

TO: Neighbourhood Plan steering group

From: Drafting sub-group

Date: 28.01.14

## **PAPERS FOR NPSG MEETING 04.01.14**

1. Meeting notes 17.01.14
2. Meeting notes 22.01.14
3. Report on “made” plans.
4. Paper by Anne Salmon on streetscape-related projects, to be incorporated into the plan and/or evidence base.

The sub-group has done further work on the draft and has looked to “made” plans and the NPPG (beta version) for guidance on best practice.

Draft policies for discussion by the steering group have not yet been finalised, pending the outcome of the steering group meeting on 04.02.14 with respect to (a) representations from the Environment Agency, and (b) any actions arising from the Creek Business Case.

We also, in the current sad circumstances, do not have the policy draft revisions that John Sell had intended to work on.

Our next meeting, on 31.01.14, will be too late for a written report to go to the steering group, but we will give an oral update.

It would help us to have clarification on two points, and at the meeting on 04.02.14 we would ask the following:

1. The steering group to ask Swale Borough Council to carry out the screening process to determine whether we will need a Strategic Environmental Assessment (as per NPPG, beta, 2013), since if we do it may affect how some of the policies have to be drafted.
2. Given that the Town Council has agreed there is scope for alternative uses on some sites, and following consideration of proposals that have been put forward, and of the Creek Business Case, the steering group to decide whether alternative options are to be included in the draft for consultation (perhaps with “preferred” alternatives highlighted and reasons given, as was done for the Thame plan, p12).

Hilary Whelan  
28.01.14

## NEIGHBOURHOOD PLAN STEERING GROUP: DRAFTING SUB-GROUP MEETING NOTES 17.01.13

### PRESENT

Anne Salmon, John Sell, Janet Turner, Hilary Whelan

### APOLOGIES

Brenda Chester

### WHOLE-AREA POLICIES

#### **ALL:**

- Include both existing Local Plan policies and policies from the emerging plan.
- Include consultation feedback not only from June 2013 but also from other consultations: May 2012, Streetscape, Faversham 2020.
- Please write copy in simple Word format with minimal formatting (text boxes etc.) – easier for compatibility/editing/reformatting.
  - Flag up where cross-references will need to be inserted.
- When quoting external policies, give references to printed version (pages, paragraphs) as well as online links.
- In Intentions, be specific – ‘is’ and ‘will be’, not ‘might be’ or ‘could be’
- If unsure how much to include, go for more rather than less – we will edit down.

#### **5.1 General**

##### *Emerging local plan*

**JS:** After 5.1.7, insert new paragraph on emerging plan core strategy (NP1).

##### *Conservation area assessments*

**JS:** Add overviews of the 2004 area assessment and the Undesignated Heritage Assets (UHA) paper, noting that the latter updates areas of the former which have been overtaken by events.

##### *Environmental assessments*

**JS:** Add info from Swale landscape character assessment - not much available on NP area, but sections on neighbouring sites (Abbey Farm) may be relevant; add relevant material from UHA (Stonebridge Pond and Brents open spaces); possible input re effects of development on Ramsar sites and other wildlife issues downstream?

##### *Streetscape*

**HW:** Add paragraph on overall Streetscape guidance.

## **5.2 Environment**

**JS:** Draft content.

## **5.3 Infrastructure**

**JS:** Add Core Policy 2 from emerging local plan; define which public consultation referred to (June 2013); in flooding para, x-ref to 3A(i); note that there were objections to Belvedere Road/Abbey Road link; add summary of key points from streetscape that relate to infrastructure; add something about sewerage/drainage; add buoys in the navigable channel; say that high-speed broadband should be available throughout the NP area including the extremities; in policies, say that standards specified in streetscape must be adhered to.

## **5.4 Historic environment**

**JS:** Add reference to preservation/enhancement of views.

## **5.6 Business, Tourism and Employment**

**BC:** Break up Intention into more specific points leading towards the policies.

### **OTHER**

**AS:** Circulate draft of Chapter 10 (of the earlier contents structure).

**AS:** Circulate site use proposals as updated following meeting with John Cleaver.

**NOTE:** If this document is to be updated, we need to maintain a master copy and a process for authorising and circulating updates.

**HW:** Check with JW re minutes of May 2013 Town Meeting (ref. exclusion of creek-related feedback from Town Plan because it would be included in Neighbourhood Plan).

### **NEXT MEETING**

Wednesday 22 January, 2pm, Mayor's Parlour.

Hilary Whelan

19.01.13

**NEIGHBOURHOOD PLAN STEERING GROUP: DRAFTING SUB-GROUP  
MEETING NOTES 22.01.14**

Attendees: John Sell, Hilary Whelan, Anne Salmon, Brenda Chester

1. HW introduced a partial analysis of the 6 finished plans approved by the Independent Examiner and referendum in terms of content and presentation and identified the following commonalities with regard to intention and policies:
  - a) All have a lot about sustainability – not just environmental but social and economic
  - b) It is clear that not everything has to be deliverable now, so flexibility must be built in to allow for both changes and implementation at a later date
  - c) In the presentation of the plan it may be a good idea to show what the Faversham Creek area will look like at the end of the term of the plan
  - d) Plans had identified design and building standards for any housing – to be to lifetime standards
  - e) Looking at the successful plans we have a major gap in that there is little or no information on ‘people’ – plenty about heritage and buildings but not about the people of Faversham/ Creekside area and what the creek means to them.
  - f) The Independent Examiner commended the successful plans for communicating the plan and early public consultation.
  - g) The Thame plan was particularly commended and received a national RTPi award for its Neighbourhood Plan.

