

Faversham Neighbourhood Plan Examination - Response to Examiner's Questions (FNPEX01) of 27th November 2023

Examiner Question	Swale Borough Council Response	Faversham Town Council Response
<p>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?</p> <p><i>"Local Plan Timetable</i></p> <p><i>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 This makes the latest LDS out of date.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."</i></p>	<p>That statement remains correct as at Full Council on 15th November 2023 it was agreed <i>"That Council defer a decision as to a timescale for the future stages of the Local Plan Review, until such time as the national planning landscape was clearer, but independent of the process, proceed to develop the evidence base regarding local development need and potential. With this process to be wholly reflective of local circumstance rather than central targets."</i></p>	
<p>Question 2: Re: Meeting Housing Need (Pages 26 and 27) 1/ Can the Borough Council and the Qualifying Body please provide me with an</p>	<p>1/ Please see Appendix I for an updated schedule of site allocations in the Neighbourhood Plan (NP) area (including strategic site allocations) with planning</p>	<p>Faversham Town Council updated the Housing Background Paper in June 2023. This is available on the Town Council website. This, the AECOM report and other relevant</p>

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<p>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.</p> <p>2/ 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 <i>“Swale Borough Council identified the level of growth required would be 200 new homes in the Faversham Neighbourhood Plan period”</i>? 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</p>	<p>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.</p> <p>2/ The Borough Council can confirm that material remains relevant to the examination of the draft Plan, in light of the postponement of the next stage of the Local Plan Review. The report was relevant at the point in time when the NP was being drafted and still remains a relevant consideration. The LPR consultation process is currently paused, however the evidence base continues to be developed and will provide detail on the Councils strategic development options.</p> <p>Whilst the next stage of consultation on the Swale Local Plan Review is currently paused, awaiting clarification on the Governments intentions towards Plan making is made clear through the next revision to the NPPF, due to the nature of Faversham’s position within the settlement hierarchy of the Borough the Council will still need to consider the strategic options for the Faversham area. To</p>	<p>evidence documents are available here: https://favershamtowncouncil.gov.uk/neighbourhood-plan/useful-links/</p> <p>The figure of 200 houses is therefore confirmed.</p>

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<p>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 <i>“the allocation of approximately 200 new dwellings within the boundary of Faversham town itself to be identified through the Faversham Neighbourhood Plan”</i>. 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?</p>	<p>allow this and to prevent future conflict between the NP and development of the Councils Local Plan Review an indicative figure of 200 dwellings had been provided and agreed upon through meetings between Swale BC and Faversham TC, as set out in the Statement of Common Ground:</p> <p>FNPEX02_Statement_of_Common_Ground_between_Faversham_Town_Council_and_Swale_Borough_Council.pdf. This approach has enabled to the NDP to address local issues whilst preventing future variance with any potential strategic Plan making for the Faversham area through the Local Plan Review.</p> <p>The Council’s approach has further been confirmed through the decision made by The Council on 15th November 2023. As a result to help inform the Local Plan Review the evidence base is continuing to be developed for a minimum 15 years to inform strategic policy making as per requirement in paragraph 22 of the NPPF 2023, a period which covers the 2023 to 2028.</p>	
<p>Question 3: Re. Policy FAV5 (Critical Road Junctions) (Page 36)</p>		<p>The wording of the policy reflects the requirements of Paragraphs 110 and 111 of</p>

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<p>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.</p>		<p>the NPPF September 2023. These paragraphs make clear how traffic impacts must be considered. Policy FAV5 does not address traffic management or other responsibilities of Kent County Council. The policy is evidenced based (see PJA Critical Junctions report, December 2022).</p> <p>The policy addresses the impact of development. It does not place any requirements on developers to address issues with the existing highway network. Wording was adjusted to clarify this further.</p> <p>Similar policies have been included in other Neighbourhood Plans that have passed through the examination process, most recently Biddulph Neighbourhood Plan on the 7th December 2023.</p> <p>We have considered the wording carefully, which closely follows NPPF policy. We are unclear why the wording does not meet the Basic Conditions. If the examiner would still like to modify the policy, we would welcome a dialogue to clarify why it does not meet the Basic Conditions.</p>

