations

Report on the Faversham Neighbourhood Development Plan 2023-2038

An Examination undertaken for Swale Borough Council with the support of Faversham Town Council on the June 2023 submission version of the Plan.

Independent Examiner: Derek Stebbing BA(Hons) DipEP MRTPI

Date of Report: 25 April 2024

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Main Findings - Executive Summary

From my examination of the Faversham Neighbourhood Development Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- the Plan has been prepared and submitted for examination by a qualifying body – the Faversham Town Council (the Town Council);
- the Plan has been prepared for an area properly designated – the Faversham Neighbourhood Area, as identified on the map at page 7 of the Plan;
- the Plan specifies the period to which it is to take effect – from 2023 to 2038; and,
- the policies relate to the development and use of land for a designated neighbourhood plan area.

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Faversham Neighbourhood Development Plan 2023-2038

- 1.1 Faversham is a civil parish in the Borough of Swale in North Kent. It is situated at the head of Faversham Creek, south of the Swale, an inlet in the Thames Estuary that separates mainland Kent from the Isle of Sheppey, and north of Watling Street (now the route of the A2), the historic Anglo-Saxon and Roman route between London and Dover. There has been a settlement at Faversham since pre-Roman times. It was inhabited by the Saxons, and is mentioned in the Domesday book of 1086 as *Favreshant*.
- 1.2 Faversham developed as a market and port town due to its location on Faversham Creek. The town has an extensive Medieval core, with later Georgian, Victorian and Edwardian areas that extended the town. The rich architectural heritage of the town is protected by the large Faversham Conservation Area (first designated in 1971) which includes the town centre, the Creek, Davington and surrounding areas. There are two other Conservation Areas within the Parish, at Preston-next-Faversham and at Ospringe. In addition to the Conservation Areas, there are four Scheduled Monuments and around 350 Listed Buildings within the Parish, of which three are Grade I and 23 are Grade II*.

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- 1.3 Faversham was the centre of the explosives industry in the UK during the 19th century, but this declined during the early-20th century following a major explosion in 1916. The remaining three gunpowder factories closed in 1934. Another major industry in the town since the 16th century has been brewing, and the Shepherd Neame brewery remains a major employer.
- 1.4 Faversham is located 16 kilometres to the west of Canterbury, 27 kilometres east of Rochester and 77 kilometres south-east of London. London Road and Canterbury Road in the Parish are part of the A2 route, but the M2 motorway by-passes the built-up area of Faversham. Rail services link Faversham with London (St. Pancras, Cannon Street and Victoria), the Medway towns, Canterbury, Dover and Ramsgate. Local bus services connect to Maidstone, Sittingbourne, Ashford, Whitstable and Canterbury. The population of the Parish was 20,400 at the 2021 Census, within 8,800 households.
- 1.5 Faversham Town Centre has a wide range of retail and community facilities, including a cinema, theatre and museum. The Royal Cinema opened in 1936 and is a Grade II Listed Building, being one of only two mock-Tudor cinemas to survive in the UK. The Parish has a number of important open spaces, including the Faversham Recreation Ground and the Oare Country Park and nature reserve, partly on the site of a former gunpowder works. The Parish is close to the Kent Downs National Landscape.
- 1.6 The adopted Swale Borough Local Plan (2017) makes a number of strategic site allocations at Faversham to address part of the Borough's housing and employment growth requirements up to 2031. The emerging Local Plan Review, covering the period up to 2038, is addressing the growth requirements for that period and will consider the strategic options for the Faversham area.

The Independent Examiner

- 1.7 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by Swale Borough Council (the Council/SBC), with the agreement of the Town Council.
- 1.8 I am a chartered town planner, with over 45 years of experience in planning. I have worked in both the public and private sectors and have experience of examining both local plans and neighbourhood plans. I have also served on a Government working group considering measures to improve the local plan system and undertaken peer reviews on behalf of the Planning Advisory Service. I therefore have the appropriate qualifications and experience to carry out this independent examination.
- 1.9 I am independent of the qualifying body and the local authority and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

1.10 As the independent examiner, I am required to produce this report and recommend either:

- (a) that the neighbourhood plan is submitted to a referendum without changes; or
- (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.11 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the plan meets the Basic Conditions.
- Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.12 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.13 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with and not breach European Union (EU) obligations (under retained EU law)¹; and
- meet prescribed conditions and comply with prescribed matters.

1.14 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations').²

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for this part of Swale Borough Council, not including documents relating to excluded minerals and waste development, consists of the adopted Swale Borough Local Plan – 'Bearing Fruits 2031' (SBLP)³, prepared by SBC and adopted on 26 July 2017. The SBLP covers the period from 2014 to 2031 and contains a suite of strategic and core planning policies for the Borough, together with development management policies and site allocations. The SBLP sets out the scale of housing and employment development required within the Borough and seeks to provide 13,192 new dwellings and 130,000 square metres of new employment floorspace over the plan period. Within the settlement hierarchy (known as settlement tiers) of the SBLP, Faversham is categorised as an Other Borough Centre which is the second tier. Policy ST4 makes allocations for 1,739 new homes and 53,325 square metres of industrial/office floorspace at Faversham during the period up to 2031. The SBLP's strategy for Faversham is that it will be the main focus for

¹ The existing body of environmental regulation is retained in UK law.

² This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

³ [Local Plans - Adopted Local Plan for Swale](#)

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growth in that part of the Borough, but at levels which reflect the historic importance of the town, the quality of its surroundings, and a need to manage levels of out-commuting.

- 2.2 The adopted SBLP will be replaced in due course by the emerging Local Plan Review (LPR) currently being prepared by the Council. This will cover the period up to 2038, and a Regulation 18 consultation on an Issues and Preferred Options document was undertaken in October/November 2021. Prior to this, a Regulation 19 pre-submission Plan had been published for consultation in February 2021 but following that consultation the Council resolved (in September 2021) to revert to publishing a Regulation 18 consultation document, before again proceeding to the Regulation 19 stage. The Regulation 19 consultation undertaken in February/March 2021 had not been preceded by a Regulation 18 consultation on the LPR. The Council's latest Local Development Scheme (LDS) was published in July 2022 and indicated that the Regulation 19 consultation on the LPR would be undertaken in October/November 2022 with formal submission for examination in February/March 2023. However, in October 2022, the Council resolved to postpone the next formal stage of the LPR. It was noted that this made the LDS out of date, and that the LDS will be revised as soon as possible "*after the proposed changes to the NPPF are published in Spring 2023*". On 14 March 2024, the Council's Planning and Transportation Working Group agreed to proceed with an updated timetable for the LPR that would include a Regulation 18 consultation in Autumn 2024 followed by a Regulation 19 consultation in early-2025. At the time of producing this report on my examination of the draft Plan, the revised LDS had not been published. However, as the Plan is covering the period up to 2038, I have necessarily had some regard to the advice in the PPG⁴ in relation to the emerging LPR as part of this examination, albeit the Neighbourhood Plan must be tested against the extant Development Plan for the purposes of the Basic Conditions. I am clear that it will be necessary for the Faversham Neighbourhood Plan to be reviewed in due course when the emerging LPR has progressed from its present position, through the next Regulation 19 consultation, submission and examination, and its future adoption (which had been previously envisaged to occur in February 2024, but which will now be at a later date).
- 2.3 There are a number of strategic planning policies within the adopted Local Plan which affect the Plan area. These are fully listed at Section 5 of the Basic Conditions Statement and are not set out within this report. Where appropriate, I make reference to the relevant policies and proposed site allocations within the Council's adopted Local Plan as they affect the draft policies, site allocations and other guidance within the Neighbourhood Plan, as part of my detailed assessment contained in Section 4 of this report. Readers should refer to the Basic Conditions Statement and to the adopted Local Plan for further information on all relevant strategic planning policies and other policy guidance that affects the Plan area.

⁴ PPG Reference ID: 41-009-20190509.

- 2.4 The Basic Conditions Statement provides an overview assessment at page 4 of the compliance of the Plan with the legal requirements. A more detailed assessment is provided at pages 9-19 of how the policies proposed in the Plan have regard to national policy and are in general conformity with the relevant strategic policies in the adopted Development Plan, which is the SBLP. The Local Plan, adopted in July 2017, provides the necessary strategic planning context for the Neighbourhood Plan, and this has enabled the Neighbourhood Plan and its policies to be prepared.
- 2.5 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF).⁵ In addition, the Planning Practice Guidance (PPG) offers advice on how the NPPF should be implemented.

Submitted Documents

- 2.6 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Faversham Neighbourhood Development Plan 2023-2038 submission version (June 2023);
 - the Strategic Environmental Assessment (SEA) Environmental Report (December 2022) (AECOM);
 - the Habitats Regulations Assessment (HRA) Report (October 2022) (AECOM);
 - the Basic Conditions Statement (June 2023);
 - the Consultation Statement (June 2023);
 - Statement of Common Ground between Faversham Neighbourhood Plan Group and Swale Borough Council (Ref. FNPEX02) (October 2023);
 - all the representations that have been made in accordance with the Regulation 16 consultation; and
 - the request for additional clarification sought in my letter of 27 November 2023 to the Council and the Town Council (Ref. FNPEX01) and their combined responses dated 4 January 2024 (Ref. FNPEX03).⁶

Supporting Documents

- 2.7 I have also considered the following supporting documents to the submission Plan:
- Faversham Town Council Local Cycling and Walking Infrastructure Plan (January 2022) (PJA);
 - Faversham Design Guidance and Codes (May 2021) (AECOM);

⁵ A revised version of the NPPF was published during the examination on 19 December 2023: all references in this report read across to the latest version (further updated on 20 December 2023).

⁶ View all the documents at: [Faversham - Regulation 16 Consultation \(swale.gov.uk\)](https://www.swale.gov.uk/faversham-regulation-16-consultation)
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- Faversham Neighbourhood Plan – Site Options and Assessment (October 2021) (AECOM);
- Faversham Housing Needs Assessment (HNA) (June 2022) (AECOM);
- Net Zero Carbon Toolkit (October 2021) (Levitt Bernstein, Elementa, Passivhaus Trust and Etude);
- Faversham Critical Junctions (May 2022) (PJA);
- More Faversham – Report and Recommendations from October 2016 Workshops (October 2016) (Design South East);
- South East Faversham Housing Manual (March 2019) (The Prince’s Foundation); and
- Swale Landscape Sensitivity Assessment (May 2019) (LUC).⁷

Examiner Questions

2.8 Following my appointment as the independent examiner and my initial review of the draft Plan, its supporting documents and representations made at the Regulation 16 stage, I wrote to the Council and the Town Council on 27 November 2023⁸ seeking further clarification and information on thirteen matters contained in the submission Plan, as follows:

1. With regard to the Swale Local Plan Review, I requested that the Borough Council provide me with an update on the position regarding the emerging Plan Review and whether the following statement published on the Borough Council’s website (as viewed on 22 November 2023) remains correct?

