

Table of Comments Received to the Examiner's Guidance and Directions 1.

Response Number	Respondent Name	Comments
GD001	Sue Cooper	<ul style="list-style-type: none"> • I would be most grateful if in the time before the Inquiry you would make a site visit to Standard Quay. I would also be grateful for a chance to explain the situation at a hearing. My concerns relate to the soundness of the plan in terms of proper consultation and consideration of alternative options. • On visiting the Quay you will notice that, although there are some boats moored statically (i.e. mostly used as houseboats), there is no repair activity at all on the quayside or in the buildings. This is a tragic loss of a very popular and successful Town asset. The emphasis of policies in the Neighbourhood Plan (NP) would have been significantly less biased towards the acceptance of non-maritime uses such as champagne bars, beauty salons or residential had the voice of the maritime users and service providers been properly heard. In order for the situation to be properly explained, I would also be grateful if a representative of the previous Traditional Boatyard company (Standard Quay (Faversham) Ltd) could be allowed a chance to speak at a hearing into the NP policies affecting Standard Quay. The most suitable speaker would be Brian Pain who as a founder Director of the Company, owner of SB Lady of the Lea and major sponsor of the boatbuilding apprenticeship scheme, is both a creek user and service provider. I would also like to suggest that other speakers include Simon Foster from the Faversham Creek Trust who also owns and sails a traditional Dutch Sailing Barge, and Pete Raine from Swale Borough Council both of whom were involved in the presentation of viable business options for Standard Quay before the lease ended in 2011. The options we presented to the owner can be found here: The current owner of the Quay, Mr Michael White of Quayside Properties should of course also be able to speak. • Unfortunately, during the construction of the NP, Creek businesses, users and service providers were given little or no voice. A business case for the creek was constructed and has been referenced but was never taken seriously or properly considered.

		<ul style="list-style-type: none"> • I have constructed a summary of the history of the time that SQ operated as a working traditional boatyard and, as this does not appear to be in the documents accessible via the SBC website, I have taken the liberty of attaching that here. • Respondent attached a document entitled: Standard Quay History.
GD002	Faversham Town Council	<ul style="list-style-type: none"> • I am writing to advise you that, further to your correspondence concerning the independent examination and the possibility of a public hearing and site visits, Faversham Town Council advises that it supports the draft Neighbourhood Plan as published by Swale Borough Council and has no particular view as to whether there should be a public hearing and/or site visits. Should the independent examiner wish to hold a public hearing and seeks a representative from the Town Council to speak, I will discuss representation with the Mayor and Town Council in due course.
GD003	Griselda Mussett	<ul style="list-style-type: none"> • I understand that we can ask that the Public Examiner considering the details of the Faversham Creek Neighbourhood Plan should conduct his process in public, and allow representations. • I am extremely concerned that councillors within Swale Borough Council have said they will make the Council's pledge of £200,000 for a new swing bridge conditional on a 'yes' vote at the Referendum on the Creek Neighbourhood Plan. This is outrageous. • In my opinion, it amounts to blackmail. It utterly destroys the whole democratic basis of the Neighbourhood Plan process, which should and must be considered on its own merits. • The Referendum should not, in any circumstances, be forced to become a touchstone for a completely separate and essential statutory obligation which falls on the 3 local authorities - town, borough and county - to provide a new road-bridge over the creek. • During the summer, it must be plain to see, the people of Faversham have endorsed the idea of an opening bridge across the creek, to allow the Basin to be brought back to economic life. The bridge has been neglected by all these authorities, and now needs repair. That is nothing to do with the Neighbourhood Plan, which is essentially a vision for land use on various sites around the creek. • To hold the Referendum process hostage by linking it to a completely separate statutory requirement is - in my opinion - a seriously flawed and maybe even criminal action. • I am sure that the people of Faversham will meet the challenge of raising £125,000 towards the cost of a new opening bridge in less than 6 months - an outstanding achievement - brought about through dozens and dozens of public and private fundraising events, which are all documented online. • They - we - fully expect the Borough Council to honour their pledge to contribute £200,000 towards the new

		<p>bridge.</p> <ul style="list-style-type: none"> • It is just not acceptable that the Borough Council should try to link acceptance of their wildly unpopular and Neighbourhood Plan at the Referendum stage with their contribution towards the bridge, especially considering the massive financial reserves held by the council for purposes which are only dimly understood if even accepted. • I therefore wish to ask the Public Examiner to hold his deliberations in public, so that this disgraceful situation can be sorted out. Please make sure this message reaches the Examiner's office.
GD004	Janet Turner	<ul style="list-style-type: none"> • I was a member of the Steering Group during the period when the Creek Neighbourhood Plan was being considered, and sat on the sub-group which devised the draft plan. This sub-committee was deeply divided and practically dysfunctional because two members, representing The Brents Association and the views of the Creek Trust, were determined on a different course from that which had been adopted by the Town Council, and were at odds with the planner, Anne Salmon, who was seeking to ensure that the plan conformed with the demands of the NPPF. The Town Clerk and I made up the rest of the group. • I had agreed to act as a representative of the Faversham Society, but the line I had taken, initially determined to find a middle way, proved elusive. Any challenges to the views of activists who I perceived as promulgating unrealistic, unsustainable aims of bringing back maritime industry, were unattractive alongside “visions” of restoring the Creek and preventing development. Discussions with landowners were characterised as symptomatic of corruption, and Councillors were accused of receiving “brown envelopes.” I found these attitudes unacceptable but my views did not accord with two in the drafting group, and I am now out of favour with the newly constituted Board of the Faversham Society. • Thus, I am writing as an individual who was involved in the drafting process, but who has failed to carry the views of the Society with me. • I supported the submission draft but I have doubts about the changes which have been wrought as a result of the arrival, very late on the scene, of English Heritage, who had, earlier in the process, failed to make any contribution and only did so after an approach by an individual in the camp of those critical of the Council. • My own views are as follows: <ol style="list-style-type: none"> 1. It is, in line with Planning Policy, incumbent upon the Council, wherever possible, to develop former industrial sites. 2. It is my belief that towns benefit from increased density of population within the town centre, rather than

