

AT AN EXTRAORDINARY MEETING OF FAVERSHAM TOWN COUNCIL held at the Queen Elizabeth Grammar School, Abbey Place, Faversham, on Monday, 13 October 2014

Present: The Mayor, Cllr N A Kay, the Deputy Mayor, Cllr Mrs J Hawkins, and Councillors T Gates, Mrs C Davis, B Mulhern, M Gates, E J Wilcox, Mrs A J Walker, D H S Simmons, J N Coulter, A Culham, Mrs S Campbell, T F Abram and T R Payne.

After public questions, the Mayor made the following statement:
I would like to stress the threat that the National Planning Policy Framework could pose to Faversham’s heritage with its presumption in favour of sustainable development,. Before the introduction of the National Planning Policy Framework (NPPF) in early 2012, there was often a tension between the demands for house building and the local opposition to such schemes. Many local authorities were prepared to refuse planning permission for new houses and the Secretary of State was also prepared to issue dismissals for large scale housing schemes on green field sites. Often, the reasons given for such refusals and dismissals were prematurity and harm to the local plan making process.

However, since the publication of the NPPF, research has shown a significant trend in in favour of new housing development with many decisions issued both by planning inspectors and the Secretary of State in support of housing development. Inspectors have responded to the “pro-growth” agenda set out in the NPPF and applied it fairly consistently to allow new housing development where local planning authorities have been unable to demonstrate a five year housing supply.

Meanwhile, ageing local plan policies seeking to protect areas of countryside outside established development limits have regularly been found out of date, as have a range of restrictive local designations such as green wedges, areas of separation and special landscape areas. Even landscape designations protected by the NPPF are not immune to new housing being permitted at appeal, if it can be demonstrated that there is no realistic alternative to meeting housing need. A number of Inspectors have reached similar conclusions in respect of Green Belt.

All this serves to underline the need for local authorities and their communities to adopt robust and up-to-date planning documents, including Local Plans and Neighbourhood Plans. In the absence of such up-to-date plans, then the NPPF takes precedence. Two years on since its adoption, it can be seen how the pro-growth agenda at the heart of the NPPF is now being implemented across the UK. This makes the need for an adopted Local Plan or Neighbourhood Plan all the more pressing.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary Interests (DNPI) under the Code of Conduct adopted by the Town Council on 30 July 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

Declarations of non-pecuniary interests were made by the Mayor, Cllr N Kay, the Deputy Mayor, Cllr Mrs J Hawkins, Cllrs B Mulhern, Mrs A Walker, Mrs S Campbell, and T Abram. Declarations of pecuniary interests were made by Cllrs Mrs C Davis and J Coulter,

Councillors declaring a pecuniary interest (DPI) as above, after signing the Declaration of Interest Book, left the room whilst discussions took place. Councillors declaring non-pecuniary interests (DNPI) as above, signed the Declaration of Interest Book.

3. TO CONSIDER THE MINUTES OF THE NEIGHBOURHOOD PLAN STEERING GROUP MEETINGS HELD ON 25 SEPTEMBER AND 7 OCTOBER AND ITS RECOMMENDATIONS FOR THE FAVERSHAM CREEK NEIGHBOURHOOD PLAN

The Minutes of the Neighbourhood Plan Steering Group meetings held on 25 September and 7 October were approved by Members.

The Mayor, as Chairman of the Neighbourhood Plan Steering Group made the following points:

The Steering Group's recommendation on 7 October was:

that the Neighbourhood Plan Consultation Statement, subject to minor amendments provided via the Town Clerk by 1pm on Thursday, 9 October for collation and onward transmission to Richard Eastham, is noted and approved and the Draft Neighbourhood Plan, subject to minor amendments is approved; and both submitted to the Faversham Town Council for its approval prior to it being submitted to Swale Borough Council.

Since the meeting on 7 October, Mr Eastham had pulled together another version, taking account of comments and amendments which he believed were not major or significant. Mr Eastham noted that the Plan was a good Plan, giving flexibility across the sites to achieve most of what the community have said they would want from the Plan.