"Local Plan Timetable

Following the meeting of the Policy and Resources Committee on Wednesday, 19 October 2022, 7.00 pm (swale.gov.uk) Members agreed to postpone the next formal consultation of the Local Plan Review. This makes the latest LDS out of date. The LDS will be revised as soon as possible after the proposed changes to the NPPF are published in Spring 2023. Until this is confirmed, background work on the Local Plan Review continues. Updates to the timetable and new LDS will be posted here in due course."

2. With regard to Meeting Housing Need, as referenced at pages 26 and 27 in the draft Plan, I requested that the Council and the Qualifying Body provide me with an updated schedule of site allocations in the Neighbourhood Plan Area (including strategic site allocations) with planning permissions granted and dwelling completions (including those forming part of the 'made' Faversham Creek Neighbourhood Plan) since the adoption of the Swale Borough Local Plan in July 2017. I requested this information in order to assess the extent to which housing need is being met in Faversham, and whether or not there is

⁷ View all the documents at: [Evidence Base - Faversham Town Council](#)

⁸ View at: [Faversham - Examination \(swale.gov.uk\)](#)

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any unmet need in light of current development plan policies and proposals. Furthermore, I requested that the Council also provide me with further information, and the source and date of that information, regarding the statement in the draft Plan (at page 26) that “*Swale Borough Council identified the level of growth required would be 200 new homes in the Faversham Neighbourhood Plan period*”. I wished to establish whether that statement applies to the current proposed Plan period of 2023-2038, or to a different Plan period. In that respect, I had seen a report considered by the Council’s Local Plan Panel on 29 October 2020, which at paragraphs 3.14-3.18 contains material recommending to Members that a total of 3,500 new dwellings be provided at Faversham under the development strategy (Option c) over the period 2022-2038, including “*the allocation of approximately 200 new dwellings within the boundary of Faversham town itself to be identified through the Faversham Neighbourhood Plan*”. I requested that the Council confirm to me whether that material remains relevant to my examination of the draft Plan, in light of the Council’s postponement of the next stage of the Local Plan Review (see also Question 1 above), and my consideration of the representations that have been submitted regarding future housing need in Faversham.

3. With regard to Policy FAV5 (Critical Road Junctions), I noted that, as presently drafted, I was concerned that this Policy is, at least in part, not a land-use planning policy. I recognised that it is supported by a study of the critical road junctions across the Neighbourhood Area, but the Policy primarily addresses the responsibilities of Kent County Council, as Highways Authority, in terms of assessing highway capacity and road safety, and not the functions of the Local Planning Authority. I considered that the Policy requires significant revision if it is to constitute an effective land-use planning policy, in a similar way to the structure and content of Policy FAV6. I therefore invited the Qualifying Body to provide me with a note containing draft revised text for this Policy, referring to the Faversham Critical Junctions study (May 2022) but not listing the 25 critical junctions, that I may consider as a modification to the draft Plan.
4. With regard to Policy FAV7 (Natural Environment and Landscape), I requested that the Council confirm that the Biodiversity Net Gain (BNG) requirement of 20% net gain for greenfield sites set out at Clause 2b of this Policy is an acceptable requirement in the context of Borough-wide policies for BNG.
5. With regard to Policy FAV13 (Local Green Space) and Figures 13-20 (at pages 70-78 in the draft Plan), I noted that, as presented, Figures 13-20 are not appropriate inset maps for the proposed eight Local Green Spaces listed in Policy FAV13, as it is not possible to accurately scale the extent of the sites’ areas and boundaries from these maps. I stated that I would require Figures 13-20 to all be replaced by Inset Maps on an Ordnance Survey map base, probably at a scale of 1:1250. These Inset Maps should simply identify the exact boundaries of each

of the proposed Local Green Spaces with no further policy notations being shown. I requested that the Qualifying Body, possibly in conjunction with the Council (as holder of the necessary Ordnance Survey licence), provide a set of replacement Inset Maps for the proposed Local Green Spaces (FNP/LGS/001-FNP/LGS/008) that I may consider as a modification to the draft Plan.

6. With regard to the map and figure References in the draft Plan, I noted that the draft Plan presently contains a number of inaccuracies with regard to its references to maps and figures. By way of examples, Policy FAV7 refers to Figures 6-9, which I believed should be to Figures 7-9, whilst Policy FAV11 refers to Figure 14 but which should be to Figure 12. I therefore requested that the Qualifying Body undertake a review of all such Policy-related cross-references in the draft Plan and provide me with a note on any necessary corrections. I was also further concerned that certain maps within the draft Plan, but most importantly Figure 1 on page 7, are using an outdated base map, and that the full extent of some recent built developments in the Faversham Town area are not shown. I therefore requested that the Council undertake a review of all of the maps within the draft Plan for their current accuracy, and whether any necessary updated base maps need to be prepared.
7. With regard to Policies FAV19/20/21/22/24/25/26/27/29 (Site Allocations) and Figures 23-34 (pages 97-123) in the draft Plan, I noted that, as presented, Figures 23-34 are not appropriate inset maps for the proposed nine site allocations listed in Section 1.12, as it is not possible to accurately scale the extent of the sites' areas and boundaries from these maps. I stated that I would require Figures 23-34 to all be replaced by Inset Maps on an Ordnance Survey map base, probably at a scale of 1:1250. Again, these Inset Maps should simply identify the exact boundaries of each of the proposed site allocations with no further policy notations being shown. I requested that the Qualifying Body, in conjunction with the Borough Council, provide a set of replacement Inset Maps for the proposed site allocations (FAV19/20/21/22/24/25/ 26/27/29) that I may consider as a modification to the draft Plan. Furthermore, I requested that the Qualifying Body also confirm that this section of the draft Plan should be numbered 3.12 and not 1.12 as shown on pages 3 and 93.
8. With regard to the site at Land East of Ham Road, Faversham, I requested that the Council provide me with a note setting out the current position with regard to a planning application (Ref: 23/502113/OUT) that was submitted to the Borough Council in May 2023 by Gladman Developments Ltd. which is referenced in Representation Ref. FAVNP14.
9. With regard to the site at Bysing Wood Road, Faversham, and with reference to the representations submitted on behalf of The Brett Group (Ref. FAVNP16), I requested that the Qualifying Body provide

me with a note regarding the suggested inconsistencies in the definition of Green and Blue Spaces in Faversham (as defined on Figure 7), where they affect the land interests of The Brett Group at Bysing Wood Road, Faversham, and whether in light of this representation the Town Council considers that a modification to Figure 7 will be necessary. I indicated that should the Qualifying Body consider that a modification to Figure 7 will be necessary, I would require a revised map in order to replace Figure 7 (also correcting the spelling error in the notation panel), that I may consider as a modification to the draft Plan.

10. With regard to the site at Land at the former Oare Gravel Works, off Ham Road, Faversham, and with reference to the representations submitted on behalf of the Anderson Group (Ref. FAVNP17), I requested that the Council provide me with a note regarding the suggested inconsistencies that are identified in this representation concerning Figures 7-10 (inclusive) as they relate to the planning permission (Ref: SW/14/0257) that was granted in September 2017 for the 'Faversham Lakes' development. I indicated that, should the Council, in liaison with the Qualifying Body, consider that modifications to Figures 7-10 will be necessary, I would require revised maps in order to replace each of those figures, that I may consider as modifications to the draft Plan. (See also Question 9 above regarding Figure 7). I further requested that the Council also provide me with a note setting out the current position with regard to a planning application (Ref: 23/502775/FULL) which is referenced in these representations.
11. With regard to the site at Land at Ospringe Street, Ospringe, Faversham and with reference to the representations submitted on behalf of St John's College (Ref. FAVNP31), I requested that the Qualifying Body provide me with a note regarding the suggested inconsistencies in the definition of this land as defined on Figures 7-9 (inclusive) in the draft Plan as they affect the land interests of St John's College at Ospringe Street, Ospringe, Faversham, and whether in light of this representation the Town Council considers that modifications to Figures 7-9 will be necessary. I indicated that, should the Qualifying Body consider that modifications to Figures 7-9 will be necessary, I would require revised maps in order to replace Figures 7-9, that I may consider as modifications to the draft Plan (see also Questions 9 and 10 above regarding Figures 7-9).
12. With regard to the Swale Borough Local Plan Review, I noted that it is clear that a substantial amount of material in the draft Plan is based on the pre-submission draft Local Plan (Regulation 19 stage) that was published by the Borough Council for consultation in February-April 2021. Following that consultation, the Council did not proceed with the submission of that draft Plan and published a further Issues and Preferred Options document (Regulation 18 stage) for consultation in October-November 2021. Subsequently, in October 2022, the Council

resolved to postpone the next formal stage of the Local Plan Review. (See also Question 1 above). I observed that each Policy sub-section in the draft Plan contains material under the heading of "*Local Plan Review 2021 – Pre-Submission Document Regulation 19, Swale Borough Council*", together with other material at various places in the document, e.g. at page 25. I noted that this material is out-of-date and is now misleading and is likely to require an extensive set of modifications to address the necessary amendments. I therefore sought the Council's advice on how this examination should proceed with regard to the Plan's current content on the pre-submission draft Local Plan Review (Regulation 19) that is now superseded. (See also Question 1 above).

13. With regard to the consultation on the draft Plan undertaken with National highways, I noted that the representations submitted by National Highways (Ref. FAVNP43) and the accompanying Technical Note (Ref. K454), conclude (at paragraphs 15-20 to that note) that there is a requirement for an assessment of the traffic impacts on the Strategic Road Network arising from the proposed site allocations in the draft Plan that are not included within the current adopted Local Plan. Such an assessment would need to be carried out in accordance with DfT Circular 01/2022. In the absence of any evidence before me that the necessary traffic assessments have been undertaken or are in progress, either by the Qualifying Body, the Council or Kent County Council (as Highways Authority), I therefore invited the Qualifying Body and the Council to consider these representations in full and provide me with a note on how they wish me to proceed with the examination of the proposed site allocations contained within the draft Plan and of the various additional sites being proposed as part of representations to the draft Plan.
- 2.9 In response to my letter of 27 November 2023, the Council and the Town Council provided me with a combined response on 4 January 2024.⁹ Revised Inset Maps (all dated December 2023), addressing Question Nos. 5 and 7, were supplied by the Council on 18 December 2023. I have taken full account of the additional information contained in the combined response and the revised Inset Maps as part of my assessment of the draft Plan, alongside the documents listed at paragraphs 2.6 and 2.7 above.
 - 2.10 To avoid unnecessary repetition in subsequent sections of this report, I refer to the questions and to the responses from the Council and Forum by their relevant number, e.g. Question No. 1. Readers should refer to paragraph 2.8 above, and to the combined response document from the Council and the Town Council for the full text of questions and the responses.