		<p>out-of-town development and I would prefer to protect green-field sites over and above the relatively small, former industrial sites around the Creek, especially where dereliction has set in.</p> <ol style="list-style-type: none"> 3. I believe all three principal landowners around the Creek will have reasons to challenge the reviewed plan. In particular, I feel the loss of some of the proposed housing on the site most likely to provide for some social housing, at BMM Weston, is greatly to be mourned. This owner is the second largest employer in the town with a long record of providing work and apprenticeships for a skilled workforce. I believe people need both homes and work, and that this hillside site is the most suitable setting for family homes within the orbit of the town centre. 4. Other Creekside sites for development are less suitable for family homes, but together with the proposed small business units, they have the possibility of bringing income into the town centre and of creating jobs. 5. I believe Heritage Buildings can, carefully restored, be adapted to new uses which will better ensure their continuation as representatives of our history. This has been successfully done in other areas (the engine sheds at Chatham Dockyard are now a restaurant and play area, but retain the engines!). 6. I fully support all the efforts to encourage maritime activity, mooring and restoration of quaysides, the bridge, and basin, and to retain a craft industry, but I do not believe there is an economic justification for maintaining that the Creek can return to being a working Creek, since there is no associated industry to sustain that aim. The future of the waterway will be better ensured if history is reflected (Thames barges are indeed special) while allowing more facilities for leisure craft. This, in turn, depends on achieving an opening bridge and on further capital expenditure, some of which would have to come from CIL returns. 7. I believe that towns must house people properly in a variety of homes set within a vibrant economy. All the evidence is that more jobs will come in service industries and in new, small, high-tech or start up industries, rather than seeking to revive an industrial past, important though it is to retain that history and memory. 8. I see landowners, encouraged to promote controlled, high quality development, as crucial to the process of regeneration. <ul style="list-style-type: none"> • You will understand that in holding and expressing these views I have been seen as out of step with the strident calls of well-intentioned and well organised groups with opposing views to my own. I do not underestimate their importance in bringing the Creek to the attention of the town. However, I feel it is important not to over-estimate the numbers within the town who share those views. Much heat and conflict has been
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		<p>generated but the only real data we have is based on a disappointingly small sample of those who responded during the consultation process. It is true that the responses were weighted heavily against development, but the reality is that the most frequently answered question on the questionnaire at the Town Council's consultation represented only circa 2% of the adult population.</p>
GD005	Peter Andrews Clerk, Luddenham Parish	<ul style="list-style-type: none"> • I refer to the appointment of Mr Timothy Jones as the independent examiner for the Faversham Neighbourhood Plan Examination. As part of his remit, Mr Jones has to decide whether the area for any referendum should extend beyond the neighbourhood area to which the NDP relates. • I would urge Mr Jones to allow the residents of local villages and communities, which surround Faversham, to vote in the referendum. • The town of Faversham is the focal point of the local community. It is the centre where people, from both the town and the surrounding areas, go for shops, medical services, leisure and cultural facilities, and schools. Indeed, the current economic viability of the town, particularly the retail sector, is very dependent on the support received from the outlying areas. • I would therefore argue that residents in the surrounding communities have as much interest in the future development of the town as have the residents of Faversham. • Mr Jones would have to decide what communities should be included but I would suggest all parishes whose boundaries are within three miles of the town centre should be allowed the vote. • Lastly, I did not receive a copy of Mr Jones' letter directly; it was forwarded to me by a Luddenham Parish resident. I would suggest that Mr Jones writes to parish Chairs/Clerks asking specifically whether their residents should be allowed to vote in the referendum.
GD006	Mike Cosgrove	<ul style="list-style-type: none"> • I do not consider a public hearing to be required, but if that is the decision I would be happy to give my view as per my representation.
GD007	Andrew Osborne	<ul style="list-style-type: none"> • I refer to your Directions dated 15n July 2015. I have been involved in the regeneration of Faversham Creek since 2003 and was a member of the Steering Group that prepared the current Plan. • I have carefully considered the five points for consideration that you have set out in paragraph 2, and in my view they have been amply rehearsed at the various stages that the Plan has passed through including public consultations and workshops resulting in voluminous representations. • The procedures adopted by the Town Council were robust and adequate to produce a large number of representations from members of the public who clearly understood the procedures and responded accordingly.

		<ul style="list-style-type: none"> • In my view these written representations clearly set out the concerns that a group of residents have about the way the plan has been prepared and nothing would be gained by re-visiting them at a Public Hearing. • There remains the question of the letter dated 18m December 2014 from English Heritage and Swale Borough Councils Statement of Common Ground dated 28th March 2015. The letter from English Heritage was submitted after the closing date for representations on the Submission Draft of the Plan For this reason I suggest that it should not be considered as a valid submission. English Heritage was given ample opportunities to comment on the plan as it was being prepared but declined to do so. • I understand that the Borough Council wished to respond to the letter from English Heritage and agree a Statement of Common Ground, but I consider that this is confused and muddled and contributes little to the substance of the Plan. I therefore ask that both documents should be set aside. This is a matter of fact and a hearing would do nothing to assist you in your decision. • I am concerned that a Hearing will further delay the completion of the plan which has already been in preparation for over a decade. • Finally if you do decide to have a Hearing I would be grateful if you would include me amongst the people you wish to attend.
GD008	Jeanne Taylor	<ul style="list-style-type: none"> • I am writing in response to your email of 23rd July 2015 forwarding the Examiner’s Guidance and Directions Note. • The Note advises that we should notify you if we consider that a Public Hearing is appropriate and that we should state the exact Topic or Topics on which a Hearing is sought, the reasons why this is sought and who should be invited to speak. • We are also asked to advise if an accompanied site visit is appropriate. • We note that any Public Hearing and site visits will take place during the week commencing 5th October 2015. • As you know, as Lee Evans Planning, we have been involved at all stages of the preparation of the Faversham Creek Neighbourhood Plan - submitting representations during the various consultation periods. • We have submitted representations in respect of: <ul style="list-style-type: none"> · various general policies of the Draft Neighbourhood Plan; and · site specific representations in respect of: <ul style="list-style-type: none"> o Site 2 - Ordnance Wharf; o Site 4 - Frank & Whittome; o Site 5 - Swan Quay;

		<ul style="list-style-type: none"> o Site 6 - Former Oil Depot; o Site 7 - Former Coach Depot; o Site 8 - Standard Quay. <ul style="list-style-type: none"> • We have also submitted further representations in respect of the Statement of Common Ground and Schedule of Minor Modifications - neither of these documents have been subject to formal public consultation. • We consider that a Public Hearing into the Draft Plan is appropriate, so that the Examiner can be sure that the proposals of the Plan and the comments of those supporting the Plan or objecting to elements of it can be fully considered. • In particular, the Statement of Common Ground and related Schedule of Minor Modifications propose significant changes to parts of the text and, in particular, some of the site specific policies from the policies as set out in the Submission version of the Plan. • In our view, and as set out in our emails of 4th June (our ref: P3446), 5th June (our ref: P3427), 18th June (our ref: P3107), a number of the proposed changes are not ‘minor’, but are significantly different from the site proposals of the Submission Plan. • I would confirm that I would attend any Public Hearing on behalf of my various clients and in respect of the above sites. • We would also comment that accompanied site visits would be appropriate for all of the above sites, as, in general the sites cannot be fully viewed from public vantage points. • I trust that you will forward our requests to the Examiner and look forward to hearing from you, in due course.
