

Minutes of the Faversham Creek Neighbourhood Plan Steering Group Meeting: Tuesday, 4 February 2014

Present

Nigel Kay, Faversham Town Councillor (FTC) – Chairman
David Simmons, Mayor, 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
Sue Akhurst, Faversham Creek Trust
Kirsty Northwood, Faversham Traders Group
Janet Turner, Faversham Society
Hilary Whelan, Brents Community Association

In attendance

Natalie Earl, Swale Borough Council Senior Planner
Jackie Westlake, Faversham Town Council Clerk – Secretary

1. Apologies for absence

1.1 There were apologies for absence from Cllr Mike Cosgrove, John Sell, Brenda Chester and Janice Hennessey.

1.2 Nigel Kay (NK) on behalf of the Steering Group, offered condolences to John Sell and his family on the death of his wife.

2. Minutes of the last meeting and matters arising.

2.1 The minutes were agreed

2.2 All matters arising had been dealt with.

2.3 There were no declarations of interest.

3. Presentation by Richard Knight, Environment Agency (EA)

3.1 Richard Knight (RK) (with two colleagues from the Environment Agency) gave a presentation on the East Coast Surge Flood. He explained that, for Faversham, it was regarded as a one in twenty year event, given the height the tide reached. Overall, it had been the worst flooding for sixty years.

3.2 RK set out the various partners working with the EA on 6 December 2013, described the three tier flood warning service, and explained the EA's role in those circumstances which was to warn and inform. Anyone who should have received a flood warning but didn't was advised to contact the EA so they could check and, if necessary, update their records.

3.3 The next step for Faversham was to develop a flood alleviation scheme. A new mapping project had been undertaken (to be put on the website shortly). Any such scheme had to be technically feasible as well as environmentally and socially acceptable. Each scheme had to demonstrate value for money (for every £1 spent, there had to be £8 benefit), and funding had to be raised from the public and private sector.

3.4 Mike Henderson (MH) asked who had been in charge on the night of the 6th, as there appeared to be no overall lead. Additionally, he asked whether the flood warning area could be better targeted as SBC's messages had not indicated there would be a problem for Faversham.

3.5 RK said that once a major incident had been declared, the police were in overall control. The EA would consider whether it would be possible to split the flood warning areas into smaller, discrete parts.

3.6 Hilary Whelan (HW) asked what had happened to a 2012 list of flood defence schemes in Kent, including one for Faversham. RK said that, due to the high cost of the schemes, it had been decided to take out some of the higher risk areas and deliver them as smaller projects. The EA was hoping to secure funding in the new financial year, and would then begin to consult with the local community.

3.7 Sue Akhurst (SA) asked whether such a scheme, if built for the Front Brents, would take account of the impact on the opposite side of the Creek. RK confirmed that any scheme had to be devised so that it didn't increase the flood risk in another area. Schemes had to protect buildings and designated habitats. A long list of potential engineering options would be drawn up for consideration.

3.8 David Simmons (DS) said that, at the last presentation given by the EA (at a Neighbourhood Plan workshop in November 2012), the EA representatives had indicated they were relaxed about mixed development around the Creek. RK said the EA would give advice, as a statutory consultee, when the NP was prepared for consultation. The EA now charged for pre-consultation advice. Natalie Earl (NE) said she had spoken to Jennifer Wilson about the EA's current designation of Faversham as Flood Zone 3(a)(i), who had confirmed the EA did not need to revisit the designation in the light of the recent flooding.¹

1. During preparation of the feasibility report, discussions with the Environment Agency (EA) made it apparent that the current Strategic Flood Risk Assessment (SFRA) 2009 would not allow for anything other than essential infrastructure or water compatible uses in the functional floodplain, zone 3b. Most of the potential regeneration sites within the AAP are within zone 3b and therefore the regeneration of Faversham Creek would be largely undeliverable.

3.7 The consultant has worked with the EA to devise a new approach to this issue and an addendum to the Swale SFRA has been produced which provides guidance on the change of use or redevelopment of previously developed land within the 1:20 year flood risk area of Faversham Creek. This Supplementary Document applies only to Faversham Creek due to the

3.9 RK said the EA considered planning applications as they came in on an individual basis. For documents such as a Local Plan or Neighbourhood Plan there would be a cumulative review of any development. The EA would be likely to object if there was even a limited impact. However, the final decision would be for the local planning authority.

