

Faversham Town Council Response to the Swale
Borough Council Local Plan Review Regulation 18
Consultation

Summary

On the 22nd November, 2021, Faversham Town Council pass the following motion:

Faversham Town Council is opposed to Swale Borough Council's favoured option in the Regulation 18 consultation, namely Option 3. Faversham Town Council feel that none of the options are appropriate in meeting our local housing need, specifically the need for affordable housing. Faversham cannot accept a greater volume of housing without mitigation of its significant constraints around:

- *Transport and Air Quality*
- *Water, clean and waste*
- *Climate and biodiversity, including the use of BMV agricultural land.*

The rest of this document provides both the background to that general response and serves as a response to the consultation.

Introduction

This document has considered the following inputs:

- the public debate hosted by Faversham Town Council
- the subsequent motion and discussion at Faversham Town Council

The response of Faversham Town Council to the Regulation 19 consultation, which drew for the Neighbourhood Plan resident engagement, is as relevant to this consultation as that (enclosed with this response.) Faversham Town Council would be prepared to share the evidence base gathered through public engagement for the Neighbourhood Plan. In particular the residents survey covered considerations around future development.

Neighbourhood Plans

In paragraph 1.2.1 it should make clear that to meet the basic conditions a neighbourhood plan must be in general conformity with the strategic policies of the adopted local plan. Furthermore, neighbourhood plans are made, not adopted. It is recommended that the correct terminology is used to avoid confusion.

We welcome the clarification on when the policies would take precedence, although neighbourhood plans in preparation at this time should have regard for the emerging local plan to avoid disparities. There is no legal requirement to be in conformity with an emerging local plan. This point must also be corrected to avoid confusion.

Local Plan Timing

Faversham Town Council have not responded to all the questions raised in the Regulation 18 Consultation. This situation reflects in no small part the complexity of the document and relatively limited time allowed to respond. We remain concerned that the document (and the consultation itself) is likely inaccessible to many of our residents and little or no attempt has been made to engage Swale residents in the process. Faversham Town Council organised a public meeting that Swale Officers willingly attended, however we are aware that many Parishes have not done anything similar. Whilst this reflects poorly on those Parish Councils, it is the ultimate responsibility of Swale 'promote' the consultation and ensure the public engage with it.

We note that this consultation closes at the end of November 2021, with a pre-submission draft prepared in February 2022. This would appear to be an ambitious timetable. Our concern is that it does not allow sufficient time to fully consider all the representations made at this current stage.

We draw your attention to the Gunning principles of consultation that arose from case law and are:

1. that consultation must be at a time when proposals are still at a formative stage;
2. that the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
3. that adequate time is given for consideration and response; and
4. that the product of consultation is conscientiously taken into account when finalising the decision.

Given internal procedures the current timetable does not allow for sufficient time to consider the product of consultation.

Question 2

Do you have any comments on the interim Sustainability Appraisal? Please explain the reasons for your comments. Do you think any changes to the interim Sustainability Appraisal are necessary? If so, please set out these changes and the reasons why you think they are needed.

We consider the interim Sustainability Appraisal to be of low quality and consequently wholly inadequate as a key source of evidence to inform decision making around housing allocations. The report makes no reference to the Swale Landscape Sensitivity Assessment of 2019, or to its specific recommendations in terms of areas of low, medium and high sensitivity to residential and commercial development. There is no reference in the Sustainability Assessment to the importance of a future Nature Recovery Network including the 'strategic green corridor' between Faversham and Blean Woods.

The scoring system used to compile the non-technical summary table is insufficiently granular to be useful. To be credible, a table of this nature must be underpinned by other tables that apply the same analysis but with greater acuity. It would be a 'stretch' to conclude that the sustainable appraisal goes any way to make the case for the Council's stated preferred Option 3.

Question 3

Do you agree with the key issues and challenges that we have identified?
If not, what other issues do you think need to be considered further and addressed by the Local Plan Review?

We largely agree with the key issues and challenges identified but there are a number of hugely significant issues and challenges that are not reflected in the list. We question the extent to which the Reg 18 document has given due consideration to the detailed and considered responses provided during the previous Reg 19 consultation. We summarise a number of these issues below but would encourage Swale to delve into the detail provided in the original Reg 19 feedback as well as the Council's own evidence base.

Water and Sewage

Our chalk aquifer is already over abstracted to the detriment of our unique and protected chalk streams. Water must be acknowledged as a constraint in the plan's development with consideration given into how this issue can be, if at all, mitigated. More housing requires more water.

Discharge of treated effluent and combined storm overflows of untreated effluent and storm water into Faversham Creek, Thorn Creek and Cooksditch is a serious and ongoing issue. It is clear that recent housing development has exacerbated the incidence of effluent outflow at Faversham Creek and indeed sewage. Faversham wastewater treatment works is already operating at its capacity and is located 500m from the town centre. Further development will require extensions to the works and funding for new trunk sewers. This should be acknowledged.