GD009	Faversham Creek Trust and Brents Community Association	<ul style="list-style-type: none"> • REQUEST FOR AN ORAL PUBLIC HEARING: • The Faversham Creek Trust and the Brents Community Association requested an oral hearing in the covering letters which accompanied our joint response to the submission draft consultation in December 2014 [“If the Submission Plan goes forward for Independent Examination, we request that there should be an oral hearing (Planning Practice Guidance 41-057-20140306).”] • Our view on this has not changed, and in fact has been reinforced by what has happened in the ensuing seven months. We believe that an oral hearing is necessary because: • There have been grave concerns amongst our members about the conduct of the neighbourhood planning process, the lack of opportunity for public scrutiny, and the continued difficulty even now in obtaining information (eg, paucity of feedback on what has been happening since December 2014, despite repeated requests for updates and ultimately having to resort to Freedom of Information enquiries to get a response).

		<ul style="list-style-type: none"> • We want to be certain that our representations are communicated fully to the Independent Examiner. We supplied a duplicate print copy of our submission to be forwarded to the Examiner, and were assured that all representations would be submitted in full, but the Swale Borough Council web page http://www.swale.gov.uk/neighbourhood-planning/ now refers only to a table and summary of representations. Our submission does not appear in full on the website, since important appendices are absent. • There has been no opportunity to make public representations on substantive new material which has been produced since the close of the pre-submission consultation, notably the amendments proposed in response to English Heritage/Historic England, and the Environmental Report (which should have been available for consultation alongside the pre-submission draft of the plan in May/June 2014, but was not published until June 2015). • In light of the above, for our members to have any confidence in the examination process, it must be open and accessible. We therefore reiterate our request for the Independent Examiner to hold an oral public hearing, and for a representative from each of our organisations to speak at the hearing. • REQUEST FOR SITE VISITS: • We request specifically that there should be accompanied site visits to Ordnance Wharf and the Purifier Building, and that a representative from each of our organisations should be present. • More generally, we would like to be assured that the Independent Examiner will visit all the proposed development sites, since the plan itself gives insufficient details for informed judgement. There are no site dimensions to enable assessment of proposed development density, parking capacity etc. and consequent implications for deliverability, no photographs or drawings to indicate relative heights, proximity to heritage assets or impact on views and roofscapes, and no indications of access, traffic flows or road widths. • In particular, we would like assurance that the Examiner will visit Swan Quay, in view of the impact that any development here would have on the significance and setting of listed buildings and other heritage assets, including the aspect from the Creek bridge and Front Brents. A visit to Standard Quay for an understanding of the significance and setting of the site as a whole, including the quayside itself, is also essential.
GD010	Anne Salmon	<ul style="list-style-type: none"> • Please find attached a paper and other explanatory documents which explain why I consider that an EIP is necessary on the Creek Neighbourhood Plan. • Factual corrections to Schedule of Minor Modifications (SMM) 10th April 2015 • All page numbers refer to the Publication Version as used for consultation between 7th November and 22nd

		<p>December 2015. Where paragraphs of the Publication Version can be identified, these are used. Where all text is new such as for the insert on page 16, the section heads and bullets in the SMM are used. Anything to do with BMM Weston is listed separately with page references as above.</p> <ul style="list-style-type: none"> • Page 14-it is not clear where the new text goes-presumably after ‘.....disused or under-used’ in the first paragraph in the second column. There is no issue with this text. • Page 16-it is not clear where the new text goes-presumably after the introductory larger type paragraphs and before the section that is headed ‘A variety of urban forms’ • Line 1: The Borough Council’s published Conservation Area Character Appraisal 2004.... (explanation: ‘Character’ was omitted from the title) • Stonebridge Pond • Bullet point 2: Evidence of the 17th century and later Home Works of the Faversham Gunpowder industry (not factory-it was not one) and the archaeological remains of the mills. (explanation- nothing beyond as there were no other buildings in a gunpowder works because of the danger of blast) • Bullet point 4: The tranquil character of the area and the ecologically rich natural and planted vegetation including allotments and fruit trees (explanation-there is no woodland) • The creek above the bridge. • Delete bullet point 2: ‘Open wharves and spaces.....’ (there are none except the modern car park of Morrisons) • (explanation- The area was characterised in the early-mid 20th century by extensive development as the gas works and Agrigano and in the early 20th century by the roller rink where BMM Weston car park is, so to imply it is meant to be open is historically incorrect) • Bullet point 3: Replace whole bullet with: The Purifier House and 18th and 19th century features that reflect the industrial character of the creek including those associated with the gasworks and gunpowder • (explanation- there is only one 19th century building, no 18th century ones and nothing that reflects a maritime use. The only brewery building is the bottling store which is modern) • Church Road into Upper Brents • Bullet point 1: More substantial 19th century brick housing, the Brents Tavern as a landmark and a weather-barded former public house (explanation-the Brents Tavern is much more of a landmark than the former Willow Tap which has been much extended) • North Lane, Conduit Street and Quay Lane including part of Belvedere Road • Bullet point 1: The open creekside space and quay at Town Quay (explanation- there are no others that are
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		<p>not modern - before 1990 all the frontage was fully built up as fertiliser factories or sheds to store timber)</p> <ul style="list-style-type: none"> • Bullet point 2: Historic routes linking the town centre to the creek comprising Partridge Lane, Quay Lane, Conduit Street, North Lane and Smack Alley (explanation- if there are some links between the town and the creek mentioned, why miss one out?) • Bullet point 4: replace with- The large cluster of listed buildings and Undesignated Heritage Assets around the junction of Quay Lane and Conduit Street. (explanation-the text supplied in the SMM does not make it clear that some road and pavement surfaces are modern and some boundaries very poor-the UHA clearly identifies all items of merit, Streetscape then sets out what should be remedied) • Belvedere Road, Standard Quay • Bullet point 2: 17th, 18th and 19th century buildings in Belvedere Road and at Standard Quay of brick or stained weatherboarding with roofs of slate or corrugated iron that illustrate the area's working past including timber/joinery yards, the oyster fishery and the storage and the transhipment of agricultural products and other goods into and out of north Kent. • (explanation- the bricks the buildings were made of were not all local. The corrugated iron roofs at Standard Quay were replaced about 10 years ago. Not all trade was outwards-we imported goods through Faversham too). • Bullet point 3: The former industrial building, Provender Mill, now a restaurant and housing, set at right angles to the creek • (explanation for stopping at this point is distance. Move the rest of the material in this bullet to create a bullet point 4 as it is 3-400 yards away from here) • New bullet point 4 (was in 3) Mixed alignments of buildings at Standard Quay providing a hub of buildings of different dates with a distinctive industrial character (explanation-sympathetic to what-this word is meaningless) • Bullet point 5 (was 4) Standard House as a landmark standing at the end of the group of buildings • (explanation-Standard House is not at the creek's edge and is not isolated on its west side) • Iron Wharf • Bullet point 2 Rows of masts rising up from the creek and revealing its presence. (explanation-this is a Creek Neighbourhood Plan so the creek is not hidden) • The paragraph that begins 'Key buildings and structures.....' is very hard to read but replacing it is not a factual correction. I have a better set of wording for this which I can supply as and when it might be needed.