ACTIONS

- **NE to seek written confirmation of the EA's current view on Faversham Creek**
- **JW to provide RK's contact details to the Steering Group and others**

4. Presentation by David Iron and Philippa Dickenson on the Faversham Creek Business Case

4.1 Philippa Dickenson (PD) gave an overview. The following points were made both by PD and David Iron (DI) both as part of the presentation and in discussion with the SG:

- The business case was not a business plan. It was conceptual and treated the Creek as a single entity
- It didn't take account of individual land ownership
- There had been an in-depth financial analysis considering costs and expenditure (spreadsheets could be made available to the Steering Group)
- The business case was, overall, positive, but depended on public and private investment
- Realising the value relied on the opening up of the whole Creek
- There was a £6m boat building/repair/maintenance business in the Thames Estuary, with waiting lists and, therefore, a potential business opportunity for larger boat repair work needing dry docks
- The mooring income around the Creek was significant – 31 100ft spaces; 28 available for rental (would need 3 for dry docks). This included the inner basin
- Grant funding would be needed (probably HLF), which generally required training to be developed as part of the funding criteria
- The bulk of the £1.3m required would be for the swing bridge. £400k had been committed by KCC

relatively confined nature of the floodplain - which should enable safe access and egress to most sites whilst achieving the Local Planning Authority's long standing aim for regeneration in the area. Given the previously developed nature of these areas, and the prevailing convention to remove built-up areas from functional floodplain, a special designation is given to those previously developed areas which are located within the 1:20 year flood risk zone – Flood Zone 3a(i). This means that there is an acknowledgement of the high flood risk in these areas, without applying the strict policy restrictions associated with functional floodplain (Flood Zone 3b). This will become supplementary to the adopted Swale SFRA 2009.” (<http://www.swale.gov.uk/assets/Planning-General/Planning-Policy/Faversham-Creek/Final-doc-for-web.pdf>)

- It could not be considered to give a commercial return on its own and would need public grants and donations (including support for yearly maintenance)
- Cash flows would become positive from year 4
- Private investors would need to consider whether they could pay a bank loan of 8%, and would they get a return of 20% on e.g. £100k. The figures showed 20.7% return
- There was a commercial opportunity because of the waiting lists at Malden and St Katharine's Dock
- There were pros and cons for the Creek (tidal but protected)
- Up to 10 FTE jobs would be created
- Tourism was not considered in detail, but that might be important to encourage public funding (to demonstrate increased employment opportunities)
- Figures in the business case might be subject to further revision so were not set in stone
- The work on the inner basin would need the agreement of the landowners. In general, each landowner would need to get on board on an individual basis
- The Land Use Report had predated the business case.

4.2 The SG thanked PD, DI and the members of the business case team for their hard work.

ACTION: JW to send the business case to landowners seeking their comments

5. Update on drafting progress

5.1 NK asked that SG members considered involvement in the drafting group as John Sell was unable to contribute at present. It would be important to maintain the timetable in general, and the Town Council meeting in April would be the first opportunity to consider amendments to the use class resolutions as agreed at the meeting on 28 October 2013.

5.2 HW gave a brief update. The group would be meeting on 7 February when a representative from Planning Aid would be present. It was hoped he would be able to answer a number of questions collated by the group concerning the drafting, although the group had been looking at other made Plans and examiners' comments.

5.3 There were a number of constraints to consider, including the costs of publication and distribution. A lot of preparatory work had now been completed and it was hoped the next two weeks would see significant development of the draft. NE confirmed a Strategic Environmental Assessment (SEA) would be needed.

5.4 There was some discussion as to whether alternative options could be included in the draft Plan. Some alternatives were already in the public domain. The Town Council resolution on Swan Quay stated:

“The Town Council acknowledges the challenges presented by this site. Whilst not all the buildings are listed, most do have a certain merit. Any development should be of a scale and design to match existing. We believe that this site is an important pedestrian gateway to the North Eastern part of the Creek and as such care must be taken in drafting the Plan to make sure the site is not overdeveloped. In light of these concerns the Town Council accepts the use classes proposed but we ask the Steering Group to investigate ways in which our reservations can be addressed.”

5.5 The resolution on Ordnance Wharf also allowed for alternatives.²

5.6 MH proposed, seconded by Trevor Payne (TP) that the statement from the SG should say that no alternative could be offered where the Town Council had determined the use. Where the Town Council had left room for debate, the drafters should include alternatives. The proposal was passed unanimously.