The following were key issues for the Town Council to consider:

- This was the final key stage for the Town Council to consider the draft Plan and to approve it. It was a significant milestone in the history of the Town and the Town Council and it demonstrated that, however painful it had been, the Council had stepped up to the challenge of the Neighbourhood Plan and shown it could rise to the challenge of other key localism issues for the benefit of Faversham and its residents.
- Thanks were due to everyone involved for their hard work and dedication
- Although it had been controversial and contentious at times, it demonstrated the town's desire to get something done about the Creek, to preserve its heritage in a way that matched 21st century aspirations, and ensured the Creek was regenerated and revitalised for the benefit of the town and its many visitors
- It should be noted that much of the controversy surrounding the Plan had been caused by the Government changing the rules of Neighbourhood Plans after the process started. There was an emphasis on consultation but requirements had been added as to what the plan must contain (e.g. being in general conformity with the National Planning Policy Framework)
- The Consultation Statement was being prepared by Richard Eastham. This was agreed by the Steering Group subject to some consultee responses being added which had been omitted. Mr Eastham said the missing consultation responses would not change the draft Plan.
- The Plan needed to be assessed for viability, and also needed a Strategic Assessment and Habitat Regulations Assessment. These were being progressed by Swale Borough Council
- The draft Plan had been amended to enable more flexibility on specific sites. The detailed planning applications would take account of how each application fitted in with the overall Plan
- The general policies were as important as the site-specific policies in terms of protecting the Creek as a whole
- There were a number of proofreading amendments to be made to the draft. They were in hand
- No significant changes could be made to the Plan at this stage as it would be vulnerable to a decision by the Independent Examiner to re-run the public consultation

- The role of the Independent Examiner was to assess whether the plan had been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it was sound
- A local planning authority should submit a plan for examination which it considered was “sound” – namely that it was:
 - **Positively prepared** – the plan should be prepared based on a strategy which sought to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it was reasonable to do so, and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

The Mayor proposed that the following amendments to the Plan (which had been highlighted by Mr Eastham as issues on which the Town Council should reach agreement) be agreed as part of the Plan in front of Members:

1. Two Purifier specific policies: page 41. The new P1 and P2 policies as worded reinforced current activities and were not a significant change
2. Cross references to the Plan objectives. All development proposals must demonstrate how they would contribute to all of the neighbourhood plan objectives, but have particular regard for Objectives ...(the latter would identify specific Objectives)
3. Setting and use of the Purifier in OW5. OW5 now included regard for “setting and use” of Purifier – ensuring consideration as to whether intended boat-building work and adjacent residential were incompatible.
4. The following had been included: *A broad aim of this approach is to encourage regeneration of the creek as a working waterway, a marine hub that conserves heritage and creates new potential for recreation, employment and tourism based on the growing interest in traditional sailing vessels across the south-east region*” here within the body of the text, under the areas of disagreement sub-heading. It was in the

plan, not as policy or objective, but as commentary. It had been followed up with: *“The range of neighbourhood plan policies is able to support these specific uses, within the context of a mixed-use approach”* – placing further emphasis on a principle of the plan being that uses should be designed and planned in a way to co-exist

5. Analysis modifications: page 18
6. Inclusion of maritime alongside urban and rural: page 16 – helping to make the plan more locally specific
7. Page 19, final line design and uses. It was part of the planning application process that proposed uses were to be justified, therefore “designs and uses” had been included.
8. Footpath issues: all references had been removed. Cllr Payne said that to remove all references would make that section inconsistent with the rest of the site plans and proposed that the following paragraph be included on page 56:
“There is an existing public footpath which runs around the outside of the former shipyard wall. The Public Inquiry held between 20th and 22nd May declined to make a Creation Order for this footpath mainly because it is already a recognised footpath. The Inspector also declined to make an Extinguishment Order to close the part of footpath ZF5 which runs through Faversham Reach. Negotiations will be taking place to find a new line for the footpath either using a route similar to that proposed by Faversham Town Council from Crab Island through the wall into Faversham Reach or using a ramp to get around the outside of the wall and along the front of Faversham Reach to connect with the footpath at Waterside Close.”

The proposal was seconded by Cllr Walker and, on being put to the meeting, was resolved by the Town Council
9. Revisions to BMM Weston Policies (page 44)
10. Swan Quay – *“... all buildings can be cleared”*. That text had been removed.
11. The issue of levels of representation had been raised in recent days by various stakeholders. The 200+ comments received represented a fraction of the wider Faversham population. The Consultation Statement would acknowledge these numbers and put them into context.