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		<ul style="list-style-type: none"> • The page reference for the map is page 58 (not page 54). The map has no title at present, but if it is to have one, it should be 'Undesignated Heritage Assets and Views' (not Heritage Issues-issues mean problems not items on a map) • Last 2 lines: The appraisal also highlights the past failure of development to successfully reference the Creekside's historic interest and architectural character in its design. (omit reference to Provender Walk-explanation-although the UHA refers to specific developments, it is not fair to only pick one for opprobrium here when it is not the worst) • Page 23 the extra archaeology section would go at the end of the section headed Archaeology. There is no issue with this text • Page 27: Policy HE1. This is not a factual correction, but if the CACA is mentioned in the policy, then UA should be as well as the UA paper is intended to identify these buildings and structures for protection. • Policy DQ1 'Any new buildings shall be required to preserve or enhance.....' (the 'to' is omitted) • Pages 27, 29 and 37 policy wording - these are not issues of fact but are ok as wording. • At page 42 it is not clear where the new text fits in. To be logical, in para 1 on page 42 the text would start: •the gas company and for oil storage. A proposed redevelopment scheme in 2003 was dismissed on appeal partly due to the unknown potential impact on archaeological remains and partly on the grounds that residential use on the site was not in accordance with both the adopted and then emerging 2008 Swale Local Plan's requirement to protect the areas that had been in employment use as reflective of the character of the Creekside area of the town • (explanation- tautology to say residential housing. There was no employment use on OW when the appeal was dismissed so this statement from EH is factually wrong) • Para 1 would then continue: There were further planning applications in 2006 and 2012 for residential development which were both withdrawn. • (explanation-this is a fact which has been omitted from the text in the SMM and is in the Publication version worded slightly differently) • A separate paragraph as in the SMM would then be included: 'Archaeological investigation after the 2003 decision resulted in.....' • Para 2 and bullet point 6. Not factual changes but new wording including 'making a positive contribution' is clumsy and inconsistent with other sections of the Plan which do not include this wording. It is up to the Examiner to assess whether the extra wording should apply throughout but I would prefer not.
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	<ul style="list-style-type: none"> • Page 42 reference at the bottom of the page in the SMM is out of sequence. None of the corrections that could be made to make sense of this new text are facts except that there is no such planning use as 'maritime'. All else will need to be resolved at the Hearing. • Page 43-all changes that should be made to this are about policy and not facts so have to be left to the Hearing. • See separate section for BMM Weston. • Page 47 Title of the section in SMM should be changed to Site 5 Swan Quay • (explanation- SMM refers to Site 4 as well but makes no criticism of the text for site 4 in the Publication version) • Page 47 –The third building is an open shed with a metal trussed roof with a long elevation to Conduit Street with attached modern offices built in the 1990s. • All after this is not based on the CACA which simply describes the building as one of disparate group defining the space at the bottom of Quay Lane. Although this is a fact, the merit of this building will need to be discussed at the Hearing. • The fourth building is a modern building built for a joinery company (c1990) constructed in brick and weatherboard, now occupied by a sailmaker. • All after this is incorrect factually-the space created is not a wharf and includes grass and trees not characteristic of this side of the creek. Since 1843 there was hardly ever an open area here-it was always sheds for timber storage. The timber wharf was probably renewed by Heather Mitchell in 1984 .The only fact is that there is a slipway as described. This again will have to be argued over at the Hearing. • All other recommended changes to pages 47-8 are policy issues except paragraph 2: Omit in new text line 2 '...is likely to have formed a part of the abbey wharves from the medieval period' • (explanation- the town weights and measures in what is now TS Hazard were not there until 1475 and the abbey dissolved in 1536. There were 2 major bends so that the creek was not easily navigable to Town Quay-the Abbey used Thorn Quay and had a trackway to it which is still in existence) • It is not clear from the SMM how much of the Publication version text about the parameters of development is intended to be replaced by new text about old timbers in the ground and including different building heights recommended when there is no chance of redevelopment of some buildings-the shed has to be kept unless it is not 'practical'. If the retention of the open shed turns out not to be 'practical' then without the Publication version or something similar in content there would be no guidance as to the parameters for new
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		<p>development to allow Swale to advise developers. We know that the landowner’s representative thinks it ‘onerous’. It is not clear whether the paragraphs about the Streetscape requirements at the Quay Lane/Conduit Street corner or the requirements of Southern Water are retained. The omission of the former makes this section inconsistent with all other policy sections. All this will have to be argued about at the Hearing.</p> <ul style="list-style-type: none"> • Page 53 use of ground and first floor of Building 1 for Class A3 (restaurant) has been in every published document about the Plan since 2013 including the original by sites approved by the TC in November 2013 .This is a fact, whether it can be altered may be down to the Hearing. • Page 54. SMM introduces material about the location of supporting development in the context paragraph at the start of page 54 and amends bullet point 5 to conflict with existing Supporting Development text. Not a factual change but introduces inconsistencies. This may have to be resolved at the Hearing as it is about the merits of different sides of the building. • Bullet point 4: The open character of the curtilage must be maintained and enhanced (omit SMM’s added ‘isolated position’ –explanation-the building is not isolated, it is close to a green shed on its west side) • Policy STH2 ‘tiled’ roof • (not slate-explanation-I have photographs from the 1920s and 1930s showing the original roof of the building which is tiled) • Policy STH 4 add to wording: ‘...views along and across the creek and from Standard Quay and the footpath.’ (explanation – the building is prominent in views from across the Creek as well) • BMM Weston • We have now been advised by John Cleaver that he did comply with the pre-commencement condition requiring submission of an archaeological assessment. He has stated who did it (Paul Wilkinson and others) and that it was deposited with SBC and KCC. Therefore, there cannot be a dispute that he implemented his planning permission and the Plan cannot include vague references to not having this confirmed –‘....could now be considered to have lapsed’. That he has planning permission and implemented it is not called into question by the CACA published 2004 and this document affords no merit to the white office building. Therefore all material relating to its retention should be deleted: • Page 16 Brent Hill • Bullet point 5: delete ‘The prominently positioned office building of the BMM Weston Works and the associated garden planting’