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<p>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?</p>	<p>The Borough Council has been working towards 20% BNG for a couple of years and produced the following piece of evidence base Biodiversity Baseline Study.pdf (swale.gov.uk) This Biodiversity Baseline Study report presents the results of a mapping exercise to record a biodiversity baseline for the Borough of Swale. The purpose is to provide guidance on how Swale can meet the requirements of the Environment Bill, and how these requirements can be incorporated into the emerging Swale Local Plan. The last Regulation 19 Local Plan included a Policy for 20% BNG and we have had no guidance from Members that their aspirations on this matter have changed since then. We therefore confirm that 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.</p>	<p>The Town Council prepared this policy in close liaison with Swale Borough Council.</p>
<p>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</p>	<p>SBC have prepared new maps to the specifications requested by the Examiner. Paper copies have been sent to him.</p> <p>(N.B. The titles of the new maps do not contain references/figure numbers in case</p>	

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<p>the extent of the sites' areas and boundaries from these maps. I shall require Figures 13-20 to all be replaced by Inset Maps <u>on an Ordnance Survey map base</u>, 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?</p>	<p>they change through the Examination process but as they are PDFs they could be edited later or the refence could be added when FTC add them to the document upon adoption.)</p>	
<p>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 <u>Figures 7-9</u>, whilst Policy FAV11 refers to Figure 14 but which should be to <u>Figure 12</u>. Can the Qualifying Body please undertake a review of all such Policy-related cross-references in the draft Plan and</p>	<p>Any maps prepared are on the most up to date O.S. base map data available to Swale BC. The O.S. base maps are updated whenever the main Swale GIS team know a large change has occurred but it is a manual process and the most recent version SBC are currently using is around a year old.</p>	<p>FAV7 could be modified to delete the reference to figure 6. The interpretation should also be amended to read figure 7 and not figure 6.</p>

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<p>provide me with a note on any necessary corrections?</p> <p>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?</p>		
<p>Question 7: Policies FAV19/20/21/22/24/25/26/27/29 (Site Allocations) and Figures 23-34 (Pages 97-123)</p> <p>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 <u>on an Ordnance Survey map base</u>, 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</p>	<p>SBC are preparing these maps to the specifications requested by the Examiner. Paper copies have been sent to him.</p> <p>(N.B. The titles of the new maps do not contain references/figure numbers in case they change through the examination process but as they are PDFs they could be edited later or the refence could be added when FTC add them to the document upon adoption.)</p>	<p>We can confirm that the numbering requires correction as suggested. Section 1.12 should be amended to 3.12. The contents page should be amended accordingly.</p>

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<p>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?</p> <p>Can the Qualifying Body also please confirm that this section of the Plan should be numbered <u>3.12</u> and not 1.12 as shown on Pages 3 and 93?</p>		
<p>Question 8: Re. Land East of Ham Road, Faversham</p> <p>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?</p>	<p>This Planning Application is awaiting determination. All of the documentation can be viewed at 23/502113/OUT Outline application for the erection of up to 250no. dwellings, including affordable housing, public open space, landscaping, sustainable urban drainage system (SuDS) and vehicular access point (All mattes reserved except for access). Land At Ham Road Faversham Kent (midkent.gov.uk)</p> <p>This planning application is likely to go to Planning Committee in February 2023. There are significant objections locally from the</p>	

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	Town Council, Faversham Society and neighbours.	
<p>Question 9: Re. Land at Bysing Wood Road, Faversham</p> <p>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?</p> <p>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.</p>		<p>Kent Wildlife Trust use the Kent Landscape Information Systems (KLIS) to prepare their mapping data. This is used by all Kent Local Authorities.</p> <p>Similar maps are used in many Made Neighbourhood Plans.</p> <p>The Town Council is unable to modify Kent Wildlife Trust maps. However, a label could be added to the maps, clarifying their source.</p>
<p>Question 10: Re. Land at the former Oare Gravel Works, off Ham Road, Faversham</p> <p>With reference to the representations submitted on behalf of Anderson Group (Ref. FAVNP17), can the Borough Council please</p>	The rep FAVNP17 is correct that planning permission SW/14/0257 has been granted for development over much of the designations on these figures.	

