

**INDEPENDENT EXAMINATION OF THE FAVERSHAM  
NEIGHBOURHOOD DEVELOPMENT PLAN 2023-2038**  
EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Adrienne Begent  
Deputy Clerk to Faversham Town Council

Natalie Earl  
Swale Borough Council

Examination Ref: 01/DAS/FNP

27 November 2023

Dear Ms Begent and Ms Earl

**FAVERSHAM NEIGHBOURHOOD DEVELOPMENT PLAN EXAMINATION**

Following the submission of the Faversham Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Faversham Town Council (the Qualifying Body/Town Council) and Swale Borough Council (the Borough Council), to which I would like to receive a written response(s) by **Friday 29 December 2023** if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement, the Consultation Statement, the Strategic Environmental Assessment (SEA) Environmental Report, the Habitats Regulations Assessment (HRA) Appropriate Assessment Report and the Regulation 16 representations.

However, you will appreciate I have raised a number of substantive questions, to which I will need to give careful consideration to the responses before determining how to proceed.

2. Site Visit

Notwithstanding the initial issues I have raised, I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 18 December 2023. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing.

3. Written Representations

The general rule is the examination will be undertaken, in most cases, on the basis of written representations. However, I do not yet have the necessary information to determine the most appropriate means to proceed. At this stage, I will reserve the option to convene a hearing session, pending my further detailed assessment of the draft Plan, the representations that have been

submitted, my site visit and the responses to the questions seeking further clarification. If I consider it necessary, I shall convene a hearing session to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

#### 4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Town Council and the Borough Council.

I have thirteen questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 29 December 2023**.

#### 5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, as I have raised thirteen questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable will be extended (and I am not yet in a position to determine whether or not a hearing session will be necessary). Nonetheless, please be assured that I will aim to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the progress of the examination.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on both Councils' websites.

Thank you in advance for your assistance.

Yours sincerely

*Derek Stebbing*

Examiner

## ANNEX

From my initial reading of the Faversham Neighbourhood Plan 2023-2038 (Submission Version dated June 2023), the supporting evidence and the representations that have been made to the Plan, I have the following questions for the Qualifying Body and the Borough Council. I have requested the submission of responses **by Friday 29 December 2023**, though an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

### **Question 1: Re. Swale Local Plan Review (Pages 18/19)**

Can the **Borough Council** please provide me with an update on the position regarding the emerging Swale Local Plan Review, and whether the following statement published on the Borough Council's website (as viewed on 22 November 2023) remains correct?

#### *"Local Plan Timetable*

*Following the meeting of the Policy and Resources Committee on Wednesday, 19 October 2022, 7.00 pm (swale.gov.uk) Members agreed to postpone the next formal consultation of the Local Plan Review. This makes the latest LDS out of date. The LDS will be revised as soon as possible after the proposed changes to the NPPF are published in Spring 2023. Until this is confirmed, background work on the Local Plan Review continues. Updates to the timetable and new LDS will be posted here in due course."*

### **Question 2: Re: Meeting Housing Need (Pages 26 and 27)**

Can the **Borough Council** and the **Qualifying Body** please provide me with an updated schedule of site allocations in the Neighbourhood Plan area (including strategic site allocations) with planning permissions granted and dwelling completions (including those forming part of the 'made' Faversham Creek Neighbourhood Plan) since the adoption of the Swale Borough Local Plan in July 2017? I request this to assess the extent to which housing need is being met in Faversham, and whether or not there is any unmet need in light of current development plan policies and proposals.

Can the **Borough Council** also please provide me with further information, and the source and date of that information, regarding the statement in the draft Plan (at page 26) that "*Swale Borough Council identified the level of growth required would be 200 new homes in the Faversham Neighbourhood Plan period*"? I also wish to establish whether that statement applies to the current proposed Plan period of 2023-2038, or to a different Plan period.

In that respect, I have seen a report considered by the Borough Council's Local Plan Panel on 29 October 2020, which at paragraphs 3.14-3.18 contains material recommending to Members that a total of 3,500 new dwellings be provided at Faversham under the development strategy (Option c) over the period 2022-2038, including "*the allocation of approximately 200 new dwellings within the boundary of Faversham town itself to be identified through the Faversham Neighbourhood Plan*". Can the **Borough Council** please confirm to me whether that material remains relevant to my examination of the draft Plan, in light of the Borough Council's postponement of the next stage of the Local Plan Review (see also Question 1), and my present consideration of the representations that have been submitted regarding future housing need in Faversham?