**Actions: HW** to complete analysis and circulate (done and attached as part of the minutes)

Provide HW with a paragraph on your thinking of people’s perceptions of the creek, and what it means to them/you - **ALL**

2. Arising from this analysis of successful plans the group discussed other key issues:
  - The Thame Vision Statement was 10 words so it was agreed to consider formulating a strapline from the agreed Vision and Objectives and put to steering group for approval.
  - Numbering of objectives implies a hierarchy (and was criticised by one examiner because of potential confusion with policy numbering) but there isn’t one, so numbering may be taken out.
  - Need to present options to allow for transparency and openness.
  - Flexibility – guidance shows that not everything must be deliverable at the moment e.g. alternatives must not to be dismissed where there is currently a lack of funding – the plan should not be cut and dried.
  - Environmental Impact assessment (EIA) – there is an EU ruling on the threshold as to whether an EIA must be carried out – this work has not been done.
  - Sustainability – a section needed on sustainability and policies developed within each topic.
  - Conservation assessments – the whole area is a conservation area so these need to be added to overall policy requirements for any development/ planning application.
  - There is a lot about the built environment but more information and detail is needed on wildlife/ habitat/birds.

- We have identified further gaps in information needed: ecology; drainage; contamination; up to date flood assessment, transport and infrastructure. It was agreed that the bridge was a vital part of the infrastructure element of the plan.  
**Action: BC** to provide JS with a paragraph for this policy.
- There are implications from the Planning Inspector's decision to reject the appeal for the restaurant on Standard Quay, both in terms of public perception and in the emphasis he placed on the importance of the setting of the listed buildings within the conservation area. His comments conflict with opinions from the November 2012 landowner/ stakeholder meeting regarding the use of buildings on Standard Quay (ie, use is immaterial as long as external appearance is unchanged).
- The question was raised as to the criteria to be used by Swale Borough Council and the process for the viability tests. AS stated she had not received any update since submitting the proposed land uses.

### 3. Policy topics

The topics being worked on were discussed:

#### **Housing**

JS produced a draft for discussion:

- 1) Proposals meet consultation responses by and large including the need for affordable housing – 20% rather than 33% due to size of sites in the plan,
- 2) A design statement was needed
- 3) All developments to have conservation appraisal and flood risk assessment.

#### **Business, Tourism and Employment**

BC introduced a draft for discussion:

- 1) Suggested to expand on the context of Faversham and tourism and how it evolved. Tourism has a vital status within the economy of Faversham
- 2) It has an active heritage- include in regional context the history of Thames trade through the centuries in relationship to Faversham Creek.
- 3) Firm up the intention and add more on the economy
- 4) Articulate what is special about the creek which will boost the tourism offer
- 5) Include walking/ cycling including Saxon Shore Way
- 6) Include the outcome of business case for vessel repair sector being discussed by the Council

## **Community, Leisure, Recreation**

BC introduced a draft for discussion:

- 1) Add detail on nature of landscape in intention and the introduction to whole area policy section
  - 2) Expand on deprivation statistics and demographics of the local community
  - 3) Policies will encourage activities and a meeting place facility identified improving the quality of life of the community
- 4. Agreed:**
- 1) Continue to draft the 3 policy topics with proposed additions.
  - 2) To develop further policies on Infrastructure, Historic Environment, Natural Environment
  - 3) Provide steering group with update on progress, minutes and analysis of the 6 finished plans for meeting of February 4<sup>th</sup>, 2014.
- 5. Date of next meeting:** 2pm January 31<sup>st</sup>, Mayor's Parlour

BC  
26.1.2014

## REPORT ON “MADE” NEIGHBOURHOOD PLANS

“Made plans” are those which have successfully got through the examination stage and the referendum. As of January 2014, there are six of them:

[Exeter St James](#)

[Lynton & Lynmouth](#)

[Norland](#)

[Tattenhall](#)

[Thame](#)

[Upper Eden](#).

The six plans all have different priorities. Two (Exeter and Norland) are urban areas with little opportunity for large new developments and the priority is improving the area (public spaces, infrastructure) and controlling alterations, extensions and change of use to existing buildings.

The others are small town, village or rural areas, and mainly concerned about controlling new housing development and ensuring local amenities and infrastructure. Specific policy priorities include ensuring affordable housing for local people and limiting second homes; making rural communities sustainable while keeping them small; managing tourism-related development in a National Park. Tattenhall requires all new developments to meet the 12 Building for Life criteria

As a small market town, Thame is the closest in type to Faversham, but their plan covers the whole town, not just a small part of it. It also has flood risk areas. Its plan has been highly commended, and therefore other examiners are likely to refer to it, so we should make sure we’ve covered all the bases.

The other plans, although very different, do have some common factors with Faversham – eg, the Tattenhall plan is set against an emerging Local Plan and there are some useful comments about that; it also has comments about aspirations to re-open a railway station which are relevant to our aspirations for an opening bridge.

Fundamentally, they all have the same purpose: to manage development without damaging the area’s character, individuality and sense of place – and the examiners generally recognise and support this.

A noticeable difference between these plans and ours is that many of them were originated by residents rather than the planning authority, and they all consulted more widely and flexibly and with more options at an earlier stage, so the presubmission consultation was simpler and less controversial.