⁹ View at: [Faversham - Examination \(swale.gov.uk\)](https://www.swale.gov.uk/faversham-examination)

Site Visit

- 2.11 I made an unaccompanied site visit to the Neighbourhood Plan Area on 18 December 2023 to familiarise myself with it and visit relevant sites and areas referenced in the Plan, evidential documents and representations.

Written Representations with or without Public Hearing

- 2.12 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections and comments regarding the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. I am satisfied that the material supplied is sufficiently comprehensive for me to be able to deal with the matters raised under the written representations procedure, and that there was not a requirement to convene a public hearing as part of this examination. In all cases, the information provided has enabled me to reach a conclusion on the matters concerned.

Modifications

- 2.13 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications in full in the Appendix to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by Faversham Town Council. An application to the Council for the designation of the proposed Neighbourhood Area was made by the Town Council in April 2020. The Council's Local Plan Panel considered the application at its meeting held on 9 July 2020, and recommended that the approval of the application be delegated to the Cabinet Member for Planning. The application was approved on 11 August 2020.
- 3.2 The designated Neighbourhood Area is shown on the map (Figure 1) at page 7 in the submission Plan. It includes the entirety of the earlier designation of the Faversham Creek Neighbourhood Area by the Council on 20 February 2014 for the purposes of the Faversham Creek Neighbourhood Plan 2016-2031, which was made by the Council on 28 June 2017 following a positive referendum result. Should this Plan proceed in due course to a referendum, with the outcome of that future referendum being a positive result, the Faversham Creek Neighbourhood Plan will be replaced in its entirety by the Faversham Neighbourhood Plan (with its consequent removal from the current suite of statutory development plan documents for Swale Borough) at the time at which a

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decision is taken by the Council to make this Plan, in order that this Plan will be the only Neighbourhood Plan for this Neighbourhood Area.

- 3.3 The Town Council is the Qualifying Body for the preparation of the Plan. The preparation of the Plan has been led by a Neighbourhood Plan Steering Group (NPSG), which was established in November 2019, comprising Town Councillors alongside community representatives of the Faversham Future Forum and assisted by a Technical Committee.

Plan Period

- 3.4 The draft Plan specifies (on page 8) the period to which it is to take effect, which is from 2023 to 2038. The Plan period encompasses the remaining part of the plan period for the adopted SBLP (up to 2031). I make a recommendation and proposed modification **PM2** (see paragraph 4.11 below) with regard to the future review of the Plan to take account of the emerging review of the adopted SBLP. The Plan should also identify the Plan period (2023-2038) on its Front Cover, and I recommend modification **PM1** accordingly.

Neighbourhood Plan Preparation and Consultation

- 3.5 The Consultation Statement sets out a comprehensive record of the Plan's preparation and its associated engagement and consultation activity between November 2019 and Spring 2023. The decision to undertake the preparation of the Neighbourhood Plan was taken by the Town Council on 11 November 2019.
- 3.6 The preparation of the Plan and the associated community engagement and consultation has involved four main stages, as follows:
- Stage 1: Initial work and community engagement (Spring 2020 to Autumn 2020).
 - Stage 2: Evidence gathering, research and survey work, preparation of evidence base documents and continued engagement with residents and key stakeholders, led by the NPSG (Autumn 2020 to Autumn 2022).
 - Stage 3: Preparation of draft Plan for pre-submission Regulation 14 consultation (in January/February 2023) and associated community engagement and consultation activities (Autumn 2022 to Spring 2023).
 - Stage 4: Revisions and amendments to the draft Plan following the Regulation 14 consultation (see paragraph 3.10 below) and preparation of the final draft Plan and supporting documents. Submission to the Council (Regulation 15), Regulation 16 consultation and submission for examination under Regulation 17 (Spring 2023 to Summer 2023).

- 3.7 Stage 1 was focused upon community engagement activities across the Neighbourhood Area, with two exhibitions being held in Autumn 2020 in the Town Hall seeking the community's views on the key themes and topics that would be covered by the Plan.
- 3.8 Work was focused during Stage 2 on preparing the evidence base studies that underpin the draft Plan's policies and guidance and survey work, including a household survey (November 2020-January 2021) and a youth survey and a business survey (January-April 2021). A call for sites was launched in December 2020, followed by a Local Green Space call for sites in March 2021. During Summer 2021 further consultation work was undertaken on the key themes of the emerging Plan that had emerged from the earlier exhibitions and a further exhibition was held in July-August 2021. Following the publication of the AECOM report on "Site Options Assessment" a specific consultation on that report was held in March 2022. In June 2022, a series of Stakeholder Engagement Workshops was held with local groups such as the Faversham Society and the Faversham Creek Trust, facilitated by Urban Vision Enterprise CIC.
- 3.9 During Stage 3, work was focused on preparing the draft Plan for the Regulation 14 pre-submission consultation which was undertaken between 3 January and 14 February 2023. Section 4 of the Consultation Statement contains a full record of the consultation responses that were received from national and statutory bodies, local authorities and Parish Councils, residents and local societies, and from landowners and developers. The consultation was accompanied by extensive local publicity, various 'pop-up' events across the Plan area and with a leaflet being distributed to all households and businesses in the Plan area.
- 3.10 At Stage 4, amendments were made to the draft Plan, following the Regulation 14 consultation, and Section 4 of the Consultation Statement includes a comprehensive record of the actions taken by the NPSG in response to all representations received during the Regulation 14 consultation. The draft submission Plan and its supporting documents were finalised, and following approval by the Town Council, it was formally submitted to the Council for examination in June 2023.
- 3.11 Regulation 16 consultation was then held for a period of six weeks from 4 September 2023 to 16 October 2023. A total of 39 duly made responses were received during the consultation period. From my assessment of the Consultation Statement, I am satisfied that a transparent, fair and inclusive consultation process has been followed for the Plan, that has had regard to advice in the PPG on plan preparation and engagement and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

- 3.12 Subject to Policy FAV5 (see paragraphs 4.28 – 4.31 below), I am satisfied that the draft Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.13 From my review of the documents before me, the draft Plan does not include policies or proposals that relate to any of the categories of excluded development.¹⁰ Kent County Council is the Minerals and Waste Planning Authority for the Plan area, and the relevant Development Plan document for these matters is the adopted Kent Minerals and Waste Local Plan 2013-2030 (adopted September 2020).

Human Rights

3.14 Neither the Council nor any other party has raised any issues concerning a breach of, or incompatibility with Convention Rights (within the meaning of the Human Rights Act 1998). From my assessment of the Plan, its accompanying supporting documents and the consultation responses made to the Plan at the Regulations 14 and 16 stages, I am satisfied that the Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. I consider that none of the objectives and policies in the Plan will have a negative impact on groups with protected characteristics. Many will have a positive impact.

4. Compliance with the Basic Conditions

EU Obligations

4.1 The Council issued a Strategic Environmental Assessment (SEA) Screening Report in September 2022 and a Habitats Regulations Assessment (HRA) Screening Assessment, also in September 2022, in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 ('the SEA Regulations') and the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'). These Screening Assessments were prepared on the basis of the pre-submission policies contained in the draft Plan prior to the Regulation 14 consultation undertaken in January-February 2023. Following consultation with Historic England, Natural England and the Environment Agency, the SEA Screening Assessment concluded that a full SEA should be undertaken of the draft Plan as Likely Significant Effects will occur in view of the extent and location of the development proposals within the draft Plan. The HRA Screening Assessment concluded that there would be Likely Significant Effects arising from the draft Plan on Natura 2000 sites, including The Swale Special Protection Area (SPA)/Ramsar site, and that an HRA Appropriate Assessment should be undertaken.

4.2 Accordingly, AECOM Limited was commissioned by Locality to undertake the full SEA process and to prepare an Environmental Report for publication alongside the draft Plan at the Regulation 14 consultation

¹⁰ The meaning of 'excluded development' is set out in s.61K of the 1990 Act.
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stage, and to undertake the Appropriate Assessment for the draft Plan in accordance with the Habitats Regulations. The submission Plan is accompanied by an Environmental Report (dated December 2022) and by an HRA Report (dated October 2022) prepared by AECOM.

- 4.3 I have given careful consideration to the Environmental Report and to its SEA Framework and assessment of reasonable alternatives for the focus of development within the Plan area. The report (at Section 4) identifies two options as reasonable alternatives, Option A, which is a “greenfield first approach” and, Option B, which is a “brownfield first approach”. It appraises these options in the context of the key SEA topics of air quality, biodiversity and geodiversity, climate change, landscape and townscape, historic environment, land, soil and water resources, community wellbeing and transportation. The report concludes that, overall, Option B performs more favourably than Option A, with the exception of air quality where uncertainty is noted for both options. The report (at Section 5) then undertakes an appraisal of the 29 proposed Policies that are included in the draft Plan. It concludes that the draft Plan is likely to have significant positive effects in relation to the SEA topic of community wellbeing and to have positive effects in respect of the topics of landscape and townscape, land soil and water resources and biodiversity and geodiversity. However, the report notes that the HRA Report contains recommendations for mitigation measures to ensure that there are no adverse impacts on the integrity of internationally designated sites as a result of the policies and proposals in the draft Plan. On the SEA topic of climate change, the report notes that the outcomes will be dependent upon the extent to which developments incorporate the necessary adaptation measures into their design. It also notes that the Plan will further initiate several beneficial approaches regarding the topics of transportation and air quality, given its focus on enhancing the active travel network and encouraging sustainable modes of transportation. Finally, the report notes that the Plan should be monitored by the Council to identify any unforeseen effects at an early stage and to take remedial action as appropriate, although no significant negative effects are considered likely in the implementation of the Plan. I take account of the report’s assessments and conclusions as part of my examination of the draft Plan.
- 4.4 The HRA Report identifies four designated European sites, The Swale SPA/Ramsar site, the Blean Complex Special Area of Conservation (SAC), The Outer Thames Estuary SPA and the Tankerton Slopes and Swalecliffe SAC, as being sites that should be subject to the necessary assessments under the Habitats Regulations. Of these sites, The Swale SPA/Ramsar site is within the Plan area, whilst the other three sites are all within 10 kilometres of the Plan area.
- 4.5 Section 3 of the HRA Report sets out the conservation objectives and the reasons for the designation of each of the four sites, with a summary of the current pressures and threats faced at the sites. Section 4 sets out the potential pathways of impact for the sites arising from the draft Plan’s policies and proposals which, in summary, are public access/recreational

pressure, loss of functionally linked land, noise and visual disturbance, changes in air quality, water resources and water quality. This section concludes that Tests of Likely Significant Effects (ToLSEs) are necessary to assess the impacts arising from recreational pressure and loss of functionally linked land upon The Swale SPA/Ramsar site and the impacts arising from noise and visual disturbance upon The Swale SPA/Ramsar and The Outer Thames Estuary SPA sites. Section 5 of the HRA Report contains the full ToLSEs which indicated that 13 draft Policies in the Plan (encompassing all of the proposed site allocations) were considered to pose Likely Significant Effects for European sites in combination with other projects and plans due to contributing to recreational pressure. Two of the proposed site allocations were considered to have potential for Likely Significant Effects at The Swale SPA/Ramsar site resulting from noise and visual disturbance during construction and a further site allocation was considered to pose a risk of in combination effects through loss of functionally linked land. Section 6 of the HRA Report sets out the full Appropriate Assessment arising from the ToLSEs and contains recommendations concerning Policies FAV7, FAV19 and FAV21, to take account of the need to strengthen those policies. Those recommendations are carried forward into Section 7 (Conclusions and Recommendations). I take full account of the HRA Report's conclusions and recommendations as part of my examination of the draft Plan.