### **Question 3: Re. Policy FAV5 (Critical Road Junctions) (Page 36)**

As presently drafted, I am concerned that this Policy is, at least in part, not a land-use planning policy. I recognise that it is supported by a study of the critical road junctions across the neighbourhood area, but the Policy primarily addresses the responsibilities of Kent County Council,

as Highways Authority, in terms of assessing highway capacity and road safety, and not the functions of the Local Planning Authority.

I consider that the Policy requires significant revision if it is to constitute an effective land-use planning policy, in a similar way to the structure and content of Policy FAV6. I therefore invite the **Qualifying Body** to provide me with a note containing draft revised text for this Policy, referring to the Faversham Critical Junctions study (May 2022) but not listing the 21 critical junctions, that I may consider as a modification to the draft Plan.

**Question 4: Re. Policy FAV7 (Natural Environment and Landscape) (Page 48)**

Can the **Borough Council** please confirm that the Biodiversity Net Gain (BNG) requirement of 20% net gain for greenfield sites set out at clause 2b of this Policy is an acceptable requirement in the context of Borough-wide policies for BNG?

**Question 5: Policy FAV13 (Local Green Space) and Figures 13-20 (Pages 70-78)**

As presented, Figures 13-20 are not appropriate inset maps for the proposed eight Local Green Spaces listed in Policy FAV13, as it is not possible to accurately scale the extent of the sites' areas and boundaries from these maps. I shall require Figures 13-20 to all be replaced by Inset Maps on an Ordnance Survey map base, probably at a scale of 1:1250. These Inset Maps should simply identify the exact boundaries of each of the proposed Local Green Spaces with no further policy notations being shown. Can the **Qualifying Body**, possibly in conjunction with the **Borough Council** (as holder of the necessary Ordnance Survey licence), please provide a set of replacement Inset Maps for the proposed Local Green Spaces (FNP/LGS/001-FNP/LGS/008) that I may consider as a modification to the draft Plan?

**Question 6: Map and Figure References in the Draft Plan**

The draft Plan presently contains a number of inaccuracies with regard to its references to Maps and Figures. By way of examples, Policy FAV7 refers to Figures 6-9, which I believe should be to Figures 7-9, whilst Policy FAV11 refers to Figure 14 but which should be to Figure 12. Can the **Qualifying Body** please undertake a review of all such Policy-related cross-references in the draft Plan and provide me with a note on any necessary corrections?

I am further concerned that certain maps within the draft Plan, but most importantly Figure 1 on page 7, are using an outdated base map, and that the full extent of some recent built developments in the Faversham Town area are not shown. Can the **Borough Council** please undertake a review of all of the maps within the draft Plan for their current accuracy, and whether any necessary updated base maps need to be prepared?

**Question 7: Policies FAV19/20/21/22/24/25/26/27/29 (Site Allocations) and Figures 23-34 (Pages 97-123)**

As presented, Figures 23-34 are not appropriate inset maps for the proposed nine Site Allocations listed in Section 1.12, as it is not possible to accurately scale the extent of the sites' areas and boundaries from these maps. I shall require Figures 23-34 to all be replaced by Inset Maps on an Ordnance Survey map base, probably at a scale of 1:1250. These Inset Maps should simply identify the exact boundaries of each of the proposed Site Allocations with no further policy notations being shown. Can the **Qualifying Body**, possibly in conjunction with the **Borough Council** (as holder of the necessary Ordnance Survey licence), please provide a set of replacement Inset Maps for the proposed Site Allocations (FAV19/20/21/22/24/25/26/27/29) that I may consider as a modification to the draft Plan?

Can the **Qualifying Body** also please confirm that this section of the Plan should be numbered 3.12 and not 1.12 as shown on Pages 3 and 93?

**Question 8: Re. Land East of Ham Road, Faversham**

Can the **Borough Council** please provide me with a note setting out the current position with regard to a planning application (Ref: 23/502113/OUT) that was submitted to the Borough Council in May 2023 by Gladman Developments Ltd. which is referenced in Representation Ref. **FAVNP14**?