Traffic and Air Quality

Avoidance of traffic gridlock (and its accompanying air quality impact) on the A2 under option 3 appears to be dependent upon upgrades to Brenley Corner and achieving a link to the M2 J6, neither of which is associated with any reasonable degree of certainty. In addition, much of the 'movement modelling' is reliant upon a significant model shift towards active transport, a significant culture change, away from the use of private vehicles towards walking and cycling. There is no mention of how this might be done nor any acknowledgement of how difficult this will be to achieve in practice.

Challenge of meeting net zero carbon target

We commend the Council for making a commitment to both mitigate and adapt to climate

change in accordance with their net-zero by 2030 target. We have serious concerns as to how the council will achieve the quantum of development identified within the plan whilst progressing towards this target. Whilst the council can attempt to 'cajole' developers into building net zero homes; building 'net zero carbon homes' ignores the impact of embodied carbon (ie, the carbon emissions associated with the extraction and processing of materials, energy use in the factories and transport as well as the construction of the building and repair, replacement and maintenance, demolition and disassembly). There is no single figure for the amount of carbon embodied in a typical home but one can assume its roughly 500-600kg/m², i.e. 25-65 tonnes of CO₂ per dwelling. The issue of addressing this challenge should be acknowledged.

Question 4

Do you agree this is the right Vision for the borough? If not, please explain what changes you would like to see made to the Vision and why.

We restrict our comment to the relevance of the Vision as it relates to Faversham. The current vision describes Faversham as "a thriving market town and heritage destination that has successfully managed 21st century demands. It has been achieved by enabling sympathetic and symbiotic growth whilst reducing congestion and air quality issues along the A2 over the period to 2038 and beyond." Whilst we agree with the vision, we believe that it is implausible to assume that it would be possible to 'reduce congestion and improve air quality' along the A2 whilst delivering the proposed quantum of development at Faversham and Teynham.

Question 6

Do you think that the council should attempt to justify not complying with the Government's Standard Method for calculating the borough's housing need figure (due to the constraints of the Swale, such as the natural environment, flood risk, infrastructure), which means that the council would not fully meet the housing target? Please explain why and say what you believe the "exceptional circumstances" would be for Swale not to meet the figure.

Swale Borough Council must push back on the appropriateness of the housing 'target' as

determined using the government's standard method. It is a choice of the elected member of Swale Borough Council to determine how this is best achieved.

The physical constraints of Swale are well documented in the Council's Green and Blue Infrastructure Strategy. 60% of the Borough is designated for international, national and local Biodiversity and Landscape value. 49% of the borough is agricultural land, much of this classified as best and most versatile*, 8% grassland, 7% orchard, 8% woodland, and 5% foreshore. Paragraph 170 of the NPPF states that: "planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland." The development of land around Faversham will undoubtedly result in the loss of high-quality agricultural land, most of it likely to be of Grade 1 quality.

There appears to be a dearth of developable brownfield sites in Swale although unfortunately, no indication of the scale or opportunity for building on brownfield sites is provided in this document. We note that SBC's brownfield register comprises 14 sites totalling 43 hectares. This seems implausible for a borough covering over 37,000 hectares, so one can only presume that the true volume available is unquantified.

*'Best and most versatile' (BMV) agricultural land is defined as Grades 1, 2, and 3a agricultural land by policy guidance (the Agricultural Land Classification - ALC) (DCLG, 2012).

Questions 11 - 21

The following two questions are posed about each of the 5 strategic development options:

- Do you agree that the broad locations shown above [refers to individual maps of the Borough of Swale with "pin-drops" of potential development sites for each of the options] will help deliver this development option? If not, why not?
- Do you agree with the potential advantages and disadvantages listed above for this development option? Can you think of any others you would add?

Question 21 supplements this block with:

- Do you think we have considered all of the suitable alternative development options? If no, please explain and set out the details of an alternative option you feel we have missed. (If you have a single site to submit please do so under the next question.)

None of the options proposed look viable for Faversham, and each of them seem to far exceed the actual housing need of the town itself. Moreover, the scale of each of the options are likely to exceed the existing maximum capacity of the infrastructure (transport, water and health) available to the town. The constraints of the existing infrastructure have been laid bare in the regulation 19 responses from KCC and CPRE. In addition, the sustainability

assessments have generated significant concern from the residents of the town, due in part to areas with subjective output rather than objective evidence.

The maps provided for each option, with associated their “pin-drops” designating large scale development, are mis-representative of the likely impact of those developments. For example, Option 3 presents one “pin-drop” to the east of Faversham which is likely to be 3,500 houses, or a ~35% increase in the volume of the town. The CCG has, to date, indicated that this would not require any growth in the capacity of the existing GP surgeries. Residents of the town are concerned this is likely to result in the deprivation of resources to existing users.

