

Minutes of the Faversham Creek Neighbourhood Plan Steering Group Meeting: Tuesday, 7 October 2014

Present

Nigel Kay, Faversham Town Councillor (FTC) – Chairman

David Simmons, Faversham Town Council

John Coulter, Faversham Town Councillor

Trevor Payne, Faversham Town Councillor

Cllr Mike Henderson, Swale Borough Council

Andrew Osborne, Faversham Creek Consortium Management Group member

Anne Salmon, Faversham Creek Consortium Management Group member

Janet Turner, Faversham Society

Eric Green, Faversham Creek Management Company

Professor Chris Wright, Faversham Creek Trust (for Sue Akhurst)

Hilary Whelan, Brents Community Association (for Brenda Chester)

In attendance

Jackie Westlake, Faversham Town Council Clerk – Secretary

Richard Eastham, independent planning consultant, Feria Urbanism

(Secretary's note: details of the public question and answer session are at Annex A.)

1. Apologies for absence

1.1 Cllr M Cosgrove, Kirsty Northwood, Sue Akhurst, Brenda Chester.

2. Minutes of the last meeting

2.1 The minutes were agreed. There were no matters arising.

3. Declarations of Interest

3.1 The following declarations of interest were made:

- The Mayor, Cllr Nigel Kay (NK): discussion of community centre (non-pecuniary interest re: Chair of the West Faversham Community Association)
- Cllr Mike Henderson (MH): BMM Weston (pecuniary interest re: residence on the Front Brents)
- Cllr John Coulter (JC): Shepherd Neame (pecuniary interest as shareholder)

4. Consideration of the refined draft Neighbourhood Plan for recommendation to Faversham Town Council

4.1 Richard Eastham (RE) gave a brief update of the draft Plan and the Consultation Statement. He made the following points:

- The views of the statutory agencies had been incorporated
- Some of the consultation responses had been omitted: these would be incorporated

- The Plan had been revised in line with the Consultation Statement which would need to be submitted with a Basic Conditions Statement
- It would be for the Town Council to decide whether it was worth sticking with the revised draft Plan, albeit that the revisions were modest
- The Plan did not rule anything out or in, so maritime businesses that were capitalised and had land around the Creek could be pursued in the future
- Although 16 objectives seemed a lot, the danger in prioritising them was that the lower rated objectives might not be delivered and the flexibility and ability to respond to unexpected changes and challenges was removed
- Additional wording could be incorporated to stress the importance of the Creek
- It would be for planning applications to determine site use. The Plan didn't include prescriptive uses for sites
- Where sites were closely related geographically, it was important to look at mixed use across the sites rather than on an individual basis
- Updates to be made to the draft would include the outcome of the ZF5 Footpath Public Inquiry
- On Swan Quay, the wording had not changed since the original draft went out to statutory consultation

4.2 Nigel Kay (NK) proposed the following resolution:

That the Neighbourhood Plan Consultation Statement, subject to minor amendments 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.

4.3 NK made the following points:

- Members could make amendments to the draft Plan.
- The rules of debate reflect the Town Council's Standing Orders:
- Any proposed changes would be way of an amendment that must be proposed and seconded
- Each members of the Committee may speak once and may speak for no more than 5 minutes
The proposer had a right of reply
- If the proposer agreed, with the consent of the seconder, to incorporate any suggestions raised during debate the amendment shall be updated before voting
- An amendment cannot negative the Resolution
- Propers were allowed to withdraw their amendments prior to them being voted on if they consider it appropriate before the vote is made
- If the votes were tied the Chair would have a second, casting vote

- For each resolution he would ask for those in favour, those against and those who were abstaining

4.4 Members considered the Resolution. Given that some members had been unable to study the revised draft which had been circulated the day before, and acknowledging that only minor amendments could be made¹, it was suggested that minor amendments be sent to RE in time for a final draft to be circulated to the Town Council by no later than Friday, 10 October.