## **OVERALL**

### *Format*

All the plans are modular, pretty much the way we are doing it, though they have different components.

### *Length*

They are mostly short, around 30 pages, except for Thame which is 92. It looks as though Thame's was originally shorter because their site-specific policies were in a separate document, but the examiner said they should be combined – this is the way we are doing it, but it means our plan may also be quite long (cost implications?).

### *Internal structure*

They all take a similar approach to structuring the presentation of policies, which pretty much corresponds to ours:

- Justification (headings include "Reasoned justification", "Justification and Evidence")
- Community feedback
- Intentions
- Policies.

They refer to higher-level policies, but do not quote extensively from them. Policy details are included in the compliance statement, a compulsory document which has to demonstrate how the plan meets the Basic Conditions.

### *Sustainability*

This is an important theme in all the plans, and it is a key requirement of the NPPF – not just sustainability in the environmental / ecological sense, but also economic (eg, would the businesses in mixed developments be sustainable?) and social (community activities, etc.). We need to beef up on this – there is very little mention of sustainability per se in any of the steering group output we are working with. It is inherent in some of the proposals, but it needs to be flagged up and strengthened.

### *Deliverability and implementation*

We intend to cover this with a document in the Evidence Base, but we should also include a summary as a section of the main plan. It's worth noting that it is accepted that plans cover a long period, that not everything should or could be deliverable immediately, and that there should be flexibility allowing for ongoing reassessment and consultation.

### *People*

Most of the plans say something about the character of the community. The material we are working with says a great deal about the character of the place and the built environment, but there is little about the community. This is something we need to address.

### *Standards*

Several of the plans specify standards and procedures in their policies – eg, that new buildings must meet Code for Sustainable Homes Level 4 or Building for Life 12 standards, or that specific assessments (over and above statutory requirements) must be carried out for all new developments, or that specific procedures must be used for viability testing. We could consider some of these to reinforce policies and address the sustainability gap (see above).

The “Building for Life 12” standards are:

1. **Connections** - Does the scheme integrate into surroundings?
2. **Facilities & Services** - Does the scheme provide (or is close to) community facilities?
3. **Public transport** - Does the scheme have good accessibility to public transport?
4. **Meeting local housing need** - Does the development have a mix of housing types and tenures that suit local requirements?
5. **Character** - Does the scheme create a place with locally inspired distinctive character?
6. **Working with the site and its context** - Does the scheme take advantage of site characteristics e.g. Topography. Habitats etc?
7. **Creating well defined streets and spaces** - Do buildings enclose streets and spaces and turn corners well?
8. **Easy to find your way around** - Is the scheme designed to make it easy to find your way around?
9. **Streets for all** - Are streets designed to encourage low vehicle speeds?
10. **Car Parking** - Is resident and visitor parking sufficient and well integrated?
11. **Public and private spaces** - Will public and private areas be clearly defined?
12. **External storage and amenity** - Is there adequate external external storage for bins recycling and cycles?

The Tattenhall Plan requires developers to use these standards and to demonstrate the quality of their schemes “ through full and thorough assessment. Development in Tattenhall should be exemplary and should ideally secure 12 out of 12 ... Building for Life can then drive up design quality standards and ensure only the very best development is permitted. The Parish Council working with Cheshire West and Chester Council and appropriate professional design support, will review developers submissions in respect of Building for Life 12 to ensure scores are a true reflection of scheme quality.”

We should consider whether this (or an equivalent set of standards) is appropriate for our area.

## EXAMINERS' REPORTS

There are six plans, but only four examiners: two of them have examined two plans each.

### THE EXAMINATION PROCESS

Examiners visit the area beforehand, but how they do this varies. One of them makes a two-day unaccompanied visit to see the place for himself.

As a general rule, examinations are based on written representation, without a public hearing. But a hearing may be held at the discretion of the examiner, when he/she considers it necessary "to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case."

A neighbourhood plan public hearing is different from a planning inquiry, an examination in public or a planning appeal hearing. It is essentially to provide for the examiner "to further consider matters against the Basic Conditions".

It is pointed out that all representations are taken into account, whether or not consultees took part in the hearing. Involvement in the hearing does not make any one representation more or less valid than another.

### BASIC CONDITIONS

The fundamental role of the examiner is to establish that the Plan meets the Basic Conditions, which are that it 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 EU obligations and human rights requirements.

These are the only areas on which the examiner can insist on changes, or throw out the plan, if the Basic Conditions are not met. On other aspects of the plan, he/she can comment and recommend changes, but cannot insist on them.

"Have regard to" and "be in general conformity with" leave some room for interpretation about how closely Neighbourhood Plans must adhere to higher-level plans. The Upper Eden examiner says: "It is clear to me that the reasoning behind the use of the concept of general conformity is to allow a degree of flexibility in drawing up neighbourhood plans and proposals. Without such a concept, drawing up a neighbourhood plan to reflect local priorities and conditions would be a futile exercise."

## EMERGING LOCAL PLANS

The steering group has been advised by Swale that the Plan should conform to the emerging Local Plan. However, the examiner for the Tattenhall plan (which, like ours, is set against an emerging Local Plan) says that **neighbourhood plan policies are not examined against emerging strategic policies** – although “it makes good sense to understand and have a mind to how the neighbourhood plan fits with the emerging strategic policies of the development plan and be able to clearly explain the rationale for any significant differences, should there be any”.

