

FAVERSHAM CREEK NEIGHBOURHOOD PLAN: STATUTORY CONSULTEES

The following organisations were contacted at the start of the consultation process.

Canterbury and Coastal CCG
Kent & Medway Strategic Health Auth.
NHS Swale Clinical Commissioning Group
Environment Agency
Equality and Human Rights Commission
Friends Families and Travellers
Traveller Law Reform Project
Highways Agency
Home Office
Showmans Guild of Great Britain
The Housing Corporation
DTZ
The Crown Estate
British Waterways
Centre for Ecology and Hydrology
The Planning Inspectorate
Culture Thames Gateway North Kent
Office of Government Commerce
The Coal Authority
Department for Transport
English Heritage
Highways Agency
Marine Management Organisation
Natural England
SE Local Enterprise Partnership
Lower Medway Int. Drainage Board
South East Water plc
Npower
Southern Gas Networks
Transco
Southern Water
National Grid Property
Southern Water
AMEC Environment & Infrastructure UK Ltd

The following organisations responded:

Environment Agency
Natural England
South East Water
Marine Management Organisation
Equality and Human Rights Commission

Detailed responses were received from three of the five organisations.

THE ENVIRONMENT AGENCY

The Environment Agency identified some gaps in the draft Plan and provided specific comments on the general policies.

Fisheries and Biodiversity

Objectives 5 and 7 of the Neighbourhood Plan make reference to wildlife and areas designated for their ecological importance. However, these Objectives, as they are currently worded, fall short of the aspiration given in Section 109 of the NPPF. This states that the planning system, and therefore documents contributing to the planning process, should contribute to **and enhance** the natural and local environment. As Section 5.11 of the Plan acknowledges this aspiration, re-wording of the Objectives to include the intention that development in the Plan area will actively enhance the natural and local environment would be appropriate.

Section 6.1 (Natural Environment): discusses the ways in which development in accordance with the Plan could contribute to various Objectives – 7 and 11 are listed. Objective 5, which addresses wildlife issues, should also be listed. It is not clear why it has been left out.

Section 6.2 (Infrastructure): There is no mention of green infrastructure (GI), more specifically the improvement of connectivity between existing and the requirement for new GI.

Section 6.5 (Community, Leisure and Recreation): in general terms, where this does not compromise the best interests of wildlife and the natural environment, we support the principles in and objectives supporting the aims of the plan for Community, Leisure and Recreation. This is particularly true where there is a waterside element of this aim, in accordance with our duties in Section 6 of the Environment Act 1995.

Green Infrastructure (GI) is a term that describes a network of interconnected green and blue spaces such as: parks and gardens; playing fields and allotments; towpaths and wildlife corridors; beaches; watercourses, wetlands and flood storage areas; woodlands; trees; grasslands; green roofs and swales. GI lies within and between cities, towns and villages and can include both private and public spaces.

Benefits of GI

A well planned and managed GI network can and should perform multiple functions and provide multiple benefits and services for communities such as...

managing surface water and flood risk

- improving water quality
- helping communities to address and adapt to climate change
- providing opportunities for recreation and improved wellbeing
- enhancing biodiversity
- promoting community interaction

Water Framework Directive

The Plan does not appear to have referred to the Environment Agency's information and documents about the Water Framework Directive Waterbody, which is formed

by the Creek. It is the Swale Transitional Waterbody (WB ID GB530604011500), which we wish to protect and enhance so that it meets its environmental objectives. We recommend the following paragraph is included:

“The Water Framework Directive (WFD) (The Water Framework Directive (2000/60/EC) December 2000) seeks to improve the local water environment for people and wildlife, and promote the sustainable use of water. The Directive applies to all surface water bodies, including lakes, streams and rivers as well as groundwater. The overall aim of the WDF is for all water bodies to reach good status by 2027, and in Faversham this would mean improving their physical state and preventing deterioration in water quality and ecology. The WDF introduced the concept of integrated river basin management and such plans should influence development plans. Faversham lies within the Thames River Basin District and the South East RBD and in December 2009 the Environment Agency published the River Basin Management Plans (RBMPs) for both Thames and the South East This document seeks to support the objectives of the WDF and actions of both RBMPs.”