- 4.6 On the basis of the information provided and my independent consideration of the SEA Environmental Report (December 2022) and the HRA Report (October 2022), I am satisfied that the draft Plan is compatible with EU obligations under retained EU law.

Main Assessment

- 4.7 The NPPF states (at paragraph 29) that "*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan*" and also that "*Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies*". The NPPF (at paragraph 11) also sets out the presumption in favour of sustainable development. It goes on to state (at paragraph 13) that neighbourhood plans should support the delivery of strategic policies contained in local plans; and should shape and direct development that is outside of these strategic policies.
- 4.8 Having considered above whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.13 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.

Specific Issues of Compliance

4.9 I test the Plan against the Basic Conditions by considering specific issues of compliance of the Plan's 27 policies, which address the following themes: Faversham Town Centre; Residential Development; Movement and Sustainable Transport; Environment; Design; Historic Buildings, Places and Landscapes; Community Facilities, Local Green Space; Renewable Energy; Faversham Creek; and, the proposed site allocations. As part of that assessment, I consider whether the policies in the Plan are sufficiently clear and unambiguous, having regard to advice in the PPG. A policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.¹¹ I recommend some modifications as a result.

Overview

4.10 The Plan is addressing the period from 2023 to 2038 and seeks to provide a clear planning framework to ensure that the town centre continues to provide the range of services and facilities to meet the needs of residents and visitors, whilst protecting the natural environment and the heritage of the area which contribute to its charm and appearance.

4.11 Section 1 of the Plan, entitled 'Introduction', describes the purpose and status of the preparation of the Neighbourhood Plan and also includes a short section on Monitoring and Review. This includes references to the future monitoring of the Plan and potential need to review the Plan, if and when necessary. However, taking into particular account the current position with regard to the Swale Local Plan Review, I consider that the Plan does need to include a much clearer statement that the Plan will be reviewed in light of any relevant changes in national policies and the emerging review of the Swale Local Plan, and this is addressed by recommended modification **PM2**.

4.12 Section 2 of the Plan, entitled 'Local Context', is a brief section including a description of the main features of the Plan area including a pictogram of Census 2021 data, a résumé of the community engagement work that was undertaken during the preparation of the draft Plan, the aims of the Plan and a sub-section setting out the Plan's overall planning strategy.

4.13 The Plan has seven aims, which are as follows:

- To promote the vitality and viability of Faversham Town Centre, as a resource for local people and visitors;
- To support sustainable housing growth to meet the diverse needs of the local community;
- To create more sustainable live-work patterns, based on neighbourhoods with residential, employment and community facilities in easy walking distance;

¹¹ PPG Reference ID: 41-041-20140306.

- To promote sustainable transport and active travel, including cycling and walking;
- To protect Faversham's green spaces and natural environments and ensure environmental quality;
- To promote sustainable design, to complement Faversham's local distinctiveness; and
- To preserve or enhance Faversham's diverse heritage and promote heritage-led economic development.

4.14 The overall planning strategy of the Plan is to seek to achieve sustainable physical and economic development and growth through its policies. In addition to the strategic allocations made in the adopted Local Plan, the Plan aims to deliver the growth strategy set by the Council for 219 new homes over the remaining part of the plan period of the adopted Local Plan up to 2031. It seeks to achieve this through a combination of policies, including the site allocations contained in Policies FAV19-FAV22/FAV24-FAV30. The natural environment is also a key priority of the Plan, and it seeks to protect the green and blue infrastructure and contribute to the protection of the natural environment and its assets. The Plan also seeks to promote sustainable and innovative design, including high energy performance and low carbon development, and also a balanced and sustainable range of transport. The Plan's policies seek to augment those in the adopted Local Plan, setting requirements more specific to Faversham.

Policies

4.15 Section 3 of the Plan contains the draft Policies and is divided into twelve sub-sections (3.1-3.12) addressing the various themes listed at paragraph 4.9 above. Sub-section 3.1 sets out a listing of the 27 policies. Each of the Policy sub-sections is structured under the headings of Purpose, Rationale and Evidence, Policies and Interpretation.

Faversham Town Centre

4.16 Sub-section 3.2 addresses the theme of Faversham Town Centre and contains one policy (Policy FAV1).

4.17 Policy FAV1 (Faversham Town Centre) has four clauses. Clause 1 states that development in the town centre will be supported where it would complement or enhance its vitality and viability, including retail, food and drink, offices and other uses in Use Class E, recreational, community or cultural uses, tourist or visitor attractions and facilities and other uses that help to diversify the town centre's economy. Clause 2 states that the conversion of upper forms in commercial properties to residential uses, visitor accommodation or business uses will be supported. Clause 3 states that support for development as set out in Clauses 1 and 2 is subject to maintaining active frontages and uses in ground floor units on main shopping streets, there being no adverse impacts on the amenity or viability of existing town centre uses and that proposals take account of

Policies FAV10 and FAV11. Clause 4 states that the redevelopment of the multi-use external spaces at Central Car Park, Queen's Car Park, Partridge Lane/Thomas Road Car Park and Institute Road Car Park will only be supported where a similar alternative provision is made nearby or it can be demonstrated that the capacity of the remaining car parks would be sufficient.

- 4.18 I am satisfied that the policy is appropriately drafted and that the draft Plan's section on Faversham Town Centre and Policy FAV1 are in general conformity with the strategic policies of the SBLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Residential Development

- 4.19 Sub-section 3.3 addresses the theme of Residential Development and contains two policies (Policies FAV2 and FAV3). This section of the draft Plan is based fundamentally upon meeting an identified need for 200 new homes in the Plan area during the period up to 2038. This requirement is in addition to the housing growth contained in the made Faversham Creek Neighbourhood Plan, which contains an indicative housing requirement for 94 new homes over the period 2016-2031¹². As at January 2022, 75 new homes had been built or granted planning permission in the area covered by the Faversham Creek Neighbourhood Plan, leaving a residual requirement of 19 homes to be met by this Plan, thereby making the Plan's housing requirement to be for 219 new homes. I raised the question of whether the identified requirement for 200 new homes, which was a requirement provided to the Town Council by the Borough Council, applies to the proposed Plan period of 2023-2038 or to a different Plan period, as part of Question No. 2, and I take account of the Borough Council's response to that question and the Statement of Common Ground (FNPEX02) between the Borough Council and the NPSG in my assessment. I am clear that, if the Plan is to take account of the unmet housing requirements of the made Faversham Creek Neighbourhood Plan and the proposed site allocations within that Plan, the 'combined' housing requirement (219 new homes) for this Plan cannot be considered to extend beyond 2031 (i.e. up to 2038), as both Plans have quite clearly been prepared, with the Borough Council's support, on the basis of meeting part of the current adopted Local Plan housing requirement for the Borough up to 2031. The Borough Council's decision in October 2022 to postpone the next formal consultation stage of the emerging Local Plan Review (and the continuing ongoing postponement of that consultation) means that, at present, I cannot give sufficient weight or certainty to the prospective housing requirement for the Plan area over the period beyond 2031 that may be identified in the Local Plan Review.

- 4.20 I consider it to be extremely likely that the Council will consider potential strategic growth options for the Faversham area, as part of the Local Plan

¹² [Neighbourhood planning - Faversham Creek \(swale.gov.uk\)](https://www.swale.gov.uk/Neighbourhood-planning-Faversham-Creek)

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Review, based upon the town's position in the settlement hierarchy, and I acknowledge that the Council is continuing to progress the necessary evidence base work in order to inform its consideration of strategic options for the Borough. This does not serve to inhibit my examination of the submitted draft Plan, but does reinforce and confirm the necessity for the Plan to be formally reviewed when the Local Plan Review reaches a more advanced stage (see also **PM2**).

4.21 In the context of meeting housing need, I have therefore considered the identified requirement for 219 new homes (at page 26 of the draft Plan) to be the basis for this examination, but that this requirement is for the period 2023-2031, and not for the period beyond 2031. Similarly, I have considered the various representations to the draft Plan that propose additional housing growth within the Plan area in that context, and that representations which clearly propose strategic-level growth (including non-residential proposals) should be considered, in the first instance, by the Council as part of its assessment of strategic options for the emerging Local Plan Review. Accordingly, I draw no conclusions or make any recommended modifications to the draft Plan in respect of such representations, including those which propose levels of new residential development above the identified requirement for 219 new homes up to 2031. For the avoidance of doubt, the representations which fall into this category are:

- Land east of Ham Road, Faversham (ca. 250 new homes) (Ref. FAVNP14);
- South East Faversham (which extends beyond the Plan area) (proposed strategic residential development) (Ref. FAVNP20);
- Land north of Graveney Road, Faversham (ca. 240 new homes) (Ref. FAVNP35);
- Land to the west of the Western Link Road, Faversham (35.6 hectares) (which extends beyond the Plan area) – electric vehicle forecourt, solar photovoltaic farm, energy storage facilities (Ref. FAVNP37);
- Land at Brogdale Road, Faversham (ca. 400 new homes) (ref. FAVNP41);
- Lions Field, London Road, Faversham (ca. 35 new homes) (Ref. FAVNP42); and
- Non-site specific (Ref. FAVNP38).

Although not directly related to proposals for additional residential development, a representation submitted on behalf of Hallam Land Management Limited (Ref. FAVNP29) seeks to promote a Use Class E mixed-use development for the remaining undeveloped part of the approved Perry Court development, to replace the proposed Use Class B1 land allocation. I consider that this is a matter that should be addressed by the Council and the Town Council as part of the development management process and it is not necessary for me to propose any modifications to the draft Plan to take account of this particular matter.