Cllr Campbell said that the comments should not be included in the Consultation Statement as it didn't reflect the strength of feeling of those living around the Creek and proposed an amendment to that effect. Members were advised, however, that the Consultation Statement was obliged to identify the number of consultation responses and the number of the electorate. Cllr Campbell withdrew the proposed amendment

12. Land values. The Faversham Creek Trust was concerned that land values would be affected if the plan did not rule out residential uses on Ordnance Wharf. However, the OW Policies set out a mix of uses that allowed for the incorporation of both employment, training and residential. The reason for that combination was to raise development values so that a package of development could come forward, that will include substantial community benefits. It was felt a limited amount of housing within the policy would: (a) make the plan more sustainable, in "best practice" terms in planning and urban design; (b) make the plan more robust at examination; and (c) be the financial key to unlocking development of any sort on the site. The policy wording (OW1) did not allow for a 100% residential scheme. There was also now a stronger link between Purifier policies and OW Policies (OW 5 and OW6) asking any development proposals to consider both sites in tandem.)

Cllr Campbell proposed to remove the word "residential" from OW1 (page 43), seconded by Cllr Culham. Members discussed the proposal. It was acknowledged that there was a significant body of opinion opposing residential development in the inner basin and some Members had sympathy with that point of view. The policy had been carefully worded to produce flexibility but also to ensure that any planning application before the Town Council and the local planning authority would be properly scrutinised to ensure conformity with the entirety of the Neighbourhood Plan.

On being put to the vote, the proposal was defeated by 10 votes to 3, with one abstention.

The Mayor proposed and, on being put to the meeting, with the exception of point 8 which had had its own resolution, points 1 – 12 were resolved by the Town Council.

Cllr Payne proposed, seconded by the Mayor, that the following factual corrections be made to the draft Plan:

- Page 9- Objective 2 should read:

Manage the threat of flood by safeguarding functional floodplain and ensuring that such measures necessary to protect the area **are undertaken** (last 2 words had been omitted)

- Page 10 History of the creek. Amend to:
Industrial activity continued on some sites until even later, with boat repairs at Standard Quay until 2011. (not 'in recent years' as this would date)
- Page 14 Title of the section should be changed to:
The Plan area boundaries
- Page 18 last para to left. Replace with:
At the north-eastern end of the neighbourhood plan area **is a** large industrial **estate** exhibiting ad hoc development patterns typical of such land uses. This includes some early 20th century **original shipyard buildings**.
- Page 29 2nd paragraph. Amend to:
In recent years, an annual Festival of Sail organised by the **Kentish Sail Association** and the residents
- Page 29-penultimate para to left - add to end: (this is because the WFCC was intended to serve all of Davington)
The nearest facility is the West Faversham Community Centre; at least 15 minutes walk from North Preston.
- Page 49 Former Oil Depot
Delete Former Oil Depot Specific Projects and text below. (There were no specific projects on the oil depot; this text was copied in from site 5.)
- Page 52 Existing Occupiers. Amend to:
Planning permission has been recently **granted** (not approved, it would be a planning application that has been approved)
- Page 55
Delete Fentiman's Yard Specific Projects and text below. (There were no specific projects on the Fentiman's Yard; this text was copied in from site 9.)
- Page 56
After '.....access onto Ham Marsh with the landowner.' Add new sentence: '**This was granted planning permission in June 2014**'

- Page 13 Consultation- this needed to be updated as follows as the Submission Draft was now being written:

First Paragraph: further details of these and other consultations can be found in the Consultation Statement. This is the **second (Submission Draft)** stage of the statutory (i.e. legally required) consultation process for a Neighbourhood Plan.

2nd Para: The Plan *has* been subject to (Strategic Environmental Assessment) (Habitat Regulations Assessment) (Sustainability Appraisal). This should be included or deleted as necessary once SBC advise which were needed. The Plan should not go forward as a Submission Draft while this is unclear.

- Page 33-replace 2nd part of 1st para from 'Improving.... (The existing text was challenged by KCC's barrister at the ZF5 public inquiry and found to be ambiguous) with:

Improving walking routes from the creek within the town, from Crab Island on the Brents along creekside footpaths through Faversham Reach and in on the creek side of Waterside Close onto the sea wall and from Standard Quay on existing footpaths via the White Bridge over Chambers Dock, would give easier all-year-round access to unspoilt marshland landscapes which help to explain the history of the creek and are important for wildlife.

- 2nd para-the changes about the town greens were incorrect. The first sentence should say:

The green spaces on the Brents bank of the creek include two Registered town greens at the Front Brents and Crab Island.

Delete 'and are registered as town greens.' from the end of the third sentence, as it implies that all the open spaces are registered town greens which they are not

- Page 54 Standard House
Site Context. 2nd sentence, replace with:
The house and associated buildings were used by Faversham Fencing. The house appears on the 'Buildings at Risk' register
This made it clear that the whole site was used by them and separated out something that did not fit well in the same sentence

On being put to the meeting, the amendments were passed by the Town Council.

Members were asked if they had any further proposals for amendments to the draft Plan or Consultation Statement.