He says explicitly that saved policies from the last adopted Local Plan (2005) are valid and cannot be discounted as “outdated” or “time-expired”, as claimed by landowners and developers, unless they are demonstrably in conflict with the NPPF. This is relevant to our policy AAP2, which has come in for similar criticism – the implication is that it cannot be discounted simply because of its age (and it is 3 years younger than the Tattenhall policies.)

[More detail about this in the Tattenhall section below.]

## WORDING

Probably the most frequent comments, and the largest number of recommended changes, are to do with imprecise wording of policies. The examiners emphasise that “plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” and should give “a clear indication of how a decision maker should react to a development proposal”.

Common recommendations are:

- Don’t say “should” or “could” – say “must” or “will”.
- Don’t say that the plan “does not support” something – say it “will not permit”, “is not acceptable” or “will be resisted”.
- Avoid “normally” and “where possible”.
- In a list of policy conditions, make it clear (using AND/OR) whether they all have to be met, or just one or more of them.

The drafting group will bear this in mind.

## POLICIES

Another repeated comment is that policies should not repeat something which already exists in a higher-level policy – eg, on environment or heritage – though they might go beyond it or strengthen it.

(But what happens if the standard guidance changes during the lifetime of the Plan, such that it comes into conflict with the intentions of the Plan – does the Plan still stand, based on what was in place when it was written, or does it have to change?)

## THAME EXAMINER'S REPORT: Nigel McGurk

Some significant comments:

### *Consultation*

“Simply undertaking various stages of consultation does not in itself ensure a robust and well-tested Plan. I think it is therefore important to understand the quality and effectiveness of the public consultation, with particular reference to openness and transparency.”

Thame presented options for consultation – in each case a “preferred option” was highlighted, with reasons explaining why it was preferred – but the other options were also presented for consideration. **The examiner approved of this, and it is something we should consider.**

The extent and reach of publicity was considered important. This plan also has a policy for ongoing public consultation when actual development proposals are made.

### *Vision*

The “short, sharp” 10-word vision statement is commended – and that the objectives flow from this, and the policies flow from the objectives – you have to be able to see the connections. **This is what we are trying to achieve in the draft, but it has to be said that the Vision is not pithy.**

### *Deliverability*

In response to a comment about lack of guaranteed funding for a project of community benefit (in this case, a cycle route) the examiner says “there is nothing to suggest that there may not be sources of funding, other than developer contributions, available towards the aims of the policy, now or at some time in the future”. Also the the plan includes a policy for provision of a community centre – “there is no clarity yet as to what this will comprise” but he says the plan provides for flexibility and thus is deemed to meet the basic conditions. **This has implications for some of our alternative proposals, such as the community boatyard.**

### *Policy conditions*

There is a requirement for new developments to have Sustainable Urban Drainage Systems, for all applications to be accompanied by a drainage strategy, and to meet Code for Sustainable Homes level 4 or equivalent – and that every development proposal must demonstrate how it relates to its surroundings and contributes to the unique qualities of the town. **We should consider if we want to include conditions of this kind in our policies – especially with a view to sustainability.**

### *Heritage*

The examiner recommends a specific wording: “Listed buildings and their settings, and Conservation Areas and their settings, will be conserved and enhanced to reinforce the quality and character of the town.”

### *Numbering*

There are recommendations about clear policy numbering, and avoidance of confusion between policy numbers and objective numbers. **We should bear this in mind, and also whether the numbering of our objectives gives a false impression of priority.**

TATTENHALL EXAMINER'S REPORT: Nigel McGurk (again)

This examiner (the same one as for Thame) is very keen on evidence of thorough and wide-ranging consultation, and appears to have actively checked whether there was any evidence of dissatisfaction with the consultation process.

He comments on the layout of the Plan: “user-friendly and comprises a logical progression, from background to vision, through to detailed policies. Its overall design, along with the inclusion of interesting and attractive photographs, helps to provide a document which holds the attention and is easy to follow.” **This endorses the approach we are taking, though design and photographs may be limited by the budget.**

He does, however, criticise it for not having enough maps, and specifically recommends plotting heritage assets on a map (**which we would be doing, so that's good**) – he points out that none of this is a “Basic conditions” requirement, but would make the Plan easier to use.

He says that dividing the policies into six broad themes/sections is a good way of doing it, even if in some cases this means the policies are rather long – it is still clearer and less complicated than breaking it down into narrower areas. **This endorses our approach.**

He says: “There is no legislative requirement for Neighbourhood Plans to set their own housing numbers – or to wait for housing numbers to be allocated to them by the development plan. Similarly, there is no legislative requirement for Neighbourhood Plans to allocate land for development.”

He makes this wonderful comment: “A number of housebuilders, with specific reference to lapsed Policy HO1 in the adopted Chester District Local Plan, agreed with one another that Policy 1 did not meet the Basic Conditions because it could not be in general conformity with a policy that doesn't exist. Whilst I have read Sartre, I struggled a little with the existentialist nature of this. However, after contemplation with a cold towel on my head, I am satisfied that not being in general conformity with something that doesn't exist is not a test relevant to this examination.”

In response to another criticism from developers, he says “the Neighbourhood Plan provides a clear policy approach which, I find, achieves the difficult overall balancing act of supporting housing growth whilst preventing large scale new development that could, in the words of the Neighbourhood Plan, “erode the very qualities that make the village special. Through the Neighbourhood Plan, the community is exercising its power to prevent housebuilding from being a mere “exercise in meeting housing growth ‘numbers’” ... This approach is entirely in line with the Framework, which requires policies to recognise housing growth *and* respond to local character and reflect the identity of local surroundings.”