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<p>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?</p>	<p>FTC suggest that the following wording is added under the map - <i>These maps have been prepared by Kent Wildlife Trust based on O.S. mapping data available at the time. The maps may not reflect recent developments. These are for the purpose of considering impacts of future development only.</i></p> <p>Planning Application (23/502775/FULL) is awaiting determination and it is hoped to be decided by a delegated decision shortly. There is local support from the Town Council.</p>	
<p>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</p>		<p>Kent Wildlife Trust use the Kent Landscape Information Systems (KLIS) to prepare their mapping data. This is used by all Kent Local Authorities.</p> <p>These map types are used in many Made Neighbourhood Plans. These plans are</p>

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<p>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).</p>		<p>prepared by a third party (Kent Wildlife Trust) and are not editable.</p> <p>The Town Council is unable to modify Kent Wildlife Trust maps. However, a label could be added to the maps, clarifying their source.</p>
<p>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 <u>did not proceed</u> with the Submission of that draft Plan and published a further Issues and Preferred Options document</p>	<p>It would seem pragmatic to allow the Faversham Neighbourhood Plan (NP) to continue to be examined and not to hold it up due to delays with the LP as so much hard work and public consultation has been put into the preparation of the NP by the Town Council and local residents.</p> <p>We have looked at the NPPF and the Locality Guide to Neighbourhood Plans for guidance on this matter.</p>	<p>The Town Council is aware that general conformity with strategic local policy relates to the adopted local plan (Bearing Fruits). Also, National Planning Guidance makes clear that the evidence base underpinning the emerging Local Plan may be part of the evidence base for the Neighbourhood Plan.</p> <p>Although the policies of the emerging Local Plan are not part of the consideration of general conformity, they have been recognised in the Neighbourhood Plan rationales and efforts have been made to</p>

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<p>(Regulation 18 stage) for consultation in October-November 2021.</p> <p>Subsequently, in October 2022, the Borough Council resolved to postpone the next formal stage of the Local Plan Review. (See also Question 1).</p> <p>Each Policy sub-section in the draft Plan contains material under the heading of “<i>Local Plan Review 2021 – Pre-Submission Document Regulation 19, Swale Borough Council</i>”, 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).</p>	<p>As you will be aware, a neighbourhood plan sits within a framework of statutory planning and development documents and neighbourhood plans need to be in general conformity with the strategic policies in the local plan, which sits above the neighbourhood plan in this framework.</p> <p>Paragraph 31 of the NPPF states that “the preparation and review of all policies should be underpinned by relevant and up-to date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.” Evidence underpinning a recent or emerging Local Plan or evidence developed specifically for a neighbourhood plan may point to different needs than those addressed in older strategic local policies and this is why the Qualifying Body commissioned some of their own evidence and also used some of the Borough Council’s evidence that it was producing for it’s emerging LP. An emerging local plan would not constitute part of the statutory development plan. However, it still needs to be considered by neighbourhood planning bodies as the evidence base behind</p>	<p>ensure consistency between Neighbourhood Plan policies and emerging Local Plan policies.</p> <p>Throughout the process the Town Council has worked in close liaison with Swale Borough Council to ensure a cohesive approach. The Town Council is also aware of the relative weight given to neighbourhood plans and local plans, as set out in Paragraph 30 of the NPPF and in Planning Practice Guidance.</p>

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	<p>an emerging local plan is also likely to form part of the evidence base for any neighbourhood plans within the local plan area. The NPPG highlights that neighbourhood plans and NDOs are not tested against the policies in emerging Local Plans, but that the reasoning and evidence informing the emerging Local Plan may be relevant.</p> <p>This will obviously require a pragmatic approach to be adopted at the independent examination stage. The independent examination will consider whether a neighbourhood plan meets the basic conditions. Where strategic local planning policies in an old document are in contradiction with current national policies or with more recent evidence, an independent examiner and local planning authority will take this into account in deciding whether making the neighbourhood plan is in general conformity with strategic local planning policies.</p> <p>Guidance states that where a neighbourhood plan does precede an emerging local plan</p>	