**Question 9: Re. Land at Bysing Wood Road, Faversham**

With reference to the representations submitted on behalf of The Brett Group (Ref. **FAVNP16**), can the **Qualifying Body** please provide me with a note regarding the suggested inconsistencies in the definition of Green and Blue Spaces in Faversham (as defined on Figure 7), where they affect the land interests of The Brett Group at Bysing Wood Road, Faversham, and whether in light of this representation the Town Council considers that a modification to Figure 7 will be necessary?

Should the **Qualifying Body** consider that a modification to Figure 7 will be necessary, I shall require a revised map in order to replace Figure 7 (also correcting the spelling error in the notation panel), that I may consider as a modification to the draft Plan.

**Question 10: Re. Land at the former Oare Gravel Works, off Ham Road, Faversham**

With reference to the representations submitted on behalf of Anderson Group (Ref. **FAVNP17**), can the **Borough Council** please provide me with a note regarding the suggested inconsistencies that are identified in this representation concerning Figures 7-10 (Inclusive) as they relate to the planning permission (Ref: SW/14/0257) that has been granted in September 2017 for the 'Faversham Lakes' development?

Should the **Borough Council**, in liaison with the **Qualifying Body**, consider that modifications to Figures 7-10 will be necessary, I shall require revised maps in order to replace each of those Figures, that I may consider as modifications to the draft Plan. (See also Question 9 regarding Figure 7).

Can the **Borough Council** also please provide me with a note setting out the current position with regard to a planning application (Ref: 23/502775/FULL) which is referenced in these representations?

**Question 11: Re. Land at Ospringe Street, Ospringe, Faversham**

With reference to the representations submitted on behalf of St John's College (Ref. **FAVNP31**), can the **Qualifying Body** please provide me with a note regarding the suggested inconsistencies in the definition of this land as defined on Figures 7-9 (inclusive) in the draft Plan as they affect the land interests of St John's College at Ospringe Street, Ospringe, Faversham, and whether in light of this representation the Town Council considers that modifications to Figures 7-9 will be necessary?

Should the **Qualifying Body** consider that modifications to Figures 7-9 will be necessary, I shall require revised maps in order to replace Figures 7-9, that I may consider as modifications to the draft Plan. (See also Questions 9 and 10 regarding Figures 7-9).

**Question 12: Re. Swale Borough Local Plan Review**

It is clear that a substantial amount of material in the draft Plan is based on the Pre-Submission draft Local Plan (Regulation 19 stage) that was published by the Borough Council for consultation in February-April 2021.

Following that consultation, the Borough Council did not proceed with the Submission of that draft Plan and published a further Issues and Preferred Options document (Regulation 18 stage) for consultation in October-November 2021.

Subsequently, in October 2022, the Borough Council resolved to postpone the next formal stage of the Local Plan Review. (See also Question 1).

Each Policy sub-section in the draft Plan contains material under the heading of “*Local Plan Review 2021 – Pre-Submission Document Regulation 19, Swale Borough Council*”, together with other material at various places in the document, e.g. page 25.

This material is out-of-date and is now misleading and is likely to require an extensive set of modifications to address the necessary amendments. I therefore seek the **Borough Council’s** advice on how this Examination should proceed with regard to the Plan’s current content on the Pre-Submission draft Local Plan Review (Regulation 19) that is now superseded. (See also Question 1).

### **Question 13 – Re. Consultation with National Highways**

With regard to the representations submitted by National Highways (Ref. **FAVNP43**) and the accompanying Technical Note (Ref. K454), I note the conclusion to that Note (at paragraphs 15-20) and the requirement for an assessment of the traffic impacts on the Strategic Road Network arising from the proposed site allocations in the draft Plan that are not included within the current adopted Local Plan. Such an assessment will need to be carried out in accordance with DfT Circular 01/2022.

In the absence of any evidence before me that the necessary traffic assessments have been undertaken or are in progress, either by the Qualifying Body, the Borough Council or Kent County Council (as Highways Authority), I therefore invite the **Qualifying Body** and the **Borough Council** (in liaison with Kent County Council) to consider these representations in full and provide me with a note on how they wish me to proceed with the examination of the proposed site allocations contained within the draft Plan and of the various additional sites being proposed as part of representations to the draft Plan.

-----