- 4.22 A key factor in my assessment has been the representation submitted by National Highways which contains a requirement for assessments of the impact of proposed net additional housing growth in the Plan area upon the Strategic Road Network and, specifically, upon the M2 motorway and the operation of Junction 7 (Brenley Corner). This is likely to require strategic traffic modelling, probably also including Kent County Council (as Highways Authority), for the levels of development being proposed in a number of the representations set out above, and site-specific transport assessments for other proposals, including a number of the site allocation proposals within the draft Plan (see also Question No. 13). In my experience, it is relatively unusual for National Highways to express concerns about the traffic impacts arising from the level of proposed developments in a neighbourhood plan. However, I do note that National Highways did seek information regarding the level of development being proposed in the draft Plan at the Regulation 14 consultation stage and their later representation demonstrates to me that there are significant capacity issues affecting the M2 motorway in this part of Kent and the operation of Junction 7 (M2/A251 junction) which is within the Plan area. The Plan will need to take account of these concerns and I consider this matter further in relation to the proposed site allocations within the draft Plan at paragraph 4.74 below. Finally, and in the round, it should be noted that the PPG is clear that whilst neighbourhood plans can allocate sites for development, including housing¹³, "The scope of neighbourhood plans is up to the neighbourhood planning body".¹⁴
- 4.23 Policy FAV2 (Housing Development) has two clauses and states that residential development will be supported where it comprises infill development for gaps within existing building frontages, the redevelopment of existing buildings, providing that it does not involve the demolition of heritage assets, or the sensitive refurbishment of existing buildings, including heritage assets. It goes on to state that support for such schemes is subject to there being no loss of public amenity space and that the proposals meet the design requirements of Policy FAV10 and other relevant policies.
- 4.24 As drafted, this important Policy focuses only upon residential development on infill sites or on previously developed ('brownfield') sites. Whilst the support for development of previously developed sites accords with national policy, the policy is too restrictive and does not have sufficient regard to national policy, which sets out a presumption in favour of sustainable development. The Policy and its supporting justification also fails to give appropriate consideration to the various residential developments that are coming forward in the Plan area through the site allocations contained in the adopted SBLP. Whilst a number of these developments have the benefit of existing planning permissions, it is likely that further proposals will come forward during the Plan period in the context of the adopted SBLP's site allocations, which will fall to be

¹³ PPG Reference ID: 41-042-20170728.

¹⁴ PPG Reference ID: 41-104-20190509.

considered in the context of the policies of both the SBLP and this Plan. Accordingly, I consider that the Policy should address these matters, and recommended modification **PM3** sets out the necessary amendments.

- 4.25 Policy FAV3 (Residential Mix and Standards) has seven clauses and, in summary, addresses the requirements for residential development proposals to include an appropriate housing mix to meet local housing need, affordable housing provision, broadband connectivity, design and landscape features to reduce carbon impact and promote biodiversity, to meet the requirements of Policies FAV7 and FAV10, and the provision of discreetly located waste and recycling storage space. There have been a number of representations concerning this Policy, which I have taken into consideration alongside my own assessment. In particular, I have given careful consideration to the Policy's three draft clauses concerning the provision of affordable housing. In my assessment, these clauses should be consolidated into one clause that contains a more general requirement for the provision of appropriate levels of affordable housing, that is aligned more closely to Policy DM8 in the adopted SBLP. Recommended modification **PM4** addresses the necessary amendments to the Policy text.
- 4.26 With recommended modifications PM3 and PM4, I consider that the draft Plan's section on Residential Development is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Movement and Sustainable Transport

- 4.27 Sub-section 3.4 of the draft Plan addresses the theme of Movement and Sustainable Transport and contains three policies (Policies FAV4-FAV6).
- 4.28 Policy FAV4 (Mobility and Sustainable Transport) has five clauses and states that development that generates additional journeys must be supported by a balanced mix of transport provision, including sustainable and active travel options. Development should provide direct and convenient pedestrian and cycle links to surrounding facilities, including provision of new crossings where necessary, and the layout and design of development should prioritise walking and cycling within the site. Development must also be designed to accommodate the needs of people with a range of mobilities and impaired vision. The Policy goes on to state that secure, covered and easily accessible storage for cycles and other personal vehicles must be provided for all development and that electric charging points for motor vehicles and cycles should be provided for all new homes and new or expanded employment accommodation. I consider that this policy is appropriately drafted and provides clarity for users of the Plan.
- 4.29 Policy FAV5 (Critical Road Junctions) states that for development that impacts on junctions with identified safety and/or capacity issues, schemes will only be supported where they would not result in severe

impact, taking account of any mitigation measures. The policy then lists 25 road junctions across the Plan area that are considered to fall within its scope.

- 4.30 Upon my initial assessment of the draft Plan, I was concerned that, as drafted, this Policy, is at least in part, not a land-use planning policy. I recognised that it is supported by a study of the critical road junctions across the Neighbourhood Area, but I considered that the policy primarily addresses the responsibilities of Kent County Council, as Highways Authority, in terms of assessing highway capacity and road safety, and not the functions of the Local Planning Authority. Therefore, as Question No. 3, I invited the Qualifying Body to provide me with a note containing draft revised text for the Policy, referring to the supporting Faversham Critical Junctions study (May 2022) but not listing the 25 critical junctions, that I may consider as a modification to the draft Plan. The Town Council responded by stating that the wording of the Policy reflects the requirements of the paragraphs 110 and 111 (now paragraphs 114 and 115) of the NPPF, that it is evidence-based and that similar policies have been included in other neighbourhood plans, with the Biddulph Neighbourhood Plan being stated as an example.
- 4.31 I have given careful consideration to this draft Policy and its supporting evidence, to the Town Council's response to Question No. 3 and to the various representations that have been made to the draft Policy including those by Kent County Council. I have also taken note of the equivalent policy (Policy INF1) in the Biddulph Neighbourhood Plan, but note that it has particular regard to four key junctions on the A527 route which is a Class A primary distributor road between Stoke-on-Trent and Congleton. Importantly, the interpretation notes for Policy INF1 state that "*Applying this policy will require consideration of the impact of the new development, together with the combined impact of other approved developments. The submission of a Transport Assessment for qualifying schemes is a requirement of the Local Planning Authority*". In my judgement, that is the correct approach for assessing the transportation impacts of development proposals, both individually and cumulatively, and is the approach advocated by Kent County Council in their representations. I have also given consideration to those representations which have cited other junctions on the highway network in the Plan area, for example, at Brent Hill/Davington Hill and at Priory Row/Priory Hill/Davington Hill, that it is argued should be listed within the scope of the Policy. Together with the representations that have been submitted by National Highways (see paragraph 4.22 above), this demonstrates to me that undoubtedly there are significant issues of traffic congestion and capacity across parts of the local highway network in the Plan area. As drafted, I do not consider that the Policy contains sufficiently clear guidance for users of the Plan on how these issues should be addressed in development proposals, for consideration by the Local Planning Authority and the Highways Authority and, if necessary, by National Highways. Accordingly, I conclude that the Policy requires comprehensive

amendment to reflect those points, and recommended modification **PM5** sets out the necessary revisions.

- 4.32 Policy FAV6 (Footways, Bridleways and Cycleways) is in three parts and states that development should not encroach onto footpaths, bridleways or cycleways or have any adverse impacts on their amenity, safety or accessibility. It goes on to state that opportunities should be taken to improve the setting, amenity, safety and accessibility of existing footpaths, bridleways and cycleways, and that a priority for allocation of developer contributions should be to provide new footpaths and cycleways, and links with the existing network. Kent County Council seek an amendment to the title of this Policy to reflect the full extent of its potential application, and I concur with that suggestion. Subject to recommended modification **PM6**, which addresses the amendment to the title of the Policy, I consider that the Policy is appropriately drafted and provides clarity for users of the Plan.
- 4.33 With recommended modifications PM5 and PM6, I consider that the draft Plan's section on Movement and Sustainable Transport (Policies FAV4-FAV6) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Environment

- 4.34 Sub-section 3.5 of the draft Plan addresses the theme of Environment and contains three policies (Policies FAV7-FAV9).
- 4.35 Policy FAV7 (Natural Environment and Landscape) is in seven parts, and is related to the content of Figures 7 (Green and Blue Spaces of Faversham), 8 (Priority Habitats for Protection), 9 (Natural Habitats), 10 (Habitat Corridors) and 11 (DEFRA Magic Map Data). In summary, the policy states that development should have no adverse impacts on green or blue infrastructure. It goes on to state that major development proposals should include positive features in its design and landscaping and create Biodiversity Net Gain at levels of 10% net gain for brownfield sites and 20% net gain for greenfield sites. The loss of green or natural landscape through development should be balanced through provision of green infrastructure, landscaping, planting and net gains to wildlife and biodiversity in the design and layout of development. It also addresses the topics of trees, woodland and hedges, the best and most versatile agricultural land, fruit orchards and the use of native species or other species with high value for wildlife in landscaping and planting schemes.
- 4.36 Five of the questions (Question Nos. 4, 6, 9, 10 and 11) (see paragraph 2.8 above) related to matters concerning this Policy and its accompanying plans, and in particular to Figure 7. I have taken account of the responses to these questions provided by the Council and the Town Council in my assessment of this Policy and Figures 7-11. I note that, in the context of the Council's emerging Local Plan Review, the requirement

for 20% Biodiversity Net Gain (BNG) for greenfield sites is acceptable to the Council, and I do not recommend any amendments to the proposed BNG requirements on the basis that the Council is seeking to justify its greenfield BNG requirement.¹⁵ With regard to the representations submitted by the Brett Group (Ref. FAVNP16) concerning land at Bysing Wood Road, Faversham, on behalf of the Anderson Group concerning land at the former Oare Gravel Works, off Ham Road, Faversham (Ref. FAVNP17) and on behalf of St. John's College concerning land at Ospringe Street, Ospringe, Faversham (Ref. FAVNP31), I note the responses of the Council and the Town Council on the various matters raised and that Figure 7 has been sourced from the Kent Wildlife Trust. The Kent Wildlife Trust use the Kent Landscape Information Systems (KLIS) to prepare their mapping data, but the Council and the Town Council are not able to amend the mapping outputs. However, I am satisfied from my appraisal of the above-mentioned representations that Figure 7, and possibly also Figures 8-10, contain cartographical errors that are potentially affecting landowners' interests. This situation is also affected by the large scale of these plans and the consequential difficulties in being able to interpret, with reliability, the precise extent of map notations as they affect specific sites within the Plan area. Although I am not able to recommend the replacement of Figures 7-10 for the reason stated above, I consider that the Policy does need to be qualified by an advisory note regarding their accuracy for the information of future users of the Plan. I further consider that, in any future review of the Plan, Figures 7-10 should be replaced by a series of plans that depict the extent of the various landscape and habitat designations within the Plan area with much greater clarity. I also take account of other representations that have been made to this Policy and consider that a number of amendments to the Policy text are necessary. These amendments are addressed by recommended modification **PM7**.