He says the NPPF states that neighbourhood planning provides for “local people to ensure that they get the right types of development for their community” and in relation to one of the policies he notes that “the absence of any objections from anyone other than housebuilders,

landowners or property companies, appears to provide further evidence of the community's overall support for the approach taken."

Wording: he recommends care in the use of "new development" (eg, in reference to buildings being in keeping with the local area) if it's also meant to apply to modifications to existing buildings – use it only where specifically appropriate (eg, in policies requiring adherence to building standards that only apply to new development).

The building standards used in the policies for this plan are Building for Life 12, and the examiner is very positive about this. He says "it emphasises the importance of sustainable design and allows for the further scrutiny of design proposals. The Framework recognises the crucial role that enhancing the built environment has in achieving sustainable development. Building for Life 12 seeks to drive up design quality standards and aims to ensure that only the very best development takes place. In requiring proposals for new developments to demonstrate how they perform against Building for Life 12, the Neighbourhood Plan can help ensure that good design is factored into proposals from the beginning. I find the inclusion of each of the twelve criteria of Building for Life 12 to be helpful and informative."

**This is something we might consider as a way of building sustainability into the plan.**

He makes the general point that neighbourhood planning policies should not seek to repeat detailed policies which already exist elsewhere (see also similar comment from the Lynplan examiner, below).

He says "I consider it to be a strength of the Neighbourhood Plan that its policies have been drafted in a manner which is notably different to those of say, a Local Plan. In this way, the policies reflect the views and wording of the people who drafted them and are distinctive to Tattenhall and District."

A form of wording he recommends is: "Proposals for development will be required to identify their likely impact on local infrastructure, services and facilities and to demonstrate how any such impacts will be addressed."

#### *Emerging Local Plans*

The examiner says: "the fact that there is an emerging development plan in a local authority area is not unusual and there is nothing in the legislation to support the contention that such a situation should stop, or slow down, the progress of a neighbourhood plan. We live in a changing world and planning is a dynamic process. Just as there are examples of where neighbourhood plans follow on from new, up-to-date, adopted development plans, there will be occasions where neighbourhood plans are made ahead of emerging local plans."

“Whenever a neighbourhood plan, following a ‘Yes’ vote at Referendum, is *made* ahead of an emerging Local Plan, then simply, the Local Plan would need to take the policies of the neighbourhood plan into account. I think it relevant to point out in this regard, that one of the significant benefits of neighbourhood plans is the relative speed with which they can come forward, enabling local communities to establish policy in an efficient and effective manner. Importantly, a *made* neighbourhood plan can, in such cases, provide for certainty in areas where there may otherwise be an absence of up-to-date policy.”

He says that the early Dawlish plan, which was thrown out for being “premature” because the Local Plan was still emerging, does not set a precedent because “it was prepared before the Localism Act or the Neighbourhood Planning Regulations (April 2012) came into effect and was aimed at comprising an “input” into the emerging development plan for the area, rather than comprising a statutory plan itself.”

He also says that, with the Tattenhall Plan: “A number of objectors stated that, in their view, the adopted Chester District Local Plan was “time-expired” and that its policies were “out of date.” However, no evidence was presented to demonstrate that the saved policies of the adopted Chester District Local Plan do not form the adopted local plan for the area, or are not a material consideration in determining planning matters. Indeed, the Council confirmed their status and consequently, there is no doubt in my mind that the Chester District Local Plan is an adopted development plan document, the saved strategic policies of which need to be taken into account when examining the neighbourhood plan. I am mindful that the adopted Chester District Local Plan predates the National Planning Policy Framework (the Framework). As such, in the case of any of the saved strategic policies of the adopted Chester District Local Plan conflicting with the Framework, the Framework takes precedence. This is simply standard practice.”

“Neighbourhood plan policies are not examined against emerging strategic policies. However, it makes good sense for neighbourhood planners to understand and have a mind to how the neighbourhood plan fits with the emerging strategic policies of the development plan and be able to clearly explain the rationale for any significant differences, should there be any.”

#### *“Community goals”*

A factor in the Tattenhall plan is the re-opening of a railway station. The examiner says “I commend the Neighbourhood Plan for not losing sight of this important local issue, raised throughout the consultation process, and for defining it as a “community goal.” In this way, the Neighbourhood Plan recognises the community’s aspiration, but does not set the Neighbourhood Plan the potentially unrealistic task of delivering it ... The Neighbourhood Plan does not attempt to incorporate the re-opening of the station into a policy, as it has no way of controlling the delivery of this. However, its clear recognition of a community goal ensures that an aspiration is not lost sight of and can potentially be picked up in other ways, outside of the neighbourhood planning process.”

**This is comparable to our position re an opening bridge, and may be a useful model for the way in which we express it in the Plan.**

#### *Local Green Spaces*

This plan designates several sites as Local Green Spaces. The examiner accepts this as consistent with the NPPF and says “Local green space that is important to local life – for its natural beauty, its

historic significance, its tranquillity, its recreational value, or its richness in wildlife – can be allocated and protected in neighbourhood plans. The Neighbourhood Plan recognises and embraces this new right.” He says the policies must refer to them specifically as Local Green Spaces, as per the NPPF, as the areas must be accurately defined “Given that they afford significant protection, not dissimilar to Green Belt status.”

