

TABLED UPDATE FOR ITEM 2.2

Reference and address: 20/500015/OUT Outline application for the development of up to 180 dwellings with associated infrastructure including internal access roads, footpaths, cycleways, parking, open space and landscaping, drainage, utilities, and service infrastructure works (All matters reserved except Access). Land at Abbeyfields Faversham

Further Representations

1.

Comments: I have the following 4 major concerns:

1. I am concerned that the Swale Planning officer is recommending the development mostly on the premise that the 5-year land supply is 4.83 years. On that point I have also read the Statement of Housing Land Supply 2021/2022 and it says clearly that Swale made a choice to calculate the Land Supply so that it does not meet the target:

P3. of that document states "iii. For the HDT, the Government made adjustments to the annual requirement figures to reflect the impacts of the Covid pandemic. However, the Council has not used these adjusted figures to calculate the housing land supply position. Had the Council done so, this would have enabled the Council to demonstrate a 5-year supply of housing."

2. I believe that the Council has made an error in its Statement of Housing Land Supply calculations by omitting to include the Fernham Homes application for 84 houses on the site of Lady Dane at Love Lane, Faversham. This site cannot be found in the Statement of Housing Land Supply 2021/2022, yet the application was clearly within the planning system from November 2021 - Ref 21/506465/HYBRID. This planning application has just been approved as Ref 23/500857/HYBRID for 84+70 houses. This omission skews the figures for the 5-year housing land supply to below what they should in fact be.

Consistently housing numbers above those first agreed for various plots around Faversham have been pushed upwards in the past:

- Preston Fields originally agreed for 250 houses in 2018 was increased to 320 houses last year under Redrow's ownership.
- Crest Nicholson's development at Lady Dane was increased from 198 in 2014 to a further 88 homes in Phase 2.
- Fernham Homes permission granted in May and now there will be a further 154 houses off Love Lane.

Surely it cannot be correct that all these extra permissions are keeping the 5 year land supply below what it needs to be to fend off speculative development. I am also concerned that the figures used for the 5 year land supply are now 6 months out of date, the report having been compiled in December 2022, even if it took a few months to publish it in Spring 2023.

3. I have read the officer's report and recommendation to permit the development of 180 houses on Best and Most Versatile agricultural land. The landowner in question owns more

land that borders this particular site. I believe that as this site falls outside of the designated sites for development in the Local Plan it should be opposed on the fact that development of this site opens a precedent for development of the bordering fields, also outside the boundary of the Town, which would incur more loss of BMV land.

In addition to national planning policy, legislation requires local planning authorities to consult Natural England (the government's adviser for the natural environment) on the loss of less than 20ha of grades 1, 2 or 3a agricultural land which is for the time being used for agricultural purposes, in circumstances in which the development is likely to lead to a further loss agricultural land amounting cumulatively to 20ha or more." However Natural England do not seem to protect farmland, as shown in this CPRE report entitled 'Building on our Food Security': <https://www.cpre.org.uk/wp-content/uploads/2022/07/Building-on-our-food-security.pdf>

The total amount of land in question in this application is 11.9 hectares, however, as stated in the Faversham Society's objection the landowner owns land surrounding the field in question.

The Attwood family are also prolific landowners in other parts of Kent, putting various land holdings in for applications to develop farmland.

<https://www.kentonline.co.uk/medway/news/800-homes-plan-for-farm-land-rejected-243414/>

<https://www.kentonline.co.uk/sheerness/news/farmers-double-development-to-1-500-homes-and-go-green-236663/>

<https://www.kentonline.co.uk/sheerness/news/developer-misled-us-now-orchard-will-be-bulldozed-272888/>

4. This site does not have an advantageous connection to the strategic road network, Abbeyfields (the road) is a part privately owned road, which the owners are responsible for patching. It is subject to large tankers accessing the sewage works and to the super huge tractors accessing the fields, also boats are sometimes transported to the boat yard. These uses would not cease and the development of 180 houses with associated traffic will cause more traffic jams on the already narrowed Whitstable Road at the point where the roads intersect. Visibility is horrendous coming out of Abbeyfields onto Whitstable Road because of the parked cars on the road opposite the Recreation Ground.