These are important legal requirements that are bestowed within its legislation which is part of UK & EU law. Moreover via the formation of Catchment Improvement Groups (CIGs), the local community as well as private and public bodies are leading on this work. In Faversham the North Kent CIG, hosted by Medway Swale Estuary Partnership is leading on developing Catchment Improvement Plans. By 2015 we will have produced the North Kent Catchment Plan, which will form part of the Thames River Basin Management Plan 2. TRBMP2 will layout and fulfil our WFD requirements and become a legally bidding document ratified by UK and EU parliaments.

At a local level across the North Kent and Swale Catchment, CIGs have been formed based around geographical riparian boundaries known as operational catchments to inform the Catchment Plan at a detailed local level. The CIGs should become a key consultee within the Neighbourhood plan. Each CIG will have its own committee and chair which feed into the Medway Catchment Strategic Group (see attached structure) which has the overview for the whole catchment. This group will sign up and sign off any actions and potential projects. It will target how and where we can achieve the most progress towards hitting our ambitious targets for WFD.

The Catchment Plans will contain a series of actions and aspirations which should be considered in conjunction with the neighbourhood plan and any proposed development. These plans will be completed in spring 2015 and run until 2021 when they will be reviewed. However they are living plans which can be amended and added to by the CIGs at any time.

Groundwater and Contaminated Land

We support the details within section 4.15 and 4.16

Water Quality

We note that dredging is proposed in the Creek. The impacts of any dredging (especially around the Standard Quay/ Iron Wharf areas) should be assessed as this area is affected by contamination. Suspended silt generated by the dredging will be

contaminated and will pose a risk to sensitive receptors, for example the Shellfish beds in the estuary and at sea. Dredging also may affect the Water Framework Directive status of transitional and coastal waters in the Creek and at sea, therefore we will need to be consulted on any dredging proposals at an early stage.

Flood Risk

We support the policies set out regarding flood risk in section 6.3.

NATURAL ENGLAND

Natural England was generally supportive and provided a number of comments relating to the preamble and general policies. It made no specific comments on individual sites except to say it would encourage provision of suitable green infrastructure as an intrinsic part of development proposals, which were referenced, and to be encouraged. Objectives to promoting walking and cycling opportunities were welcomed and to be encouraged.

The Parish has identified relevant and appropriate legislation; we are pleased to see reference to the Swale Ramsar, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). This is welcomed and to be encouraged.

Chapter 2: The Faversham Creek Neighbourhood Plan

Setting the scene

Paragraph 2.8 refers to the Faversham Creek, its providing Green Infrastructure (GI), open space and its natural environmental importance to the area.

Under paragraph 2.10 the Councils sets out aspirations to protect and enhance the area's open spaces and natural environment which is to be encouraged and supported, this is linked to paragraph 2.33 in respect of improvements to existing sites for biodiversity potential.

The provision of green infrastructure, as part of new build development proposals can provide opportunities to enhance and increase open/green space provision, provide links to and across existing facilities, through green chains, green corridors and potentially help towards promoting sustainable transport options such as walking and cycling.

References to undertaking Sustainability Appraisal and Habitats Regulation Assessment are acknowledged and to be encouraged, the Local Planning Authority will, be able to assist in this respect and use of existing data sources from the Council is to be encouraged.

Chapter 3: Vision and Objectives

This section lists sixteen objectives which can be broadly supported, especially Objectives (5) and (7) in respect of environmental enhancements and improvements. Objectives (8) and (15) in relation to pedestrian and cycle safety and access/provision can be linked to GI provision, see comments above in respect of green chains/corridors providing safe cycle and walking routes.

Chapter 4: Constraints

Identification of gaps in information sources is acknowledged and the Town Council is encouraged to maintain dialogue with the District Council to fill in these gaps.