The Brents Community Association asked some time ago for the green spaces on the Brents to be included in the Plan as Local Green Spaces, but the response from the Steering Group was vague (I’m not sure everyone understood the concept). Andrew Osborne said it wasn’t necessary as they were already protected – but existing protection can’t be guaranteed since policies change all the time. I can’t see why we couldn’t take a belt-and-braces approach, and give them an additional layer of protection within the Plan, since we have provision to do so. It would be another contribution to Sustainability.

#### *Delivery and implementation*

The examiner comments favourably on the statement that “a flexible rather than rigid approach will be required, in order to meet new challenges and opportunities as they arise over the plan period” and the reference to the Plan as a “living” document, to be reviewed every 5 years. He says: “This recognises that land use planning is a dynamic process and sets an admirable long term approach to ensure that the Tattenhall and District Neighbourhood Plan remains relevant, meaningful and deliverable.”

## LYNPLAN EXAMINER'S REPORT: Graham Self

This examiner is very keen on precise wording of policies to ensure clarity and avoid disputes over interpretation when they are being applied. He says: "I have had particular regard to the statement in the NPPF that: "plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency". The NPPF also advises that local plans should give "a clear indication of how a decision maker should react to a development proposal".

He did not call a public enquiry, but did call a "clarification meeting" on:

- The format of criteria-based policies – again a question of precision: if there is a list of conditions, it must be clear (using AND and OR) whether they must all be met, or just one or more of them.
- How proposed restrictions would be enforced and whether there would be conflict with human rights legislation (this related to affordable housing and local occupancy restrictions)
- Certain community benefits and assets: how the policies were intended to work in practice, whether property ownership could reasonably be subject to planning control, and whether the potential profitability of development could validly be a factor in deciding planning applications.

He says his recommendations focus on the policies themselves (rather than the supporting text) because the basic conditions for a NP primarily relate to its policies. He made other suggestions outside this report for amending non-policy parts of the plan, for the local authorities to "consider as they may think fit."

He regards the fact that the local planning authority supports the plan and does not have any objections to it as "a point of considerable weight".

He advises against including policies which simply repeat standard guidance that already exists in the NPPF or other higher-level policies (this is in reference to conservation areas and environment) – but does think it reasonable to strengthen them, eg by saying that development "must preserve and enhance" etc.

Again on clarity, he recommends avoiding wording in policies such as

- "if possible" or "where possible" – be more specific;
- "is not supported by the plan" – use "is not acceptable", or "will not be permitted" or "will be resisted".

In this context, he suggests that if a particular type of phrasing is used in the Local Plan, it might be sensible to use the same phrasing in the Neighbourhood Plan.

**But see also the examiner's commendation of the Tattenhall Neighbourhood Plan for being notably different from a Local Plan.**

EXETER ST JAMES EXAMINER'S REPORT: Graham Self (again)

He makes many of the same points about precision in wording policies. He recommends avoiding use of "normally" (he acknowledges that he cannot insist on this, as it is used in the NPPF, but he advises against it because it can lead to lack of clarity and thus arguments over interpretation).

He also says the Plan start and end dates must be specified (not "10 years" or "15 years" or whatever).

NORLAND EXAMINER'S REPORT: David John Chetwyn

He says that sections in the Plan relating to "pavement replacement, street furniture and traffic management" are non-planning matters falling outside the scope of development and use of land, and should "not form part of the draft Neighbourhood Plan order", but should be removed to a separate document or annex.

**This may have implications re how we refer to the Streetscape strategy.**

He says the Plan must make a clear separation between policy, explanatory text, definition of significance of heritage assets, guidance and background information.

**This endorses our approach to the structure.**

He also picks up on weak or imprecise wording in policies, in particular "must" instead of "should".

UPPER EDEN EXAMINER'S REPORT: John Glester

This plan is mostly about affordable housing for locals in a rural area, and most of the comments are not particularly relevant to Faversham. There is, however, one interesting comment re conformity with higher-level policies:

**"It is clear to me that the reasoning behind the use of the concept of general conformity is to allow a degree of flexibility** in drawing up neighbourhood plans and proposals. Without such a concept drawing up a neighbourhood plan to reflect local priorities and conditions would be a futile exercise."

HW

28.01.2014

## **Chapter 10: The Projects**

### **Improving the area around the creek**

The Vision and most of the Objectives that this Plan hopes to achieve involve the improvement of the built and natural environment around the creek. These can partly be achieved by ensuring that any new buildings are well-designed, of good quality materials and enhance the character and appearance of the conservation area. The character of the area does not only consist of buildings. There are also the spaces around the buildings and throughout the creek area where the treatment of roadways, paving, footpaths, street furniture and signage contribute to the overall environment. North Lane is a major traffic route which separates the creek from the town centre. Making this road less of a barrier by slowing traffic and improving the pedestrian experience would make an important contribution towards linking the creek to the town. Natural environments around the creek including the green spaces on the Brents and the Stonebridge Ponds are vital elements in the character and the amenity of this part of the town. This is recognised in the policies in this Plan and in the Faversham Creek Streetscape Strategy (background paper) which has been used throughout this Plan to identify improvements to the appearance of the area. The Streetscape Strategy sets out projects around the creek area which are intended together with the built development to achieve environments of good quality and enhance local distinctiveness.