Summary

The proposed development, not in the Local Plan (having specifically been excluded), which sits outside of the town's developed envelope, is BMV land, is a Historic and social amenity to people of Faversham, is a site of biodiversity supporting critically endangered species, is in an SPA, is subject to flooding, is being recommended for sacrifice to development on the 'fact' that Swale's current land supply is 4.83 years, when that is a dubious figure open to challenge.

Officer Response: Many of these comments are addressed in the body of the Report but

on the question of the Swale BC 5-Year Housing Land position, the following comments are provided:

Background – The Housing Delivery Test (HDT) measures completed dwellings against a local authorities housing need and this requirement was reduced during the pandemic. In the first monitoring year of the pandemic i.e. the test was reduced by 1 month (March 2020) when the industry was shut down due to the stay-at-home requirement. A further three months were taken off the HDT for the second monitoring year of the pandemic (April to June 2020) due to continuing construction industry shut down. Effectively, this reduced the Councils local housing need target for the HDT by 1 month in the monitoring year 2019/20 and a further 3 months in 2020/21.

Why did we not apply the discount to the 5-year supply calculation – In short summary the amendments to national planning guidance did not allow the discount months to be applied to the calculation for two main factors. The 5-year calculation is forward facing, so 5 years into the future rather than in retrospect like the HDT. And secondly the Government made clear that the construction industry what catch up on the 4 months of lock down and encouraged this through measures of allowing the temporary extension of planning decisions and the introduction of virtual planning committees.

Summary – Government guidance at the time did not allow for the reduced housing targets to be applied to a 5-year supply calculation, however if it had been the Councils position would have been much stronger.

In the case of Lady Dane. This site is a Local Plan allocation and an allowance of 60 dwellings was made in the December 2022 5-year housing land supply at 30 per year for years 4 and 5, this can be found in Appendix B of the Statement the Local Plan allocation phasing table. At 1 April 2022 the base date of the latest HLS position Lady Dane has not been granted planning permission and so at that time the number of phased dwellings was based on the Local Plan allocation for the site of 60. Now that permission has been granted the higher dwelling figure in the application will be used in the next 5-year position statement.

2

The proposed development is not in the Local Plan (having specifically been excluded), it sits outside of the town's developed envelope, it is BMV land, a Historic and social amenity to people of Faversham, is a site of biodiversity supporting critically endangered species, is in an SPA, and is subject to flooding.

Officer Response: These issues are addressed in the body of the Report

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I object to the proposed Abbeyfields development for the following reasons.

It damages the historic setting of Faversham by building on land that is adjacent to the site of Abbey Barn and the original port at Thorn Creek, which caused the creation and prosperity of the town.

This is the last open field site surrounding Faversham which defines the relationship

between town and agricultural and marsh land. There are well used footpaths crossing the site, amenities for the local residents and visitors.

The agricultural land is of high quality, necessary for the provision of food, which has been highlighted by recent food shortages, and should therefore not be built on

The site is not included for development in the Local Plan, currently being formalised.

The access is difficult and would contribute to worsening traffic problems on the Whitstable Road.

Swale BC's housing targets will be met without imposing this inappropriate development.

Officer Response: These issues are addressed in the body of the Report

4

The application should be refused due to the harm it would cause to the historic environment. Faversham is a remarkable survival of remarkable older buildings and historic townscape due to local opposition to externally imposed development. It is being throttled by poor quality estates built on high grade agricultural land on all surrounds without any consideration of broader infrastructure requirements or historic context.

(The failure to listen to local people is reflected in the fact that government party politicians have been voted completely off the town council.)

This development is particularly unwanted as it results in the loss of one of few routes out of the town that has not been stifled by dull estates that pay no regard to local vernacular architecture. It provides "lungs" to the town which need to be safeguarded.