4.5 Hilary Whelan (HW) proposed, seconded by Professor Chris Wright (CW) the following amendment:

To amend the site specific policy for Ordnance Wharf that there should be no residential use in line with the consultation responses.

4.6 On being put to the meeting, the amendment was defeated. The votes were cast as follows:

For the amendment: Professor Chris Wright
Hilary Whelan
Eric Green

Against the amendment: Nigel Kay*
David Simmons*
Andrew Osborne
John Coulter*
Anne Salmon
Trevor Payne*
Mike Henderson

Abstention: Janet Turner

(*Town Councillors legally entitled to vote. All others were advisory votes)

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

RESOLVED 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.

4.8 The vote was carried. The votes were cast as follows:

For the Resolution: Nigel Kay*
David Simmons*
Andrew Osborne
John Coulter*

¹ Significant revisions to the draft Plan could lead to a re-run of Regulation 14 – the statutory 6 week consultation

Against the Resolution: Janet Turner
Trevor Payne*
Anne Salmon
Professor Chris Wright
Hilary Whelan
Eric Green

Abstention: Mike Henderson

(*Town Councillors legally entitled to vote. All others were advisory votes)

5. Any other business

5.1 HW said the draft Plan should have a start and end date (s38(b)(i)(a)). RE said the Plan had to go to examination; its start date would be from that point. It had to tie in with the Local Plan, although it could have a shorter end date. Within the lifetime of the Plan it was possible to undertake some light touch revision. Both the start and end dates would be written in as the Plan went through the next stages.

Public Questions (answered by the independent planning consultant with contributions by members of the Steering Group)

Q. Did the Steering Group agree that the draft Plan as revised was not an accurate representation of public opinion as evidenced through recent and previous consultation? There were still proposals in the draft which were not what the public wanted to see for the Creek. The Town Council should represent the views of the public which had been clearly expressed and should not be the judge of what should be in the Plan.

A. In strict legal terms, the Town Council was not obliged to reflect only public opinion. The Qualifying Body (the Town Council) had to look at a number of factors, including EU regulations, Swale Borough Council, the regulations and public opinion. One factor did not outweigh another. The Plan had to be in conformity with the statutory requirements.

The Plan did not prevent development of maritime use. There was enough flexibility in the revised draft to allow this, and the 16 objectives were still in the Plan. Any developer's proposals would be considered against the Plan as a whole, including its objectives and general policies, not just site-specific policies. If the planning application did not meet them they would be turned down.

The Independent Examiner would only consider the following:

- Does the Neighbourhood Plan have regard to national policy
- Does the Neighbourhood Plan contribute to the achievement of sustainable development.
- Is the Neighbourhood Plan in general conformity with the strategic policies contained in the development plan for the area of the authority
- Is the Neighbourhood Plan compatible with, EU obligations.

Q. What would happen if a landowner put in a planning application similar to that of Faversham Reach? How would the current Plan change anything?

A. Without a Neighbourhood Plan the Creek was more vulnerable than not. Without any housing the Plan would be vulnerable to challenge. Swale Borough Council did not have a 5 year housing supply which meant Swale was vulnerable to developers. A modest amount of housing could deliver value for other things.

Q. Why were elements of the historical quality of buildings on Swan Quay omitted from the Plan?

A. The Undesignated Heritage Assets document set out the historical aspect of buildings around the Creek.

Q. Shouldn't the fact that the Creek formed part of the conservation area of Faversham protect it from the NPPF?

A. The NPPF was overriding the protection of the green belt, SSSIs etc. Government Inspectors were allowing appeals for development in conservation areas as well as important ecological sites. As Swale Borough Council did not have a five year land supply, developers had more chance of success on appeal. Developments south of the A2 and at Perry Court were both going to appeal.

The Neighbourhood Plan provided an extra layer of protection, both through general and site-specific policies.