Cllr Campbell proposed, seconded by Cllr Simmons, and, on being put to the meeting, the following resolution was defeated by 10 votes to three:

that OW3 to read “Any development of the site shall include a public walkway both sides of the site. It was agreed that the wording should read “...a public walkway on one or both sides of the site.”

Cllr Campbell proposed, seconded by Cllr Davis, and on being put to the meeting, it was:

RESOLVED to amend the wording of OW6 to read “Modern designs that contrast with the Purifier will be considered as will more traditional designs more sympathetic to the style and form of existing built form. Both approaches need to demonstrate high quality design.”

Cllr Payne proposed, seconded by the Mayor, and, on being put to the meeting, it was:

RESOLVED that the following paragraph explaining how the Undesignated Heritage Paper was prepared and approved be incorporated:

This was written by Anne Salmon in conjunction with Tony Fullwood, the previous consultant advising on how it should be prepared taking into account the NPPF. The writing of this paper followed a site survey by Anne Salmon with John Sell (consultant architect to Faversham Town Council) and Peter Bell (conservation officer at Swale Borough Council). The paper has been endorsed by the Steering Group, Faversham Town Council and Swale Borough Council and was the subject of public consultation in 2013 as part of the Illustrations Exhibition.

Cllr Campbell made the following comments:

Objectives of the Neighbourhood Plan

04 “Public toilet and changing facilities for water users”. Statement should include Freshwater and Sewerage pumping facilities, to be available in the Creek Basin and Standard Quay to minimise disruption caused by use of the Swing Bridge.

Adding 17 Consideration to be given to shared parking and improved road access in the (already congested) Abbey Street/Belvedere Road area.

Members noted the objectives had been agreed at the start of the process and could not be amended at this stage.

Cllr Campbell proposed, seconded by Cllr Culham and, on being put to the meeting, it was defeated by 10 votes to three:

that OW2 to replace three storeys be replaced by one storey

Cllr Campbell proposed, seconded by Cllr Culham, and on being put to the meeting, it was resolved by 8 votes to 1:

that SWQ1 policy be replaced by Use Classes: .., with residential (C3) on some upper floors

Cllrs Mrs C Davis, B Mulhern and J Coulter left the room for the following discussion. Cllr Mulhern subsequently left the meeting.

Cllr Campbell questioned why the Shepherd Neame frontage above the bridge to Morrison's and below the bridge to the Town Quay had not had a specific site designation. Members noted that the designation of the area and different sites had been consulted on as part of the statutory process and it would set the Plan back to the beginning to re-designate parts of the Creek. In addition, all sites within the designation area, whether specified or not, would be subject to Plan-wide policies. Over the life of the Plan there would be opportunities to review and make changes to it, in line with changing circumstances.

Cllr Campbell proposed, seconded by Cllr Abram, and, on being put to the meeting, the following resolution was defeated by 10 votes to 3, that:

CD1 (Coach Depot) to add "no more than two storeys"

Cllr Campbell raised the suitability of the heavy duty moorings allocation at the former Coach Depot site. This was noted but no amendment was suggested to the draft Plan.

The Mayor proposed and, on being put to the meeting, on a vote of 11 for the resolution and 2 against, it was:

RESOLVED that the Neighbourhood Plan Consultation Statement, subject to minor amendments agreed at the meeting, is noted and approved; and the draft Neighbourhood Plan, as amended, is approved; and both submitted to Swale Borough Council

4. TO CONSIDER THE FUTURE OF THE NEIGHBOURHOOD PLAN STEERING GROUP

The Mayor proposed and, on being put to the meeting it was:

RESOLVED that the Neighbourhood Plan Steering Group be formally suspended and a letter of thanks be sent to all members of the Steering Group for their hard work

The Mayor asked that those Councillors who had sat on the Steering Group continued to be involved in Creek issues, including the Creek Bridge, given their expertise and experience.

5. TO CONSIDER THE CREEK BRIDGE

The Mayor said the future of the Creek bridge had been highlighted in the Neighbourhood Plan. Faversham Town Council, Swale Borough Council and Kent County Council had come together to agree a way forward to fund the repairs and ongoing maintenance and operation. He was grateful to the Faversham Creek Trust for their work and input into the Bridge Steering Group. Cllr Simmons said that the Creek Bridge Steering Group had been advised by KCC Highways Engineers that the Bridge would have to be repaired by 2017 at the latest. Decisions on the work would have to be taken by the summer of 2015 in order to plan what had to be done. Therefore, decisions on funding had to be made as soon as possible.