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	<ul style="list-style-type: none"> • Page 43: The text in the SMM does not accurately reflect the Publication version text at the start of para 3. The SMM did not ask to change para 2 which also refers to the planning permission from 1999. The two sets of comments on para 3 are separated by a change to page 44 which is very confusing. • Page 43 paragraph 3 should remain as in the Publication version. • (explanation-this sets out all that is necessary to describe the building and explain the planning situation as now confirmed by John Cleaver.) • After para 3, include as a separate para the text from the SMM about the Roman urnfield except 'it is not clear whether further remains are present'. • (explanation-This is conjecture and has no place in a Planning document) • Page 44 paragraph 3 'All new housing...' (not 4 as the SMM states as the 2 top lines are a carry-over from page 43) Should remain as in the Publication version • (explanation- this gives a clear set of advice for a planner assessing a scheme for the site and parallels the policy text at BMMW2) • Page 44 SMM proposed policy BMMW 3-delete • (explanation- this is all about how the existing building and the trees should be retained and how development can only be built that retains these, this no longer applies if John Cleaver has implemented his planning permission) • Page 44 BMMW4 delete • (explanation- Swale and KCC have a report of a field investigation that was carried out for John Cleaver by Paul Wilkinson. If Swale BC wants to add a further archaeological condition because of a different layout of development, they do not need the Plan to tell them to do so) • <u>Paper from Anne Salmon re Faversham Creek Neighbourhood Plan.</u> • Introduction • I am Anne Salmon BA MCD MRTPI. I am a Chartered Town Planner with over 27 years experience in local government, the private sector and in a voluntary capacity for the Faversham Society and on behalf of Faversham Town Council (see below for evidence of the latter) • I have received as a Board Member of the Faversham Society notification of the deadline of 14th August for asking for there to be an Examination in Public or accompanied site visits for the Faversham Creek Neighbourhood Plan with the Inspector, Tim Jones. • I was surprised not to have been notified as an individual of this and that neither was the organisation that I
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		<p>represented on the Faversham Creek Neighbourhood Plan Steering Group, that is the Faversham Creek Consortium. In addition, since the notification was only sent out to the Board of the Faversham Society and others and has not been sent out to Steering Group members, the representative of the Faversham Society on the Steering Group, Janet Turner was not notified either.</p> <ul style="list-style-type: none"> • I did not make representations on the Faversham Creek Neighbourhood Plan by 18th December 2014 during the consultation on the Publication Version because up until the day before the consultation closed, I would have had no reason to do so as the Plan had been properly prepared in accordance with the regulations and there is not meant to be an opportunity to change the content at Publication stage. I had been part of the Drafting Group who wrote the Pre-submission draft, had worked with the consultant to change this following the Pre-Submission Consultation resulting in the Publication Version; it was my alterations that resolved the changes that Faversham Town Council adopted to finalise the Plan. This was consulted on by Swale Council. Therefore I was surprised and shocked to find that English Heritage was permitted on the last day of consultation to make comments that should have been made at the Pre-Submission stage. • Biography: • 2006 Faversham Creek Consortium founded. One of the main aims of this was to persuade the Faversham Society to create a plan for the Faversham Creek area. • The area around Faversham Creek was designated as an Area Action Plan area in the Swale Borough Local Plan 2008. • 2008 Swale Borough Council invited Urban Initiatives to work with them and the Faversham Creek Consortium and others on a Creek Team to prepare a Development Plan Document for Faversham Creek. I was involved in all the meetings for this representing the Creek Management Group which is the working committee of the Creek Consortium. This was reported to the AGM of the Faversham Creek Consortium in 2009. • Early 2010: Swale Borough Council appointed planning consultant Tony Fullwood to have a second attempt at putting together the initial stages of a Plan for the creek area. He worked with landowners, Swale Council and, to a degree, with the Creek Consortium before producing his report in October 2010. I was invited by a Swale planning policy officer, Shelly Rouse, to prepare a critique of this report and this was presented to the Faversham Creek Consortium AGM in March 2011. The areas which were of concern were that there was not enough detail on historic buildings and townscape, there was not enough detail on footpaths and the Plan omitted any possibility of development in the basin because the creek bridge could not be repaired or replaced as part of the Plan. All of these points that I had proposed have been taken up in the Faversham
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		<p>Creek Neighbourhood Plan.</p> <ul style="list-style-type: none"> • August 2011: FCNP Steering Group formed including Andrew Osborne and me as representatives of the Faversham Creek Consortium. Tony Fullwood was appointed by Swale Council as Consultant to work with the Steering Group which also included Swale and Town councillors and a Swale planner. Footpaths, one of the missing elements of the Plan suggested by me, was consulted on and completed in 2012. This became the Faversham Creek Streetscape Strategy written by Richard Guise on behalf of the Faversham Public Realm Working Group. This is used extensively in the proposals for footpaths throughout the Faversham Creek Neighbourhood Plan. • All progress on the Plan including the consultation in summer 2012 is set out in the Consultation Statement. CPRE (including Sue Jobbins) was invited to host consensus building workshops in November 2012. They also prepared a paper on communications in February 2013. I edited the paper for presentation at Faversham Town Council. In February-April 2013, I also worked with John Sell, consultant architect to Faversham Town Council and Peter Bell, Conservation Officer at Swale Borough Council on a survey identifying undesignated heritage assets and views in the Plan area. This resulted in the Undesignated Heritage Paper which sets these in context. This has been used extensively in the Plan, was almost completely written by me, edited by Tony Fullwood, and forms an integral part of the Plan including the map of these assets and views. • June 2013: Illustrations Exhibition held as proposed by Sue Jobbins in her communications paper. I was the local co-ordinator of the working group which organised the exhibition: <ul style="list-style-type: none"> • working with the architect (Noel Isherwood) who prepared the illustrations of site proposals, the relevant landowners and members of the Steering Group • prepared the written display materials • organised the consultation during it • analysed the results of the consultation, including the written report on the Action for Market Towns questionnaire. • The consultation feedback was reported to the Steering Group in August 2013. Shortly after this Swale's consultant Tony Fullwood, who was also involved in several other Neighbourhood Plans, resigned stating that he thought there could be no consensus. • Following this I was responsible for preparing the proposals on developments by site which were adopted by the Steering Group and Faversham Town Council in autumn 2013. I was a member of the drafting group which prepared the draft of the pre-submission plan which was considered by the Steering Group in March and April