- 4.37 Policy FAV8 (Flooding and Surface Water) is in four parts and states that development must have no significant adverse impact on the risk of flooding and should take opportunities to improve flood water disposal, and that development will not be supported if it would compromise infrastructure to prevent flooding or the management of flooding incidents. It goes on to state that new-build development should include Sustainable Drainage Systems as an integral part of the landscape and green infrastructure, and that hard surface treatments should be permeable to allow water to penetrate, where ground conditions allow. I consider that the Policy is appropriately drafted.
- 4.38 Policy FAV9 (Air Quality) is in three parts and states that development must have no significant adverse impact on local air quality. Development within the A2 Air Quality Management Area (AQMA) must include features to avoid any worsening of air quality or to improve air quality. It goes on to state that development which generates additional car journeys should

¹⁵ See Swale Biodiversity Baseline Study report (referenced in response to Question No. 4) and PPG Reference ID: 74-006-20240214.

include tree planting using native species or other design or landscape features to help improve air quality.

- 4.39 I consider that the Policy is appropriate, subject to one focused amendment to provide clarity for users of the Plan. This amendment is addressed by recommended modification **PM8**.
- 4.40 With recommended modifications PM7 and PM8, I consider that the draft Plan's section on Environment (Policies FAV7-FAV9) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Design

- 4.41 Sub-section 3.6 of the Plan covers the theme of Design within the Plan area and contains one policy (Policy FAV10) which addresses sustainable design and character.
- 4.42 Policy FAV10 (Sustainable Design and Character) is a lengthy policy with nine parts. In summary, it provides policy guidance on the topics of townscape character, site topography, landscaping, public realm, permeability of site layouts to prioritise pedestrian movement, meeting the needs of people with limited mobility, street frontage boundary treatment, building materials, environmental performance and external lighting. The policy takes account of the supporting document, Faversham Design Guidance and Codes (May 2021) (AECOM), in establishing the design principles that are contained in the policy.
- 4.43 Kent County Council recommend one focused amendment to the Policy text, with which I concur. I also consider that the Policy should make reference to the 'Faversham Design Guidance and Codes' supporting document, to enable users of the Plan to fully interpret the Policy's requirements. Accordingly, I recommend modification **PM9** to address these amendments.
- 4.44 With recommended modification PM9, I consider that the draft Plan's section on Design and its accompanying policy (Policy FAV10) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Historic Buildings, Places and Landscapes

- 4.45 Sub-section 3.7 of the Plan covers the theme of Historic Buildings, Places and Landscapes within the Plan area and contains one policy (Policy FAV11).
- 4.46 Policy FAV11 (Heritage) is a lengthy policy with nine parts. In summary, it states that heritage-led regeneration and the adaptation and re-use of

historic buildings will be supported, providing such works preserve or enhance the character or appearance of Conservation Areas and preserve listed buildings and their settings. Development should take opportunities to use and refurbish non-designated heritage assets. Development in the three Conservation Areas should preserve or enhance their character or appearance and setting. It further states that development should have no adverse impact on the rural setting of Faversham, including on historic and surviving historic features and that development should take opportunities to realise the cultural and economic potential of the heritage associated with Faversham's traditional industries. It also states that development within or affecting the Urban Archaeological Zones, as defined on Figure 12, should take account of this in its design, mitigation of impacts and construction, and that the design and layout of development must take account of key views towards the churches and historic landmarks in the Plan area. Finally, it sets out guidance on the retention of historic shopfronts or surviving features and new or altered shopfronts.

- 4.47 Subject to a number of focused amendments and additions necessary to ensure its clarity for users of the Plan, and to correct some errors¹⁶, I consider that the Policy is appropriately drafted. Accordingly, I recommend modification **PM10** to address the necessary amendments.
- 4.48 With recommended modification PM10, I consider that the draft Plan's section on Historic Buildings, Places and Landscapes and its accompanying policy (Policy FAV11) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Community Facilities

- 4.49 Sub-section 3.8 of the draft Plan addresses the theme of Community Facilities within the Plan area and contains one policy (Policy FAV12).
- 4.50 Policy FAV12 (Community Facilities) is in five parts and states, in summary, that development to provide new or improved community facilities will be supported in and around Faversham Town Centre, where there are existing clusters of community facilities, in easy walking distance of existing housing and as part of new housing development. It goes on to state that, for housing schemes, the design of recreational space and play facilities should take account of the needs of people of all ages, including children and teenagers. The loss of community facilities, including public houses and sports facilities, will only be supported where similar or better facilities are provided in close proximity, or where it can be demonstrated that continuing use is non-viable. Finally, it states that development should support active travel, meeting the requirements of

¹⁶ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

Policies FAV4 and FAV10. I consider that the Policy is appropriately drafted, subject to one focused amendment which is addressed by recommended modification **PM11**.

- 4.51 With recommended modification PM11, I consider that the draft Plan's section on Community Facilities and its accompanying policy (Policy FAV12) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Local Green Space

- 4.52 Sub-section 3.9 of the Plan is entitled Local Green Space and contains one policy (Policy FAV13).

- 4.53 The draft Plan notes that 18 Local Green Spaces within the Plan area are presently designated by the adopted SBLP through Policy DM18 (Local Green Spaces) in the Local Plan. Policy FAV 13 (Local Green Space) proposes the designation of a further eight Local Green Spaces as follows:

FNP/LGS/001 – Playing field and play area at the Windermere Estate.

FNP/LGS/002 – Land adjacent to New Creek Road.

FNP/LGS/003 – Playing area and pitch at junction of Bysing Wood Road and Giraud Drive.

FNP/LGS/004 – Crab Island, Front Brents.

FNP/LGS/005 – Field from Upper Brents towards Faversham Creek.

FNP/LGS/006 – Woodlands at Wildish Road.

FNP/LGS/007 – Former play area off Wallers Road and rear of Lion Field.

FNP/LGS/008 – Playing area and field at Lower Road/Bensted Grove.

The Policy states that development should not encroach onto Local Green Space, unless it is specifically required to support the community use of the space, it is small in scale and discreetly located and its design complements the green character of the space. It goes on to state that development adjacent to Local Green Space or affecting its setting must have no adverse impact on the amenity, safety or accessibility of the space and should take opportunities to enhance the settling of the space.

- 4.54 With regard to the above-listed proposed Local Green Spaces, I raised a question (Question No. 5) regarding the mapping of each of the proposed allocations. These are presently shown on Figures 13-20 in the draft Plan, but these maps are not appropriate for a statutory development plan document. I therefore requested that the Qualifying Body, possibly in conjunction with the Council, provide a set of replacement Inset Maps that I may consider as a modification to the draft Plan. As part of the combined response to the questions dated 4 January 2024, the Council has provided a set of replacement Inset Maps on an Ordnance Survey base, defining (with a red line) the boundaries of each of the proposed Local Green Spaces.

4.55 I visited all of the sites listed above during the course of my site visit and have assessed the proposed designation of each of the eight sites as a Local Green Space against the criteria set out in the NPPF (at paragraph 106), which states that the Local Green Space designation should only be used where the green space is:

- "a) in reasonably close proximity to the community it serves;*
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) local in character and is not an extensive tract of land."*

I have also given careful consideration to the public consultation that took place in August 2021 regarding the eight proposed Local Green Spaces, following the earlier Call for Sites. The public consultation included an assessment of each site in the context of the NPPF criteria set out above. From my own assessment, including the site visits, I do not disagree with any of the conclusions set out in the assessments that were subject to public consultation in August 2021. I draw specific attention to site FNP/LGS/005 which, although comprising fields mainly in agricultural use, quite evidently comprises an important and sensitive buffer between the urban area of Faversham and the designated Site of Special Scientific Interest (SSSI) and The Swale Ramsar site that lie beyond. The site itself is partly within the SSSI and the Ramsar site and includes priority habitats, and I consider that its designation as a Local Green Space is justified in view of its importance for protecting and safeguarding biodiversity in the area.

4.56 I conclude that all of the eight sites meet the criteria set in paragraph 106, and I further consider the sites should be capable of enduring beyond the end of the Plan period (NPPF, paragraph 105). Accordingly, the sites should be designated as Local Green Spaces in the Plan.

4.57 With regard to the policy text, and specifically in relation to managing development within a Local Green Space, this should be consistent with that for Green Belts (NPPF, paragraph 107). I therefore recommend that the policy text as drafted be modified to reflect that requirement. I also recommend the replacement of Figures 13-20 with the replacement Inset Maps provided by the Council as part of its response dated 4 January 2024. Recommended modification **PM12** addresses the necessary amendments to Policy FAV13 and to Figures 13-20 in the draft Plan.

4.58 With recommended modification PM12, I consider that the draft Plan's section on Local Green Space and its accompanying policy (Policy FAV13) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Renewable Energy

- 4.59 Sub-section 3.10 in the draft Plan is entitled Renewable Energy and contains one policy (Policy FAV14).
- 4.60 Policy FAV14 (Local Renewable Energy Schemes) is in two parts. It states that local renewable energy schemes will be supported, subject to there being no significant adverse impact on the amenities of residential properties and Faversham's historic and natural environments, and also that support will be given to inclusion of micro-generation features in new-build residential, industrial or employment development. Subject to a focused amendment, which is addressed by recommended modification **PM13**, I consider that this policy is appropriately drafted and provides clarity for users of the Plan.
- 4.61 With recommended modification PM13, I consider that the draft Plan's section on Renewable Energy and its accompanying policy (Policy FAV14) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Faversham Creek

- 4.62 Sub-section 3.11 in the draft Plan addresses the Faversham Creek area and contains two policies (Policies FAV15 and Policy FAV16). This section of the Plan is intended to take account of existing policies within the made Faversham Creek Neighbourhood Plan, which will be replaced should this Plan be made following a referendum.
- 4.63 Policy FAV15 (Faversham Creek Policy Area) covers the Policy Area that is defined on Figure 21 and which corresponds to the extent of the area that is presently covered by the made Faversham Creek Neighbourhood Plan. Figure 21, largely due to its scale, is somewhat indistinct and should be replaced by a clearer plan of the Faversham Creek Policy Area, as it is critical to being able to interpret the requirements of this Policy. The Policy is in eight parts and, in summary, states that development will be supported within the Policy area where it comprises uses that enhance the economic, leisure, maritime or recreational use of the Creek, uses that are set out in Policy FAV16 (see also below) or uses that are specified in the relevant site allocation policies for sites within the Policy Area (Policies FAV19-FAV21, FAV24-FAV28 – see also below). Other clauses within the Policy seek to protect existing employment uses, provide more detailed guidance for the development of waterfront sites and guidance to preserve or enhance the Faversham Conservation Area and to preserve the heritage assets in the Faversham Creek area.
- 4.64 I have given careful consideration to the representations that have been made concerning this policy, including those by Southern Water. Overall, I consider that the Policy is appropriately drafted and contains the

necessary guidance for the consideration of development proposals within this important part of the Plan area, subject to certain focused amendments necessary to take account of matters that have been raised within representations. These amendments are addressed by recommended modification **PM14**.