### **Funding**

It is expected that redevelopment on each of the present vacant or under-used sites around the creek would be designed in a way that enhances the appearance of the individual sites incorporating the principles of the Faversham Creek Streetscape Strategy as well as bringing the sites back into use. This would constitute a benefit in itself in improving the appearance and the vitality of the wider area. It is also expected that financial contributions from development as a result of Section 106 agreements or through the Community Infrastructure Levy would generate funding that would assist with carrying out improvements to the built and natural environment around the creek area as a whole via pooled funding. In addition to contributions generated by new development, the Conservation Liaison Group can carry out projects within the town set out in the Faversham Streetscape Strategy and across the area covered by the Faversham Creek Streetscape Strategy to improve the quality of the environment. The predecessor of this Group, the Faversham Joint Public Realm Working Group, has already rationalised and improved signage around the town, created a pedestrian crossing in Station Road and re-configured Court Street to enhance the setting of the buildings. This has incidentally created a more usable space for the market. Projects involving linking the creek to the town and better signage to direct people from the creek to the town centre and vice versa are particularly appropriate for funding from this source. The Faversham United Municipal Charities also have charitable objectives including improving roads and pavements and maintenance of the creek and could make contributions to projects if appropriate

## Specific Projects

The Faversham Creek Streetscape Strategy sets out guidance for the location and detail of individual items of street furniture including;

- the quality and design of signage including direction signs from the town to the creek which could be used around the area
- the detailed design of seats, litter bins and street lighting
- the expected quality and suggestions for the location of interpretation boards at sites including Town Quay, the Front Brents, Stonebridge Pond, Flood Lane and Standard Quay to explain the character and history of these locations
- bollards and railings to be used around the area as necessary. Any mooring rings or quayside bollards should be of cast-iron and should be provided where existing and proposed moorings are located for practical rather than decorative purposes.
- a palette of materials for the formal urban areas around the creek including natural stone paving, kerbs, granite setts, pavers, exposed aggregate concrete and surface dressed macadam and in which environments these materials should be used.
- a palette of materials for the informal areas around the creek including surface dressed macadam, compacted gravel and ground reinforcement and where each of these treatments would be appropriate.

## Streetscape Projects at particular locations

### Stonebridge Pond and Flood Lane

There is a small feeding area which is accessed via a bridge from Curtis Way with an interpretation panel, seating and litter bin. This is fenced off from Davington Hill with chestnut palings. The fencing, seating and interpretation board are all in need of repair. A new path with an opening in the boundary at the northern end of the viewing area could provide an alternative crossing point from the amenity area to the pavement in front of the houses on Davington Hill. This amenity area would also benefit from planting with native species to improve its biodiversity.

In Flood Lane, there are timber bollards separating the roadway from the grassed open space planted with hawthorn trees. The surface of the roadway is pot-holed and not usable on foot in winter and unofficial paths have been created through the grassed area. The road surface could be repaired with compacted aggregate to retain a porous surface and the timber posts re-aligned to limit the area for car parking. This could allow additional planting with suitable native species in the off-road areas to improve the biodiversity of the area. Between the side of the Purifier

building and Brent Road, the surface could be repaired with compacted aggregate up to Ordnance Wharf. Compacted gravel or tarmacadam surface dressed with aggregate to create a shared space without kerbing to the area between the Purifier and Brent Road. Bollards at either end of the Purifier building would stop through traffic. The two brick bridges and parapets should be inspected and repaired as required with matching materials. Speed reduction measures at the junction of Flood Lane and Bridge Road would make this junction safer for pedestrians especially if traffic was using Flood Lane to access any development on Ordnance Wharf.

### Around the basin

There is an existing footpath at the end of the basin entered via the gate from Flood Lane into the Morrisons car park. This path runs along a brick-paved quayside past the back of the store. Access from the quayside to the Morrisons service road is via a narrow path with steps at either end. The path would be made more apparent and accessible if ramps were included at either end. With the agreement of the landowners, slight re-alignment of the walls on the approaches to the path could create better legibility and accommodate the ramps.

The footpath along the Brents side of the basin is accessed at its west end off Brent Road through a gap in the fence and indicated with a footpath sign. There is no protection when emerging from this footpath onto the roadway. The pavement on Bridge Road does not commence until after the footpath has diverged. Improvements including surface treatments such as the introduction of brick pavers could make this interface between the footways and traffic more apparent and safer. The footpath along the creek bank itself is narrow and uneven in width. Consolidation and backfilling to form a quayside with moorings along this side of the basin would create a much better footpath using compacted gravel and could allow for a wider greenspace. At the north end, a new path also constructed with compacted gravel across the grass area would facilitate access between the footpath around the basin and Bridge Road. A pedestrian crossing across Bridge Road at this point would assist in connecting the footpaths around the creek.

### The Brents bank

At the Front Brents, there is a shared surface roadway in front of the houses and a town green between the road and the waterway. To either side of the Albion public house are two green open spaces. The larger of these includes a car park, footpath and trees and affords views from the creekside of the former church of St. John the Evangelist which was built to serve the brick workers of the area. The smaller area is partly enclosed by modern housing fronting onto Church Road, the Brents. Additional planting with native species would improve the attractiveness of both areas and increase biodiversity. At the north end of the Front Brents, there is a causeway onto Crab Island above a metal culvert pipe taking the water from the former creek channel. The appearance of this area could be improved by the replacement of the existing timber post and rail fence with a timber railing of more robust design. The culvert pipe could also be replaced with a bridge with arched openings and abutments constructed in brick and backfilled with earth and turf.