In respect of Heritage Assets, paragraph 4.27 refers to the proximity of North Kent Marshes SPA, the Swale Estuary Ramsar and the Ham Marshes SSSI, the former of these will need to be assessed as part of the Habitats Regulation Assessment, Appropriate Assessment screening, it is therefore encouraging to see their reference in the document.

Chapter 5: Opportunities

Improving the Natural Environment refers to enhancing biodiversity (paragraph 5.11) and compliance with the national Planning Policy Framework (NPPF) and this is both welcomed and supported.

In respect of maximising access, paragraphs 5.13 and 5.14 refer; the Town Council could consider linking paragraph 5.11 also. There is the potential for green chains and corridors and can also be linked to Objectives (8) and (15) as well as Objectives (5) and (7).

Whilst supporting access to and enjoyment of the natural environment, the Council need to be aware of avoiding recreational pressure on designated sites, therefore the provision of new and suitable green space provision where possible as part of sustainable development is to be sought.

Chapter 6: Planning Policies

Natural Environment Policies

Policies NE 1 to NE 4 are welcomed and broadly supported. It is acknowledged that Swale have still to undertake their Habitats Regulation Assessment, this will provide the Town Council with relevant and up to date information in respect of their own Appropriate Assessment screening and it is commended that the Town Council are aware of and monitoring the Council's progress on this document.

Chapter 7: Site Specific Policies

Natural England does not wish to offer any substantive comments in respect of the site specific policies. However, we would encourage provision of suitable green infrastructure as an intrinsic part of development proposals, which are referenced, and to be encouraged.

Objectives to promoting walking and cycling opportunities are welcomed and to be encouraged.

As mentioned above, the Town Council may wish consider linking walking and cycling opportunities in to their green infrastructure objectives also, the provision of accessible green space and soft landscaping can lead to various opportunities, not just for wildlife activity and connection, but also health, recreation, contributing to climate change adaptation and improving quality of life. This could then be linked to other policies within the proposed plan, helping to ensure the Town's green infrastructure is designed to deliver multiple functions, contributing to sustainable development and the potential for alleviating recreation pressure on sensitive sites.

Consideration should also be given to the impacts of not just the new build, but also supporting infrastructure, including utilities and access.

Evidence Base

The use of reference to the national Planning Policy Framework, Swale's Local Plan – "Bearing Fruits 2031" and identification of information gaps and requirements for habitats Regulation Assessment, Appropriate Assessment screening, are acknowledged and welcomed.

Subject to the above, Natural England has no further substantive comments to make in respect of the Faversham Creek Neighbourhood Plan pre – submission report

SOUTH EAST WATER

South East Water has confirmed it would be able to satisfy the growth in demand in the area, assuming the required new resources were in place. Demand management measures were encouraged. It advised any new housing stock was built to at least code level 4.

Water Resources Planning

We published our draft Water Resources Management Plan (dWRMP) in May 2013. After a three month consultation period and final regulatory approval, the final plan has recently been published. This plan sets out how we intend to maintain the balance between increasing demand for water and available supplies over the next 25 years up to 2040. The plan takes into account planned housing growth as well as the potential impact of climate change.

To ensure secure supplies for the future, we must ensure our plan reflects the housing numbers in our supply area as accurately as possible.

The Faversham town lies within the larger district of Swale. We have previously consulted on the Bearing Fruits Local Plan for Swale in relation to their proposed housing numbers and water resources.

Our WRMP indicates that, for average demands a shortfall in water is expected from 2025 and for peak demands a deficit is expected from 2020 onwards. After which time additional supply schemes will be required to satisfy demand including regional transfers from neighbouring companies, Broad Oak reservoir (2030-2035) and a desalination plant at Reculver (2030-40).

We are working with Swale DC to ensure there is sufficient flexibility within the Core Strategy to support any currently unforeseen development that maybe required during the plan period to maintain and enhance the provision of water and the water supply network.

Housing allocations

In line with statutory guidance, our planning takes full account of the planning forecasts of Local Authorities within our region. All Local Authorities been contacted and we have a comprehensive forecast, developed by Experian, together with neighbouring companies, of growth estimates in population and households.