- 4.65 Policy FAV16 (Maritime Gateway Heritage Regeneration Area) also covers sites within the Faversham Creek Policy Area and provides more detailed guidance for developments affecting the use, re-use and refurbishment of buildings and other development proposals in the context of the maritime heritage within the Faversham Creek area. The area covered by this policy is defined on Figure 22. The Policy is in five parts and provides support for proposals that will complement or enhance, and does not harm, the tourism and visitor potential of the area. The Policy notes that development should meet the requirements of Policy FAV15. It identifies business, hospitality, leisure, assembly, recreation, tourism and community uses and workshops, studios and exhibition space, with residential use on upper floors as part of mixed-use schemes, as suitable uses for the historic buildings within the area. It further states that development should include a public walkway along the Creek edge and must take account of the high risk of flooding and include appropriate mitigation. The supporting justification notes that early engagement with the Environment Agency and Southern Water will be required.
- 4.66 I visited the Faversham Creek area during my site visit and have given careful consideration to the various representations that have been made regarding the draft Policies and proposed site allocations that are made within the Plan concerning this area. With regard to Policy FAV16, subject to one reservation, I consider that it is appropriately drafted and provides suitable guidance for proposed developments within the Maritime Gateway Heritage Regeneration Area. I do, however, consider that it should include guidance on the necessity for transport assessments (which I also address in relation to the proposed site allocations) in light of the representations submitted by National Highways. This is addressed by recommended modification **PM15**.
- 4.67 With recommended modifications PM14 and PM15, I consider that the draft Plan's section on Faversham Creek and its accompanying policies (Policies FAV15 and FAV16) is in general conformity with the strategic policies of the SBLP, has regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

Site Allocations

- 4.68 Sub-section 3.12 in the draft Plan (which is incorrectly printed as 1.12) contains ten site allocations within the Plan area for proposed residential or mixed-use development. These are as follows:

Policy FAV19 – Former Coach Depot, Abbey Street – allocated for mixed-use development in Uses Classes C3 and E, and

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- accompanied by Figure 23.
- Policy FAV20 – Ordnance Wharf, Brent Road - allocated for mixed-use development in Uses Classes C3, E and F2, and accompanied by Figures 24 and 25.
- Policy FAV21 – Former Fentiman’s Yard, New Creek Road - allocated for mixed-use development in Uses Classes C3 and E, and accompanied by Figure 26.
- Policy FAV22 – The Railway Yard, Station Road allocated for residential development in Use Class C3, and accompanied by Figure 27.
- Policy FAV24 – Former White Horse Car Park Site, North Lane – allocated for residential development in Use Class C3, and accompanied by Figure 28.
- Policy FAV25 – BMM Weston Ltd. (Parcels 1b and 1c) – land at Brent Road - allocated for residential development in Use Class C3, and accompanied by Figures 29 and 30.
- Policy FAV26 – BMM Weston Ltd. (Parcel 2) – land at Brent Road allocated for residential development in Use Class C, and accompanied by Figure 31.
- Policy FAV27 – BMM Weston Ltd. (Parcel 3) – land at Brent Road - allocated for mixed-use development in Use Classes C3 and E with community uses, and accompanied by Figure 32.
- Policy FAV29 – Kiln Court and Osbourne Court - allocated for residential development in Use Classes C2 and C3, and accompanied by Figure 33.
- Policy FAV30 – Land at Beaumont Davey Close, Ashford Road – allocated for residential development (Uses Classes not specified), and accompanied by Figure 34.

4.69 For clarity, there are not proposed site allocations in the draft Plan with the policy references FAV17, FAV18, FAV23 and FAV28. Therefore, Policies FAV19-FAV22/FAV24-FAV27/FAV29/FAV30 need, in due course, to be re-numbered as Policies FAV17-FAV26 to avoid any possible misunderstandings for users of the Plan.¹⁷

4.70 With regard to the above-listed site allocations, I raised a question (Question No. 7) regarding the mapping of each of the proposed allocations. I requested that the Qualifying Body, possibly in conjunction with the Council, provide a set of replacement Inset Maps that I may consider as a modification to the draft Plan. Furthermore, I sought confirmation that this section of the Plan should be numbered 3.12. As part of the combined response to my questions dated 4 January 2024, the Council has provided a set of replacement Inset Maps on an Ordnance Survey base, defining (with a red line) the boundaries of each of the proposed site allocations. The Qualifying Body also confirmed that this section of the draft Plan should be numbered 3.12. I address these necessary amendments as part of recommended modification **PM16**.

¹⁷ See paragraph 4.76 below.

- 4.71 The supporting justification to these policies (at pages 94 and 95) sets out the process by which the sites covered by the proposed site allocations for residential development were identified and assessed. In summary, the Swale Strategic Housing Land Availability Assessment (SHLAA) (April 2020) was reviewed, which identified a total of 24 sites in the Plan area, two of which are only partly within the Plan area. This was followed by a Call for Sites in early-2021¹⁸, which yielded submissions for a total of 20 sites, five of which were included in the SHLAA. The Town Council then undertook a public consultation on its proposed site selection criteria in May 2021.¹⁹ This was followed by the preparation of the Site Options and Assessment Report (October 2021) by AECOM and then by consultation on the proposed sites to be included in the draft Plan in March 2022.²⁰ It should be noted that five of the proposed site allocations (Policies FAV19-FAV21, FAV25 and FAV26) are carried over from the made Faversham Creek Neighbourhood Plan, as development has not yet been commenced at those sites.
- 4.72 The draft Plan has been prepared on the basis of meeting a housing requirement for 219 new homes (see also paragraphs 4.14 and 4.19 above) during the Plan period, which in this context I consider to be for the period up to 2031, pending the publication by the Council of its preferred strategy for addressing the Borough's growth requirements for the period beyond 2031 as part of the emerging Local Plan Review.
- 4.73 I have considered all of the supporting studies and evidence that underpin the identification, assessment and selection of the proposed sites listed above and am satisfied that a comprehensive and transparent approach was undertaken, in accordance with the published guidance on this topic. I visited all of the sites during the course of my site visit and am satisfied that they all constitute appropriate site allocations for the types of development being proposed.
- 4.74 However, I note that the proposed policies do not contain indicative estimates of the likely numbers of residential units or the extent of Class E and other floorspace that could be delivered as part of the proposed development of each site. Some of this information is available in the supporting studies, but is variable depending upon the density and potential mix of development. I do not recommend any specific modifications to the policy text to address this particular point, as ultimately it will depend upon the submission and consideration of detailed planning applications and whether they meet the requirements of all relevant planning policies in this Plan and the adopted SBLP. In reaching that conclusion, I have taken account of all representations that have been made concerning the specific site allocations and the proposed uses at each of the sites. Nevertheless, I do take account of the representations submitted by National Highways who seek greater clarity

¹⁸ [Site Selection - Call for Sites - Faversham Town Council](#)

¹⁹ [Site Selection Criteria: Public Consultation - Faversham Town Council](#)

²⁰ [Long-list-Feb-2022-version.pdf \(favershamtowncouncil.gov.uk\)](#)

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on the proposed quanta of residential units and non-residential floorspace that will come forward. This is a matter that I consider can also come forward at the planning application stage, but does necessitate an amendment to the Policy text to stipulate that transport assessments will be required for the development proposals at these sites. I also recommend a series of other focused amendments to take account of matters raised in other representations, notably by Kent County Council. These matters are all addressed by consolidated modification **PM16**.

Other Matters

- 4.75 As an advisory comment, when the Plan is being redrafted to take account of the recommended modifications in this report, it should be re-checked for any typographical errors and any other consequential changes, etc. For example, there are some minor errors across the Plan regarding references to its Policies, e.g. at sub-section 2.4, and a number of spelling mistakes, e.g. "Kent Country Council" on page 65. Minor amendments to the text and numbering (sections, paragraphs etc.) can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between the Town Council and the Council.²¹ The many references in the draft Plan to the "Local Plan Review 2021 – Pre-Submission Document Regulation 19, Swale Borough Council" may also need to be updated and qualified to reflect the prospective revised timetable for the next stages of the Local Plan Review, which had not been published at the time of this examination. The most recent statement set out on the Council's web-site states that:

"At the meeting of the Council on 15th November 2023 Members agreed to continue to postpone the next formal consultation stage of the Local Plan Review. This makes the latest LDS out of date. The LDS is intended to be revised after the next NPPF has been published and the Government's intention towards Local Plan making has been made clear. Until then background work on the Local Plan Review continues. Updates to the timetable and new LDS will be posted here in due course."

(as viewed on 12 February 2024)

- 4.76 Similarly, factual references in the draft Plan to the published NPPF should be updated to reflect the most recent December 2023 version, for example at pages 18, 26 and 94 (the latter two references should now cite NPPF paragraphs 67 and 68).

Concluding Remarks

- 4.77 I conclude that, with the recommended modifications to the Plan as summarised above and set out in full in the accompanying Appendix, the Faversham Neighbourhood Development Plan 2023-2038 meets the Basic Conditions for neighbourhood plans.

²¹ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Faversham Neighbourhood Development Plan 2023-2038 has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard to all the responses made following consultation on the Plan, and the supporting documents submitted with the Plan together with the Town Council and the Council's responses to my questions.
- 5.2 I have made recommendations to modify certain policies and other matters to ensure that the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. I conclude that the Faversham Neighbourhood Development Plan 2023-2038, as modified, has no policy or proposal which I consider to be significant enough to have an impact beyond the designated Neighbourhood Development Plan boundary, requiring the referendum to extend to areas beyond that boundary. I therefore recommend that the boundary for the purposes of any future referendum on the Plan, should be the boundary of the designated Neighbourhood Area.

Overview

- 5.4 It is clear that the Faversham Neighbourhood Plan 2023-2038 is the product of much hard work undertaken since 2020 by the Town Council and the many individuals and stakeholders who have contributed to the preparation and development of the Plan. In my assessment, the Plan reflects the land use aspirations and objectives of the Faversham community for the future planning of their area up to 2038. The output is a Plan which should help guide the area's development over that period, making a positive contribution to informing decision-making on planning applications by Swale Borough Council.