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		<p>2014. The earlier chapters were based on a combined piece of work by the drafting group. Most of the general policy sections were largely written by me and all of the sections of the by sites policies. Several members of the drafting group walked away after the April 2014 meeting. The final editing of Part 1 and the content of Part 2 of the Plan were largely done by me. A small group including myself ensured that the Plan was ready for consultation by the agreed date. I was also involved in another small group that organised the consultation events, hosted them, kept records of the feedback and passed this on to our analyst who then liaised with the new consultant (Richard Eastham) when appointed.</p> <ul style="list-style-type: none"> • Part 2 of the Pre-Submission version in its entirety has become the Basic Conditions Paper. Apart from an additional section on the consultation on the Pre-Submission version, the Consultation element has become the Consultation Statement. • In July 2014 Swale Council and Faversham Town Council appointed Richard Eastham of FERIA as a consultant to analyse the content of and tabulate the feedback and to start work on preparing the Publication Version. I was involved in making suggestions on additional content and editing the content prepared by Richard Eastham. Most of the text used was material from the Pre-Sub version in a different order with additional interpretation and diagrams. I worked with my husband Trevor Payne, then a town councillor and member of the Steering Group, on further edits which he took through a special town council meeting in October 2014. This version became the Publication Version and it, together with the Basic Conditions and Consultation Statement, were consulted on by Swale in November/December 2014. • Subsequent events: • On the last day of consultation on the Publication Version English Heritage sent a nine page letter commenting on how they thought that the Plan did not comply with the NPPF and the Basic Requirements and was detrimental to heritage. This was a result of lobbying by amongst others the Faversham Creek Trust. English Heritage was persuaded (although this was not correct) that they had not commented on the Plan at the Pre-Submission stage. In fact they had been notified and had declined to make a substantive comment. It was only because I prepared a counter-paper to this letter that any negotiation took place to try to mitigate their comments. A copy of this paper is attached and it was the basis for discussion between Swale Council, the Town Council, the consultant and English Heritage at a meeting in January 2015 (I was one of the representatives on behalf of the town council) This resulted in the drafting of a Statement of Common Ground (SCG) which has subsequently been worked up largely by the Consultant and Historic England with apparently little notice taken of any problems with the text that it contains which have been pointed out.
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	<ul style="list-style-type: none"> • Some compromise was achieved in particular about archaeology and some added detail about the heritage policies. English Heritage (now Historic England) remain unwilling to accept the concept of 'Undesignated Heritage' although the concept of unlisted assets in a conservation area being treated as of importance in a Plan and protected by its policies is strongly supported in the NPPF and in the Swale new Local Plan (Bearing Fruits). They have asked for amendments to the Plan which fundamentally change its character with regard to three sites and other alterations which do not make sense nor reflect the work done with landowners during the preparation of the Plan with regard to uses and works to buildings. A version of an edit which I sent to Swale Council and the Consultant on the proposed Statement of Common Ground, attached, sets out the issues and how these have not been addressed. A copy of the Statement of Common Ground is attached for reference. It is my view that the changes recommended by English Heritage constitute major alterations to the Plan as follows: • With regard to BMM Weston (site 3), English Heritage (Historic England) has attempted to persuade Swale Council that a planning permission granted in 1999 for the redevelopment of the office part of the site and the north end of the factory has not been implemented lawfully. They argue and have persuaded Swale to deny the facts by saying that the details pursuant to the archaeological condition were not submitted. The landowner has named the archaeologist as Paul Wilkinson and confirmed that the archaeological report was submitted to Swale and Kent County Council. The small structure that the landowner had constructed had already been confirmed by Swale as a material start. This is important regarding whether or not the housing proposed in the Publication Version of the Plan on that site is acceptable because the existing building would have to be kept. This is because Swale , persuaded by English Heritage now consider it of merit when it already has planning permission for removal. Without this development, around 25-30 units from the Plan would be lost contrary to an allocation in the SHLAA. • With regard to Swan Quay (site 5) English Heritage are asking for amendments to the Plan based on assessing a building which they have been persuaded is important to be retained. In their letter dated 18th December 2014, they incorrectly identify this as the building set parallel to the blue building on the east side of the site. Peter Bell, the conservation officer has also made the same mistake and this has been pointed out to him. The building they are trying to have retained is a different building set at the bottom of Quay Lane. If this building cannot be removed as recommended in the Publication Version, then it would not be possible to create the two blocks of three and a half storey buildings to provide housing above other uses on the site. This would also remove around 15-20 units of housing from the Plan contrary to the SHLAA. The wording recommended
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		<p>and so far accepted by Swale and the Town Council leaves the site almost undevelopable. This will also be raised by the landowner.</p> <ul style="list-style-type: none"> • With regard to Ordnance Wharf (site 2), English Heritage propose so many incomprehensible caveats to development that trying to work out an acceptable mix of uses would be virtually impossible. There are so many proposed reasons for not including residential use that they could not constitute an applicable set of policies. • With regard to Standard Quay, the omission of a restaurant as one of the possible uses for building 1 is likely to leave this building without a viable use which would ensure its restoration. This is contrary to listed building guidance in the NPPF and since the applicant has applied twice, flies in the face of reality. The Town Council supported the second application when they considered it. • With regard to Standard House, a section proposed by English Heritage to be added to the description is policy and in the wrong place. It contradicts the policy in the Publication Version for this site. The policy is what was agreed and consulted on in the Plan and what is proposed in the SCG reduces what can be developed substantially. • There are also issues with regard to the description of parts of the Plan area in the introductory chapters in suggested additions which are inaccurate including reference to more than one 19th century building in the basin and failure to refer to the Undesignated Heritage Paper where relevant if these points are to be added to the Plan. There are also badly written sections which do not make sense. In addition, there are references to documents including Swale's Conservation Area Character Appraisal which are inaccurate. No attempt has been made by English Heritage or Swale Council to work out how the main text of the Plan should be altered and it does not appear to have been considered how contradictory this would then appear. It is not clear whether any attempt to correct the inaccuracies has been made although a report (attached) including them was submitted to the Town Clerk by Trevor Payne. • However, there are some sections of the English Heritage amendments to the Plan (in particular additional policies on archaeology and heritage) which should be included-these are the sections left black in the attached commentary on the SCG, but again, trying to fit these in and make sense of the resulting copy will be a nightmare as there has been no attempt to identify where exactly they should go and whether they should replace text or be added. • None of these changes have been the subject of public consultation. The version of the Plan before the Inspector as sent to him by Swale Council is the Publication Version. This was submitted before the SCG was