For Swale in particular, our forecasts include a growth estimate of:

- 880 households over the period 2012 to 2020,
- 2,199 households over the period 2012 to 2030, and
- 3,533 households over the period 2012 to 2040

Our WRMP assumes there will be 2,199 new homes from 2012-2030 across the part of Swale within our supply area, which will include the town of Faversham. These figures are in line with the Core Strategy requirement of 10,800 new homes up to 2031 across the entire district as the majority of Swale is outside our supply area.

We have completed sensitivity testing on our plans using the housing numbers provided by you and we can assure you that we are able to confirm that our published planned programme will be fully able to satisfy the growth in demands in the zones, assuming the required new resources are in place and demand management measures are encouraged. There is also a buffer within our forecasts to allow for any unforeseen growth should it arise.

Water efficiency in Homes/commercial properties

We support policies to improve water efficiency in existing housing stock. For the new homes, given we are in an area of water stress we would advise they are built to at least code level 4 and will continue to work with you to use the best available water efficiency technology to reduce demand in new homes.

MARINE MANAGEMENT ORGANISATION

The Marine Management Organisation had no specific comment to make on the draft Plan but set out its remit and work for information. It suggested that reference to the MMO's role in consenting projects be made within planning documents to ensure that necessary regulatory requirements were covered.

As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. In our duty to take all reasonable steps to ensure compatibility with existing development plans, which apply down to the low water mark, we are seeking to identify the 'marine relevance' of applicable plan policies.

On 2 April 2014 the East Inshore and East Offshore marine plans were published, becoming a material consideration for the Marine Management Organisation (MMO) and other public authorities with decision making functions. The East Inshore and East Offshore Marine Plans provide guidance for sustainable development in English waters, and cover the coast and seas from Flamborough Head to Felixstowe. Marine plans will inform and guide decision makers on development in marine and coastal areas. More information including the East Inshore and East Offshore marine plans document can be found at

http://www.marinemanagement.org.uk/marineplanning/areas/east_plans.htm.

The next round of planning began in 2013 in the south plan area. Until such time as a marine plan is in place for the South East plan area which includes Faversham we advise local councils to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. The Marine Policy Statement will also guide the development of Marine Plans across the UK. More information can be found at <http://www.defra.gov.uk/news/2011/03/18/marine-policy-statement/>.

The MMO is also responsible for issuing marine licences under the Marine and Coastal Access Act 2009 in England. Amongst other things, a marine licence may be needed for activities involving the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Alongside marine licences, we also issue consents under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. We are also the authority responsible for processing and determining harbour orders in England and for some ports in Wales and for granting consent under various local Acts and orders regarding harbours.

The applications we receive may be subject to various forms of assessment. This includes environmental impact assessment, Habitats Regulations assessment, marine conservation zone assessment and assessment for compliance with the Water Framework Directive. Early consultation with the MMO is always advised and we would encourage applicants to engage early with the MMO alongside any application for planning consent to ensure that the consenting process is as efficient as possible. We will look to follow the principles set out in the Coastal Concordat in considering any application which is linked to an application for planning consent. We are also an advisor to the Planning Inspectorate, Secretary of State and other consenting bodies for various consents affecting the marine area. This includes Nationally Significant Infrastructure Projects under the Planning Act 2008.

We would suggest that reference to the MMO's role in consenting projects be made within planning documents to ensure that necessary regulatory requirements are covered.

THE EQUALITY AND HUMAN RIGHTS COMMISSION

The Equality and Human Rights Commission said that it did not have the resources to respond to all consultations, but would respond to consultations where it considered they raised issues of strategic importance. It referred to the Public Sector Equality Duty which, under s149 of the Equality Act 2010

The Public Sector Equality Duty which, under s149 of the Equality Act 2010, imposes a duty on 'public authorities' and other bodies when exercising public functions to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct
 - that is prohibited by or under the Act
 - advance equality of opportunity between persons who share a relevant
 - protected characteristic and persons who do not share it
 - foster good relations between persons who share a relevant protected
 - characteristic and persons who do not share it
-