5.7 NE said there was a matrix of questions to be asked of the draft Local Plan which could help in the drafting of the NP.

ACTION: NE to send the scoping report for the core strategy as a guide to JW for onward circulation to the SG

5.8 Andrew Osborne (AO) referred to the Town Green. It was not a public open space because it was designated for the use of local inhabitants. For the Creek’s Town Green, that meant the inhabitants of the North West corner of Davington Priory Ward. Nothing could be done to or on a town green unless it contributed to the enjoyment of its local inhabitants. Other green spaces (such as that between the Front Brents and the Albion) could be public open spaces.

ACTIONS

- **JW to circulate the Town Green information as provided by AO to the SG**
- **NE to circulate, via JW, a matrix of questions used for the Local Plan to assess local green spaces**
- **NE to circulate a list, via JW, of the open green spaces around the Creek and their owners**

6. Update on communications and engagement

6.1 Anne Salmon (AS) said that, following the communications and engagement group’s meeting on 24 January, there had been another meeting to work out what could be done by the SG and what resource

² 28 October 2013: Town Council resolution stated: The Town Council is aware that current thinking for this site is different from previous thoughts; there is a stated preference from some to see no residential development adjacent to the inner basin. At this stage the Town Council believes it should remain open minded about use classes for this site to enable any alternative to mixed development to be worked up. Use classes mixed development and/or other?

would need to be bought in and the content of the pre-submission draft consultation programme . That information would be before the SG at its next meeting.

7. Updates on projects from the Faversham Creek Trust and the Brents Community Association

7.1 HW gave a brief update on the Brents Community Association's (BCA) plans for a community centre/boatyard. Some progress had been made: Reaching Communities said the BCA was eligible for a grant; and Amicus Horizon had responded positively and was offering help as well as joint funding bids.

8. Swan Quay Appraisal Report

8.1 The SG considered the summary. JW had received no requests to view the whole report. NK asked that the SG consider whether the Report fitted within the Town Council's recommendation (see para 5.4). NE reminded the SG that they had adopted the undesignated heritage assets paper across the whole plan area, which had been prepared in line with the National Planning Policy Framework (NPPF) and in discussion with SBC's conservation officer. The Appraisal Report had taken a different approach and focused on one site.

8.2 HW said the paper's strength lay, not in the finer details of conservation, but in proposing an alternative use of the site which used its current assets. Consultation had shown that there was opposition to the earlier plans and that people wished to see alternatives.

8.3 AO proposed, seconded by AS, that the SG adhered to the Undesignated Heritage Assets paper for the development of the draft Plan. He referred to the Town Wharf and the old Town warehouse which was missing from the paper. SA proposed, seconded by HW, that the SG deferred a decision to the next meeting to enable members to view the report in full. On being put to the meeting, the latter proposal was lost (4 in favour, 5 against). On the proposal by AO, the proposal was carried (6 in favour, 2 against).

9. Budget Update

9.1 There had been no further expenditure on the NP budget since the last meeting. The Chairman asked that the minutes recorded the SG's thanks to JW for the time she had given to the NP over and above her working hours.

10. Any Other Business

10.1 The date of the next meeting was rearranged to Wednesday, 26 February. The following meeting would be held on Tuesday, 1 April.

10.2 NE gave a brief update on the recruitment of an independent planning consultant. The work had to go out to tender and a brief was being finalised. It was likely to be the end of March when the person would be in place.

10.3 NE reminded the group that the Friends of Westbrook Stream were holding an Open Day on Saturday, 8 February, between 1 and 5pm at the Assembly Rooms.

10.4 AO said he had prepared a paper concerning the gaps between the developments sites. It would be important to bring the Creek together as a coherent whole.

ACTIONS

- **JW to circulate paper in confidence**
- **NE to find out if there were any existing site use designations for the open spaces**

- **Public Questions**

There were no public questions. In response to previous public questions presented at the 10 December 2013 meeting, the following information was provided.

Q. Mr Chairman, you have asked those wanting to put forward alternative proposals to provide full justification and business plans, all within a couple of weeks. Presumably, having had a couple of years, the steering group has done the same for the existing proposals, so may we please see them?

A. All developments must be viable and deliverable under the terms of the Neighbourhood Plan framework put in place by the government. Swale Borough Council's normal consultants will undertake the assessment.