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		<p>taken through and approved by the Town Council on the insistence that it constitutes a minor change to the Plan.</p> <ul style="list-style-type: none"> ● Conclusion: ● As the principal author of the Faversham Creek Neighbourhood Plan (see above for the extent of my involvement) which was commended by the Consultant and approved by the Town Council and accepted by Swale Council for consultation as the Publication Version according to the regulations, I would recommend that an Examination in Public should be held. This should have the aim of addressing the proposals for sites and content of the Faversham Creek Neighbourhood Plan as has been properly consulted on by Swale Council. With the possible addition of the heritage sections in the SCG, the policies in the Plan are in accordance with the Swale Local Plan (Bearing Fruits) and with the NPPF and provide a Plan which is sound and positively prepared. ● <u>Notes on rebuttal of English Heritage Comments</u> ● <u>Wrong stage of consultation process:</u> ● These comments were dated 18th December 2014 which is at the end of the Regulation 16 period. English Heritage as a Statutory Consultee on Neighbourhood Plans ought to know that detailed comments which seek to change the Plan should be submitted at the Regulation 14 (Pre-Submission) stage. They also ought to realise that that only the Examiner can change the Plan at the later stage. It is notable that these arrived in response to their being chased for comments late in the day by members of the Creek Trust and the Brents Community Association. ● <u>Misnaming the body responsible for the Plan:</u> ● They describe the body that is preparing the Faversham Creek Neighbourhood Plan as a Neighbourhood Forum. We are not a neighbourhood forum-these are non-elected bodies only recognised for the purposes of preparing a Plan. The FCNP was prepared by a committee of the elected Faversham Town Council. The Town Council employs a consultant architect with long experience in heritage matters. For most of the time, the Council has had the benefit of paid planning consultants supplied by Swale Borough Council. They have also had unpaid professional help from an experienced professional chartered town planner. ● English Heritage advised the Council to read documents advising how to take heritage matters into account as if we have not got the knowledge or experience to do so with the amount of back-up described above. ● <u>When was English Heritage consulted?:</u> ● EH describe the Plan as a Draft Neighbourhood Plan when it should correctly be described as the
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		<p>Publication/Submission Version of the Plan. They make threatening comments about the Plan not meeting the Basic Requirements. If the Plan did not appear to Swale Council to meet the Basic Requirements, they would not have been able or willing to put the Plan out for the second consultation which has been completed on 22nd December. This relies on Swale councillors having taken the view that the Plan meets the Basic Requirements.</p> <ul style="list-style-type: none"> • EH also make threatening comments about whether or not what they are going to say about the strategy set out in the document would be ‘insurmountable’ with regard to national and local planning policy. If this is meant to be a conclusion, it should be at the end. If it is an executive summary, then it should be at the beginning. They want to have a dialogue about the content, but this is only offered at a stage when the only person that they can have a dialogue with is the Examiner. • EH say that they welcome ‘early consultation’. They were consulted as a Statutory Consultee on the Pre-Submission Consultation which ran from 19th May-30th June 2014. Peter Kendall explained that they declined to comment because they wanted the Plan to be the outcome of local people’s views on the heritage of the area. They therefore did not respond to the ‘early consultation’ which this letter says they wanted to have. They say they have no record of being consulted, yet we have from Peter Kendall a clear indication that EH knew of the Plan and an explanation as to why they did not respond. • They say they want to talk to the Neighbourhood Forum. As stated above, they will not find one here-only the Town Council and its committee, the Steering Group. The Steering Group and indeed Swale BC are not responsible for changing the Plan at this stage-only the Examiner. • <u>EH’s summary of concerns:</u> • They comment that the Plan does not assess the significance of the sites and buildings and activities that contribute to the significance of the Conservation Area. It is not clear at this stage what EH is defining as appropriate activities that should be carried on in the creek area. As for the sites and buildings and the overall significance of the conservation area, these are described in detail in the Faversham Conservation Area Conservation Appraisal 2004 (CACA) and the Undesignated Heritage Paper.(UH). The former is 10 years old and outdated in its description of some areas around the creek where it states that building is taking place on developments which have now been complete for 10 years. The latter was written in 2013. Both of these documents are identified in the Basic Conditions Statement as background documents to the Plan. The Plan is not required to be its own conservation area statement-I have not seen any other examples that do this. • EH comment that there is a low level of analysis of the positive components of the area’s character. This is not
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		<p>the case. The background documents do this instead. The CACA breaks the town down into areas and the creek area falls into the areas covered by chapters 4, 5 and 6 which are very detailed expositions of townscape around the relevant areas. The UH describes undesignated heritage assets that are set out on a map and a set of reference photographs available on the Neighbourhood Plan website and discusses their setting /context. This updates the descriptions of sub-areas given in the CACA.</p> <ul style="list-style-type: none"> • EH say that the Plan does not take account of any unidentified assets of archaeological interest. This is not the case. The paragraph headed ‘Archaeology’ at the top of page 23 clearly sets out the following: • ‘Given the continuous use of the Creek as a waterway since Roman times and the importance of the port in Saxon and medieval periods, an archaeological investigation will be required for any development involving work to wharves around the creek’. Of course this means recording any finds and conserving any items found that require conserving-but not always in situ as is normal everywhere. • EH identifies a potential conflict between providing pedestrian access around the creek and its industrial working character. One of the most popular aspects in all of the consultation exercises that have taken place during the preparation of the Plan has been the wish to gain public access around the creek on footpaths. There never used to be easy access along Belvedere Road when it was used for fertiliser factories nor at the oil depot when it was an oil depot. There is still no access along the land owned by the brewery. The principle of establishing footpath access around the creek has already been accepted via the Faversham Creek Streetscape Strategy adopted by Faversham Town Council, Swale Borough Council and Kent County Council in 2012. The only conflict might be security if ‘boatyards’ are created but this is not a planning use for which land can be safeguarded through the planning process. English Heritage ought to know this. • EH comment that there may be conflicts between residential uses and other uses in mixed use developments. These are matters which can be resolved through the use of planning conditions. Class B1 uses are appropriate for location in residential areas, as are shops and restaurants. • EH say there is no positive strategy for the conservation and enjoyment of the undesignated assets in the evidence base study. This is not the case. With the exception of Frank and Whittome buildings and the Purifier, which has already been restored, most of the assets described in UH are outside the identified sites in the Plan. Although would require management as described where necessary, they would not be directly affected by the proposals on the sites. The UH sets out a management strategy for the creekside area as a whole including the identified sites and linking roads/footways. • EH also comments that there is a lack of consideration of the impact of new proposals on key views. This is not