At the north end of Crab Island, the footpath that is in use is accessed via a step from the Crab Island level and runs around the outside of the former shipyard wall of the west yard. There is a Public Inquiry regarding the footpaths at this location scheduled for 20<sup>th</sup>-22<sup>nd</sup> May 2014. Kent County Council has issued a Footpath Extinguishment Order for the part of the creekside footpath numbered as ZF5 which runs through the former west yard and a Public Path creation Order and Definitive Map Modification Order to create a new footpath along the line around the outside of the wall to be numbered as ZF42. Faversham Town Council has discussed creation of an alternative to the original route of footpath ZF5 involving access through the wall and behind the two groups of houses in Faversham Reach which block the original line. An alternative layout suggested by the Faversham Creek Streetscape Strategy would be to create a ramped footpath and extend the footpath around the creek end of the wall into Faversham Reach with the possibility of a further access through the wall into the former main shipyard.

Across the former creek channel behind Crab Island, there is an extensive open space along Upper Brents with some trees along the road and willows near to the former channel. Additional planting with suitable native species would improve the biodiversity of this area.

When Waterside Close was developed in 2003, it was intended that a planning agreement would create a new footpath behind the garden fences at the rear of the houses as part of the creekside path. The path itself and fencing to enclose it were built, but with no clear indication of the route to it from the entrance to the estate. Discussions regarding the formalisation of this path are in process between the landowners and Swale Council. To join this footpath to the sea wall which encloses Ham Marshes, a ramp could be constructed using steel and timber. This alteration together with the alteration to the footpath through Faversham Reach would create a continuous creekside walkway from the creek bridge onto the sea wall.

#### North Lane and Conduit Street

Partridge Lane is one of the main pedestrian routes from the town centre to the creek. There is no signage to indicate this and at the bottom of the road, the pavement on the town side of North Lane runs out and there is no pedestrian crossing. The potential of this lane as a main link between Market Place and the creek should be recognised by the improvement of its legibility. This could include a pedestrian crossing to the north of the junction between Partridge Lane with North Lane and a speed table to reduce traffic speeds in North Lane. The pavement on the town side of North Lane could also be extended along the Shepherd Neame buildings and the quality of pavements on Partridge Lane improved using York stone and crossovers in brick pavers to make the area more pedestrian-friendly.

North Lane continues after the Bridge Road junction as Conduit Street and it is still a fast road with heavy traffic. This road forms part of the main traffic route including for lorries turning up Quay Lane to Court Street. At the junction with Quay lane and Conduit Street, areas for pedestrians are poorly defined with casual parking on a slightly raised pavement that encloses a tarmac-surfaced outside space for the Swan and Harlequin public house. The concrete and barbed wire fence to the Shepherd

Neame site on the south side of the junction is of poor quality and replacement with a brick wall would improve the appearance of the area considerably. A sitting out area in front of the public house with brick paving and York stone and a paved walkway to the creek next to the boxing club would improve the appearance and amenity and improve permeability of the area for pedestrians. The quality of the pavement on the town side of Conduit Street could also be improved using York stone. Use of shared surfaces and squaring off the corner would assist in reducing traffic speeds through this junction. These alterations would also generate a better sense of arrival by creating a sense of place.

The environment around the historic buildings including the TS Hazard is of mixed quality. There is no access between the Town Green and Bridge Road except along Conduit Street and the pavement here is uneven and poorly finished. There is also no access from the Town Green into Swan Quay, although only a timber fence separates these sites. The setting of the heritage assets including the TS Hazard and the boxing club and the stretch of traditional paving with granite setts could be improved. The remainder of the surfaced area between the buildings could be paved in macadam dressed with gravel with any drainage channels required to protect the listed building formed in clay pavers. Better-designed mooring bollards or cleats and an electricity point would improve the standard of the visitor moorings at this location. Screening could be provided to the existing electricity sub-station such as a brick wall with timber gates. The pavement could be replaced in York stone as this would be more appropriate to the built quality of the area. If agreement could be reached with Shepherd Neame, a footpath from the Town Green across the creek side of the present car park could link the quay with Bridge Road. A new screen wall, piers and railings would be required which should be designed to add visual interest and provide adequate security to the car park.

#### Belvedere Road, Standard Quay and beyond

There is no direct connection between Swan Quay and Belvedere Wharf and these sites are at different heights as the latter area was raised when it was developed for housing. If Swan Quay is redeveloped, a link could be provided to make a more continuous footpath. Negotiations should be entered into with the owners of Provender Walk to allow access to the quayside walkway and to connect this to the sites at either end. New developments on the oil depot site and the former coach depot must include walkways which would connect the area with Standard Quay and increase opportunities to get to the creek. At Standard Quay, more cohesive signage at the entrance would enable visitors and others to identify what services and facilities the area provides. The existing surfacing reflects the former character of the wharf as a location for cargo handling and storage. The roadway between the black sheds and the Old Granary could be replaced with a shared surface with a dressing of aggregate on macadam. The passageways between the timber buildings could be of brick pavers. The area outside Standard House could be paved in York stone to improve the setting of this listed building. With the restoration of the house, this would benefit the character of the area.

The existing footpath which forms part of the Saxon Shore Way and runs between the boundary of Standard House and the car park for Standard Quay could be improved by widening and provision of a more durable surface such as compacted gravel which does not flood across with water in winter. This must continue through the grounds of Oyster Bay House to the more open area in front of Alan Staley's boat building shed. The existing footpath along the frontage of Iron Wharf to Chambers Dock already allows sufficient width for cranes to be operated as necessary to serve the requirements of the boatyard.

Anne Salmon