Derek Stebbing

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover	Insert the Plan period “ 2023-2038 ” prominently on the Front Cover.
PM2	Page 6	<p><u>Paragraph 1.3 – Monitoring and Review</u></p> <p>Delete second sentence in full and replace with:</p> <p>“The Plan will be formally reviewed should the emerging review of the adopted Swale Borough Local Plan contains policies and proposals that will necessitate such a review, in order that the Plan remains in general conformity with the relevant strategic policies of the Local Plan. Similarly, the Plan will be reviewed should any changes in national policies necessitate revisions to the Plan’s policies.”</p>
PM3	Page 28	<p><u>Policy FAV2 – Housing Development</u></p> <p>Add new clause 1 of the Policy text to read as follows:</p> <p>“1. Proposals for new residential development within the Plan area will be supported where they reflect the presumption in favour of sustainable development in accordance with national policy and the relevant policies and proposals contained in the adopted Swale Borough Local Plan, and where they take account of all relevant policies in this Plan.”</p> <p>Amend existing clauses 1 and 2 to be clauses 2 and 3 respectively.</p> <p>Add the word “also” after the words “Residential development will” in clause 2.</p> <p>Amend third paragraph of the text under ‘Interpretation’ to refer to clause 2.</p>

PM4	Page 29	<p><u>Policy FAV3 - Residential Mix and Standards</u></p> <p>Delete clauses 2, 3 and 4 of the draft Policy text, and replace with:</p> <p>"2. The provision of affordable housing, as an integral part of proposed residential development, in accordance with the requirements of Policy DM8 of the adopted SBLP. The provision of such housing should take account of the Faversham Housing Needs Assessment (HNA) (June 2022) in determining the mix and tenure of affordable housing units, and include the provision of First Homes, in accordance with national policy, and any prospective community-led housing projects to meet local needs."</p>
PM5	Page 36	<p><u>Policy FAV5 - Critical Road Junctions</u></p> <p>Delete existing Policy text in full and replace with:</p> <p>"1. In considering whether development proposals would have adverse impacts upon the highway network in the Plan area, the submission of a Transport Assessment will be required for those proposals likely to generate significant levels of traffic.</p> <p>The necessary Transport Assessment should take account of the guidance issued by Kent County Council (as Highways Authority) and National Highways for the preparation of such assessments, together with the 'Faversham Critical Junctions' study (May 2022) which was prepared as technical evidence to support this Plan.</p> <p>The Transport Assessment should address whether any mitigations will be required, and how such mitigations can be provided as part of the development proposals."</p>

		<p><u>Interpretation</u></p> <p>Delete existing text in full and replace with:</p> <p>“Applying this policy will require consideration of the impact of the proposed development, together with the combined impact of other approved developments. The submission of a Transport Assessment for qualifying schemes is a requirement of the Local Planning Authority and the Highways Authority.”</p>
PM6	Page 37	<p><u>Policy FAV6 - Footpaths, Bridleways and Cycleways</u></p> <p>Amend Policy title to read:</p> <p>“Public Rights of Way, National Trails, Promoted Routes and Cycleways”.</p>
PM7	Page 48	<p><u>Policy FAV7 – Natural Environment and Landscape</u></p> <p>Clause 1 – delete the words “see figures, 6;7;8;9).” and replace with “(as shown on Figures 7-11)”.</p> <p>Clause 1 – add the following text to this clause:</p> <p>“Any potential adverse impacts should be minimised and, if required, appropriate mitigation and enhancement should be secured as part of development proposals, in line with other requirements within this policy.”</p> <p>Clause 2 – delete the words “create net gain” and replace with the words “to create Biodiversity Net Gain”.</p> <p>Clause 3 – delete the word “though” and replace with “through”.</p> <p>Clause 6 – add the following text after the words “fruit orchards:</p> <p>“that meet the relevant criteria to be considered a BAP priority habitat.”</p>

		<p>Add new paragraph of text to the Policy's Interpretation (as a new final paragraph on Page 49) to read as follows:</p> <p>"It should be noted that, due to the large scale of the maps used for Figures 7-10, the information portrayed may include some inaccuracies. The maps have been prepared by Kent Wildlife Trust based on O.S. mapping data available at the time and may not reflect recent developments. Figures 7-10 should therefore only be used for general information purposes."</p>
PM8	Page 51	<p><u>Policy FAV9 – Air Quality</u></p> <p>Amend clause 2 of the Policy text to read as follows:</p> <p>"Development proposals within or affecting the A2 Air Quality Management Area should include measures that will avoid any worsening of air quality and lead to improvements in air quality within that area."</p>
PM9	Page 55	<p><u>Policy FAV10 - Sustainable Design and Character</u></p> <p>Add new opening sentence of Policy text to read as follows:</p> <p>"Proposals for new development in the Plan area should take account of the following design requirements, and also the guidance set out in the accompanying 'Faversham Design Guidance and Codes' (May 2021) (AECOM) supporting document:"</p> <p>Part 4 of the Policy text amend the words "with connections to surrounding pathways," to read "with connections to the Public Rights of Way network and National Trails, the surrounding".</p> <p>Add new clause 10 to read as follows:</p> <p>"10. Green design features, including the provision of street trees and garden trees, the use of traditional hedges for</p>

		boundary treatment and features to support wildlife such as bat boxes, bird boxes, swift bricks and hedgehog gaps."
PM10	Page 61	<p><u>Policy FAV11 – Heritage</u></p> <p>Part 1 of the Policy text – amend the words "conservation areas" to read "Conservation Areas".</p> <p>Part 5 of the Policy text – amend the words "Ham marshes" to read "Ham Marshes".</p> <p>Part 7 of the Policy text – amend the words "(see figure 14)" to read "as shown on Figure 12".</p> <p>Add new paragraph of text to the Policy's Interpretation (as a new first paragraph on Page 61) to read as follows:</p> <p>"Proposals for new development should also take account of the guidance and information contained in supporting documents including the Swale Heritage Strategy and Action Plan (2020) (Swale Borough Council), the Kent Historic Towns Survey (2003) (Kent County Council) and the Kent Historic Landscape Characterisation (2001) (Kent County Council)."</p>
PM11	Page 66	<p><u>Policy FAV12 - Community Facilities</u></p> <p>Part 4 of the Policy text – delete the word "better" and replace with "improved", and add the following text at the end of this clause:</p> <p>"or it can be demonstrated to form a necessary part of a wider public service reorganisation."</p>
PM12	Pages 67-78	<p><u>Policy FAV13 - Local Green Space</u></p> <p>Re-title Section 3.9 as "Local Green Spaces".</p> <p>Re-title Policy FAV13 as "Local Green Spaces".</p> <p>Delete parts 2 and 3 of the Policy text in full, and replace with:</p>

		<p>"2. Development proposals in the eight designated Local Green Spaces listed above and defined on Figures 13-20 will be managed in accordance with national policy for Green Belts."</p> <p>Replace Figures 13-20 with the replacement Inset Maps contained in the Council's response to Question No. 5 dated 4 January 2024.</p>
PM13	Page 81	<p><u>Policy FAV14 – Local Renewable Energy Schemes</u></p> <p>Amend the word "faversham's" in clause 1b to read "Faversham's".</p>
PM14	Pages 86 and 88	<p><u>Policy FAV15 – Faversham Creek Policy Area</u></p> <p>Clause 3 c) – delete existing text in full and replace with:</p> <p>"c. take opportunities to improve public access to the waterfront and provide links to the Public Rights of Way network and to the King Charles III England Coast Path (KC3CP) National Trail."</p> <p>Clause 7 – add the following text to this clause:</p> <p>"It is a stipulation by Southern Water that no surface water will be allowed to connect to the foul or combined sewer networks in the Policy Area, unless agreed in advance."</p> <p>Figure 21 – replace this plan with an updated and clearer base map at an appropriate scale to identify the extent of the Faversham Creek Policy Area with greater clarity.</p>
PM15	Pages 89 and 90	<p><u>Policy FAV16 – Maritime Gateway Heritage Regeneration Area</u></p> <p>Clause 1. Insert the words "within the area defined on Figure 22" after the words "other development" in the first line of text.</p> <p>Add new Clause 6 to the Policy text to read as follows:</p>

		<p>“6. In considering whether development proposals would have adverse impacts upon the highway network in the Plan area, the submission of a Transport Assessment will be required for those proposals likely to generate significant levels of traffic.”</p> <p>Page 90 – 3rd paragraph – delete “Frank Whitsome” and replace with “Frank & Whittome”.</p>
PM16	Between Pages 93 and 123	<p><u>Section 1.12 – Site Allocations</u></p> <p><u>Policies FAV19-FAV22/FAV24-FAV27/FAV29/FAV30</u></p> <p>Re-number this section of the draft Plan as “3.12”.</p> <p>Replace Figures 23, 24, 26-34 with the replacement Inset Maps contained in the Council’s response to Question No. 7 dated 4 January 2024.</p> <p><u>Note</u> that it is not necessary to replace Figure 25.</p> <p>Add the following additional clause to the policy text for each of Policies FAV19-FAV22/FAV24-FAV27/FAV29/FAV30:</p> <p>“In considering whether development proposals would have adverse impacts upon the highway network in the Plan area, the submission of a Transport Assessment will be required for those proposals likely to generate significant levels of traffic.”</p> <p><u>Policy FAV19 – Former Coach Depot, Abbey Street</u></p> <p>Add additional clause to the policy text to read as follows:</p> <p>“Development should have no adverse impact on Public Right of Way ZF39 and the King Charles III England Coast Path (KC3CP) National Trail which are adjacent to this site.”</p>

		<p><u>Policy FAV22 – The Railway Yard, Station Road</u></p> <p>Add additional clause to the policy text to read as follows:</p> <p>“Development should have no adverse impact on Public Right of Way ZF24 which crosses this site and contributions to the improvement of the route to the Town Centre and to the Recreation Ground may be required.”</p> <p><u>Policy FAV25 – BMM Weston Ltd. (Parcels 1b and 1c) – Land at Brent Road</u></p> <p>Add additional clause to the policy text to read as follows:</p> <p>“Development should have no adverse impact on Public Right of Way ZF40 and the King Charles III England Coast Path (KC3CP) National Trail which are in close proximity to this site, and contributions to the improvement of public footpaths in the vicinity of the site may be required.”</p> <p><u>Policy FAV27 – BMM Weston Ltd. (Parcel 3) - land at Brent Road</u></p> <p>Add additional clause to the policy text to read as follows:</p> <p>“Development should have no adverse impact on Public Right of Way ZF40 and contributions to the improvement of public footpaths in the vicinity of the site may be required.”</p> <p><u>Policy FAV29 – Kiln Court and Osbourne Court</u></p> <p>Add additional clause to the policy text to read as follows:</p> <p>“Development proposals at Kiln Court will require contributions to the improvement of Public Bridleway ZF17 in order to improve pedestrian and cycle links to Western Link.”</p>
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