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	<p>the local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. This is the process that occurred in the preparation of the Faversham NP and evidence documents being prepared for the emerging LP was shared with the Qualifying Body.</p> <p>Whilst stages of consultation on the Local Plan have been on pause, preparation of evidence base documents has been ongoing and engagement with Members, both formally and informally, has continued on many topic areas. Members have therefore had chances to express their views on these topics and have expressed no significant areas of difference that would lead officers to believe future direction, with regard to Faversham, will be out of kilter with the last Reg 19 Local Plan. The main reason for pausing the next stage of Local Plan consultation was housing targets, not all of the topics contained in the NP such as</p>	

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	<p>employment, biodiversity net gain, climate change, etc.</p> <p>The Council resolved to commence a review of the adopted Local Plan (Bearing Fruits), in July 2017. Work has been ongoing since that point with the last formal consultation taking place in October 2021 with a further Regulation 18 consultation. A subsequent Regulation 19 consultation had been planned to take place in October - December 2022. In the lead up to this time, the future of planning policy, at national level, was being greatly debated, and in particular the much-anticipated NPPF consultation promised in the summer of 2022 had not been forthcoming. This created considerable uncertainty to the degree that there was a risk of abortive work and the Council missing out on being able to tap into emerging new policy that could be beneficial to Swale. As a result, the Council agreed that it would postpone formal consultation stages until after the NPPF consultation. The NPPF consultation was eventually published in December 2022 for twelve weeks with the final version due to be published in “spring 2023”. Members felt that the proposed</p>	

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	<p>changes, if they were included within the final version of a LP, would have an impact on how the Council might consider identifying its target housing number. They felt that the final version might also include what might constitute “exceptional circumstances” for not meeting the full national government-set Local Housing Need (LHN) within an area.</p> <p>Members wanted Officers to proceed to develop the evidence base regarding local development need and potential, with this process to be wholly reflective of local circumstance rather than central targets. This is what has occurred.</p> <p>The Reg 19 was superseded with another Reg 18 LP but that plan contained less detailed topic based policies and it was done to enable the implications of the most recent revisions to the NPPF (July 2021) to be considered and to enable Swale to consider how the Local Plan could contribute to the recovery of the local economy post Covid-19 pandemic. These were very specific reasons and therefore did not change the general policy steers, so it did not vary considerably from the previous Reg 19.</p>	

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	<p>The Borough Council accept that the NP Policy sub-sections in the draft will require a set of modifications to address the necessary amendments, but these will be required for a number of reasons such as the newly released NPPF and other Government guidance releases, as well as any Local Plan requirements.</p> <p>Swale BC are therefore content with the approach that has been taken by Faversham Town Council and believe it to be a pragmatic one.</p>	
<p>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.</p>	<p>Joint FTC/SBC/KCC Highways response –</p> <p>The Neighbourhood Plan was provided a figure of 200 homes to allocate for small and medium scale sites. THE AECOM site options and assessment report October 2021 considered access and highway capacity. The SEA also took account of transport matters in terms of environmental impacts. The following are the key pieces of transport evidence work undertaken by the Town Council:</p> <ul style="list-style-type: none"> • The Aecom site assessment work https://favershamtowncouncil.gov.uk 	

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<p>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.</p>	<p>/neighbourhood-plan/aecom-final-documents/</p> <ul style="list-style-type: none"> • The Phil Jones work on critical junctions. https://favershamtowncouncil.gov.uk/neighbourhood-plan/useful-links/ • The Faversham LCWIP https://favershamtowncouncil.gov.uk/neighbourhood-plan/useful-links/ <p>The three Councils are aware of the requirements of Paragraph 31 of the NPPF September 2023 and is satisfied that the evidence base is relevant, up-to-date and adequate, proportionate, focused tightly on justifying policies concerned.</p> <p>The Town Council’s planning consultants, Urban Vision Enterprise, have supported more than 200 neighbourhood plans and have advised that requiring the kind of assessment suggested by Highways England is unprecedented and very disproportionate. Made Neighbourhood Plans have included similar policies, most</p>	

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	<p>recently Biddulph in Staffordshire (Made in December 2023) as well as many others.</p> <p>It should also be noted that recent speculative planning applications in the Faversham NP area involving much larger sites and number of homes were not requested to provide assessment of transport impacts.</p>	