It is of grave concern to the Town Council that several significant constraints to the existing infrastructure outlined in responses to Regulation 19 have not been considered when undertaking this strategic review. These issues were outlined here: <https://services.swale.gov.uk/meetings/documents/s20789/Appendix I - Summaries of main issues raised at Regulation 19.pdf>

Transport

- The Kent County Council response included, “The proposed partnership work on an A2 mitigation strategy is welcomed, however, in recognising that there is mitigation required, it is difficult to understand why development is proposed along its corridor..” It goes on to say, “The proposed Transport Strategy cannot be supported by KCC as the Local Highway Authority until such a time as it has been properly informed by modelling evidence and amended accordingly.”
- CPRE comments on the issue: “The proposal is entirely dependent upon upgrades to Brenley Corner and achieving a link to the M2 J6 yet there is very little certainty that this will be delivered or is even achievable. As it currently stands, a feasibility assessment is yet to even be undertaken and whilst funding for the feasibility assessment has been earmarked within the Road Investment Strategy 2 (RIS2), this strategy is currently being challenged in court on the basis it is incompatible with climate crisis commitments (a position that CPRE Kent agrees with).”
- The CPRE response also included, “Critically, it remains unclear whether transport capacity presents a barrier to the intended growth, especially with regard to Policy MU 1 East of Faversham Expansion” Moreover, “It is CPRE Kent’s strong opinion that these matters cannot be satisfactory or lawfully addressed on the current Local Development Scheme timetable as the changes required exceed what could be achieved via the main modifications process.”
- On “modal shift” and “sustainable transport” the CPRE goes on to say, “Whilst we strongly support the sentiment of this policy, the single most important measure in promoting modal shift and active travel is the location of development. The plan as drafted is promoting allocations in locations which are recognised and accepted to result in largely car-dependant development and therefore not consistent with this policy.”

Climate and Biodiversity

- The proposed local plan presented at Regulation 19 set ambitious environmental targets of 20% net gain in biodiversity.
- However CPRE commented that, the preferred option 3 was, “the second worst option with respect to biodiversity”, and would, “result in significant negative effects through significant loss of best and most versatile agricultural land, including Grade 1 land that

is of the highest quality nationally.”

Water

- Water, both clean and waste, have severe constraints in Faversham; the addition of a significant volume of housing needs a clear and unambiguous plan to address these.
- The chalk aquifer is already at capacity, to the point of detrimental impact on chalk streams, such as the Westbrook, and ecosystems they support.
- Faversham already has highly problematic sewerage flooding. Only significant investment in trunk sewers could combat this.
- The wastewater treatment work is already operating at full capacity.

Sustainability Appraisal

- The most recent sustainability appraisal suggests that “professional judgement” rather than empirical evidence has driven the output.
- “In conclusion, it is inherently challenging to differentiate the broad development options, including because there can be tensions between objectives around minimising built environment emissions on the one hand and, on the other hand, minimising transport emissions. In the absence of modelling or other detailed analysis, there is a need to weigh-up competing objectives on the basis of professional judgement, in order to arrive at an overall conclusion.” (AECOM)
- The CPRE response to Regulation 19 says of the previous sustainability assessment, “Insufficient consideration has been given to genuine reasonable alternatives to Faversham focused growth within the Sustainability Appraisal (SA).”

Unfortunately this list of concerns is not exhaustive. Due to the challenging time constraints we have not been able to voice concerns over a range of issues, including the probable challenges over “windfall” allocations. As a consequence, ***Faversham Town Council would like to be engaged in the Independent Examination of the Plan when it reaches that point.***

Questions 37-39

Economic and Business Development

We agree with the sentiment expressed in para 5.6.2, ie, “for any long term prosperity in Swale to happen and be sustained, we will need to upgrade our image as a place to live and work... making our local economy more fit and flexible to face the rigours of future competition ... making the most of a broader spectrum of job creating opportunities, to compliment the portfolio of traditional employment land allocations.”

This vision and sentiment however is at odds with the allocation of 41ha of B2/B8 manufacturing/warehouse and distribution. If past development gives us any indication of the future, this will be primarily warehousing and distribution. Whilst it entirely reasonable to

recognise the demand for this type of land use, it must be acknowledged for what it is, a source of low paid, frequently insecure work and an incredibly inefficient use of (inevitably greenfield) employment land.

It is widely acknowledged that industries such as the life sciences, information technology, advanced engineering, professional and business services, creative media etc. can contribute to creation of prosperous communities, certainly relative than those where the population is primarily engaged in the warehousing, distribution and retail sector. Indeed para 5.6.8 recognises that, “Some 55% of the borough's workforce commute for jobs outside Swale ...(and that Swale) ..”should be encouraging employment sectors attractive to those commuting, including those in key sectors such as finance, information and communications and science based activities ...”

Whilst we acknowledge that land allocations cannot by themselves make such industries locate in Swale, we would expect the plan to work hand in glove with a detailed and ambitious plan for economic development across the Borough. It should do more than simply reflect the employment status quo.