Faversham Abbey site and surrounds ought to be protected as a local and national asset. There is renewed interest in the burial locations of the England's lost medieval kings. Richard III's body was recently found in Leicester. There is a campaign to find the location of the burial of Henry I at Reading Abbey. The surrounds of the burial place of Stephen I, Faversham Abbey and related fields should be protected for present and future generations and not treated as just another 'field' to be concreted over.

Officer Response: These issues are addressed in the body of the Report

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Comments: Re. Chalk Streams, Faversham Creek, Saltmarsh, and the landscape to the north of Faversham.

Refer to the NPPF, Chapters 14 - 'Meeting the challenge of climate change, flooding and coastal change'; 15 - 'Conserving and enhancing the natural environment'; and 16 - 'Conserving and enhancing the historic environment'.

The question is: do such nationally rare and important historical, environmental, and ecological features of our town as those listed above carry any weight at all in moderating the accelerating burden of planning applications facing the town, and in particular to its north on Abbeyfields (and at Ham Farm)? As far as the Planning Officers for Swale are

concerned - extraordinarily and perversely - they appear not to hold any relevance, and housing targets completely trump environmental resilience and landscape integrity, natural resources, and historical context, and importantly and as a result of these factors, 'recreational value and significance too. This raises further vital questions in addition about water quality, abstraction and sewerage treatment as the town now grows at ever-increasing pace and must be a debate that local democracy - and each of us individually - need to address with much greater urgency and resolve in planning our future. Such matters should not be determined by, and following the advice of, an unelected Planning Officer to accept development at such a critical location but by open and informed and proper public participation and debate within the Neighbourhood Plan. Any decision by the Swale Planning Committee to override the emerging Neighbourhood Plan in this way - which latter does significantly and properly adhere to these important guidelines of the NPPF concerning development in this location - must be viewed with considerable concern and lack of confidence in the reasoned and rational role of local democracy, in those advising it, and in determining the longer-term future of the town, its nature, setting and sense of place.

Officer Response: These issues are addressed in the body of the Report. In terms of Climate Change, the Environment Agency advised on December 2022 that... *We have no objections to this proposed development. As shown in the submitted Flood Risk Assessment, the proposed development is located primarily within Flood Zone 1. The FRA takes account of future sea level rise and shows our modelled flood outlines for the 1 in 200-year flood event in 2215. This future flood scenario is shown to impact the eastern boundary of the site. All development should be located outside of this area.*

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Faversham Society provide further commentary:

The NPPF 11.d ii. asserts "a presumption in favour of sustainable development" unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits." The planners' advice is that the benefit is 180 houses.

We submit that

a) Swale planners have not demonstrated that the public or planning benefit of 180 houses is either necessary or desirable in this location - the tilted balance argument has been misapplied. The Faversham Society has submitted evidence to the planners that this development represents substantial harm to important heritage assets and the Conservation Area. As we have demonstrated that the proposed planning or public benefit arising from this development is unnecessary, we are strongly of the view that the application should be rejected.

b) The Flood Risk assessment is significantly out of date and needs to be updated.

c) There is a host of additional reasons why this application should be refused: unnecessary development on Grade II BMV agricultural land, inadequate road access, damage to ecology and biodiversity and loss of amenity. In our view, outline planning permission should not be granted until the major road access issues have been resolved.

d) As can be seen in the letter, there is a wealth of material to suggest that the proposal is ill-conceived and will have significant adverse effects that outweigh the benefit of helping Swale to meet its 5 year housing land supply (which is the overriding basis upon which the recommendation to grant permission appears to be predicated). Swale planners have not demonstrated that the public or planning benefit of 180 houses is either necessary or desirable – the tilted balance argument has been misapplied.

The attached letter spells out in detail the planning grounds for refusal.

The Society has not previously employed a planning barrister. We have twice employed the services of a planning counsel to make submissions on our behalf over Abbeyfields. We have grave concerns about how Swale has dealt with this application

Details of the planning grounds for rejection are in the attached letter. We hope that you will have to read them before the meeting on Wednesday.

Officer comment: The issues raised are addressed in the body of the Report; the letter from the Faversham Society is attached for completeness

Recommendation: Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required.