Housing development has been shown in the past to be viable and deliverable on many occasions. It is, therefore, a reasonable working assumption that site owners putting forward such a proposal have carried out an assessment of this or they would not be putting the proposals forward. The proposals will still have to pass Swale Borough Council's formal assessment process.

The proposals for a community boat yard and community centre also need to be viable and deliverable. There are no guidelines available as to how this test should be performed. However, such developments, by their nature, require grants and donations to be received, to support the community without any interest in obtaining a commercial return. The views of the Town Council's Planning Adviser and Swale Borough Council planning officer are that the proof of these types of developments being viable and deliverable is generally linked to the availability of grants. This means that the test could probably be passed if grants have been awarded. As the demand for grants far exceeds the amount of money available the mere identifying of potential source of grants is not, of itself, sufficient evidence for passing the test. You will beware of the difficulties that the Faversham Creek Trust and the Creek Consortium have had in interesting the Heritage Lottery Fund in supporting some of the projects planned for the Creek. In recent years, the Town has received some large grants but the Town was selected in front of many hundreds of other areas and the odd of this happening again are remote.

This is not just a question about individual sites, but also about the entire concept, and two things in particular:

Q. In the current proposals, all the major sites have large residential blocks with commercial use on the ground floor. What are the estimates for:

(a) the total area of commercial space this would create.

This is unknown at this stage. The submission version of the NP will need to give the site areas of each site and an approximation of quantity of the different of uses proposed for each site.

(b) the potential uses for this space, given the constraints of proximity to residential accommodation.

Residential amenity would be a key issue when assessing the merits of each scheme and the mix of uses proposed. However, no use can be ruled out due to its proximity to residential units.

(c) the traffic and parking implications for residents, businesses and customers.

The NP will allocate sites for uses. It is not until the planning application stage that parking is addressed. The last consultant met Kent Highways officers who were content with the level of traffic that the developments would be producing. Again, at the planning application stage Kent Highways will work with the applicant to design their scheme to minimise traffic congestion and maintain safety. These are standard working procedures in the planning process.

(d) the likely level of demand for such space, given the amount of vacant commercial space in the town already and the potential problems of getting insurance and business loans for ground floor creekside property? *Swale's Employment Land Review covered the creek area and looked at demand for employment generating uses and the suitability of sites for employment uses.*

Q. Footpaths and streetscape:

(a) what are the estimated costs?

The estimated costs of the works to roads, footpaths and other improvements around the creek were prepared on behalf of Context 4D (Richard Guise) by Mildred, Howells, quantity surveyors based in Bristol. They are set out on pages 70-71 of the Faversham Creek Streetscape Strategy. The Streetscape Strategy states that these costings were based on the drawings and project descriptions in the report. They are based on 2012 prices.

(b) what assumptions have been made about the level of developer contributions?

The Streetscape Strategy states that some items will be undertaken by a partnership of various parties. Any project could be funded by contributions from, among others, developers or landowners, the town council (via the Conservation Liaison Group) or the Highways Authority. Financial contributions from section 106 agreements or CIL can contribute to the cost of works to the built and natural environment that are not part of any individual site via a pooled fund. On individual sites where developments are permitted, any improvements to the footpath/quayside would be expected to form part of the development.

(c) what are the timescales?

Timescales for achieving most of the works would depend on when applications come in for any developments on the identified sites. This is also the main source of funding for the works not on any of the development sites, as a pooled fund. The scale of s106 contributions or

CIL per site is usually part of the negotiation on any planning application. Swale has not yet started to develop its CIL guidance.

(d) what permissions have been sought?

Where they are highways or already public footpaths, it would be the highway authority. On a site it would be the landowner. In most cases these would be part of planning proposals.

(e) who will own and be liable for new stretches of footpath?

Where the footpaths/quays/moorings are on development sites, they could be maintained on an ongoing basis as open spaces forming part of the scheme and could be permissive footpaths owned by the management company as at Belvedere Quays. Alternatively, they could become the subject of a footpath creation order and be maintained by the highway authority. This would also be the subject of negotiation during planning applications. If they are part of a highway or become a new public footpath, then they would be maintained by the Highways Authority like any public road improvement such as pedestrian crossings or paving.

(f) who will be responsible for upkeep and maintenance, what will be the annual cost, and where will the money come from?

They could be subject to a Footpath Creation order and become public footpaths maintained by the Highway Authority or they could be permissive paths maintained by the owners. See (e).