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		<p>the case-key views are identified on the UH map within the Plan and described in detail including how they should be handled in the UH paper. One of these is from the end of Waterside adjacent to Ham Marshes.</p> <ul style="list-style-type: none"> • <u>Individual sites:</u> • EH express concern about proposals for specific sites and make general comments about potential negative impacts on designated heritage assets. They also mention potential non-designated heritage assets. Since it is not intended to re-write the UH, it is not clear what these might be (although they may be connected with a paper by Ray Harrison). They again use threatening language about the Plan not being in compliance with national or local policy and that the Plan contains ‘conflicting guidance’ about impact on heritage assets. The sites they are concerned about are listed here but described later. • <u>National and Local Policy Context:</u> • Of course the Plan will have to comply with the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework and National Planning Practice Guidance. We do not need to be told this by English Heritage as if we are not aware of this. Of course Swale Council has to fulfil its statutory duty with regard to the conservation area. We are aware of the content of paragraph 58 of the NPPF in the preparation of the Plan-there has always been at least one, mostly two professional planners working on the Neighbourhood Plan and in the sub committees drafting the content including its planning policies. • EH advise that Local Planning Authorities should have up-to-date information about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to the environment. It is arguable whether by itself the CACA 2004 could be defined as an up-to-date assessment of the condition of the conservation area as a heritage asset. Some of its descriptions of areas such as Waterside and parts of Belvedere Road include developments that were being built at the time it was written. Its description of the Purifier is out of date as it was still in disrepair. The preparation of the NP has created an opportunity to re-assess the character of the parts of the Conservation Area around the creek and thus complies with the advice in the NPPF to have an up-to-date assessment via the UH. The UH and CACA are background papers to the NP as stated above, being referred to in the Basic Conditions, and in their entirety can be used to inform planning decisions in the same way as they do when using them in conjunction with the Local Plan. The Plan mentions how archaeological issues should be dealt with, the UH gives detail about undesignated assets. • <u>General issues highlighted in the Neighbourhood Plan Publication Draft:</u> • At least EH are getting the stage that the Plan has reached correct here.
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		<ul style="list-style-type: none"> • There is no reason why using the term ‘Undesignated Heritage Asset’ as opposed to non-designated heritage assets is incorrect. This paper was written by a professional planner with a planning consultant with the support of a Swale conservation officer and the Town Council’s architectural consultant. We are aware that conservation areas are designated heritage assets as a whole-it is set out in the NPPF and the Plan has been written by professional planners. We are also aware that the policies in paragraphs 132-134 of the NPPF are relevant. Paragraphs 126-129 of the NPPF are also relevant and form the introduction to UH. • EH comment that the UH survey of assets should be reviewed to see whether any are part of a designated heritage asset. They all are-because they are all in a conservation area which EH has told us is a heritage asset in its own right. Therefore this argument is a nonsense. Some, including the setts next to TS Hazard and the Boxing Club and ex ARP training building next to TS Hazard form part of the setting of a listed building, which is an asset in its own right. The crane tracks at Standard Quay are in the curtilage of listed buildings. The UH is meant to be a study of Undesignated Assets, the Designated ones are already protected by statute. • EH refer to a draft conservation area appraisal. There is no draft conservation area appraisal. There is a UH paper for the undesignated assets. EH comment that there has not been an archaeological survey. As stated at the end of page 2 of this document, this issue is addressed at page 23 of the Plan. • EH say that many sites could have remains associated with medieval waterfronts. They are not taking into account the fact that the channel of the creek was shifted in 1843. This was when Standard Quay was established in its present position and also when the creek was re-aligned near the bridging point. At this site, Swan Quay, the land adjacent to the wharf was then used for sheds for timber throughout the 19th century and early 20th century and only in the 1980s was opened up. It has since been built on again. Ordnance Wharf is already identified in the Plan as a location where there are historic wharves. The guidance on page 23 of the Plan tells decision makers to ask for archaeological investigation. Reference to any additional requirement to look at historic maps is clearly a reference to the alternative appraisal carried out for one small part of the creek which has already been considered by the Town Council, Swale Council and the Steering Group and has not been accepted as a valid methodology by any of these bodies. If this level of re-appraisal of the impact of the history of the creek on the sites themselves is called for, this is an attempt to undermine the whole strategy of the Plan. As stated above, it is not based on correct historical facts. The proposals have been developed from good knowledge of the historical geography of the creek-several members of the Steering Group have very good local knowledge and there are reference works which have been used. In any event, this is not a concept which English Heritage should under the Neighbourhood Planning regulations be calling
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		<p>for at this stage.</p> <ul style="list-style-type: none"> • It is known that there was Saxon use of the creek and medieval use and these are already mentioned in the Plan. The Romans may have used the present channel but there is also strong evidence that in Roman times the main port was nearer to Thorn Quay which is downstream of the Plan area. There are recent excavations which support this thesis. To use the argument that there might be some archaeological remains on a site as a justification to stop development, specifically at Swan Quay, looks like grasping at any straw to stop any new development on one of the sites that could make the most impact in regenerating the creek. • There is no draft conservation area appraisal other than an unofficial one prepared by an individual. The Faversham CACA is the conservation area appraisal for the town and of course partial appraisals uncommissioned by Swale Borough Council would not be adopted by them. If EH are referring to the UH, this of course is mapped and illustrated by the set of reference photos on the NP website. The UH was completed in 2013, so obviously is not in need of an update-it was specifically prepared to inform the NP. There is no requirement to amend the Plan to comply with the CACA or UH-it complies with them already. Conservation Area appraisals are usually prepared by Local Planning Authorities or consultants working for them. The CACA was prepared by Swale themselves and the UH by a professional planner with the Swale and Town Council conservation advisors. This was a perfectly acceptable method for Swale and they have endorsed the UH paper. • EH considers that the CACA 2004 provided a detailed consideration of the character areas that form the conservation area. It is agreed that this is the case with the exception of Waterside Close, part of Belvedere Road and the Purifier. There is no need to set out the whole of this in the NP, The NP is not meant to be a CACA any more than a Local Plan would be. The assessment of the areas around the creek in the NP are provided for context and are useful in planning any new development. • EH criticises the use of figure ground mapping. This has been included in the Plan by an experienced planning consultant who has prepared other NPs that cover conservation areas and is a recognised planning methodology. These maps clearly show the relationships between the creek and Abbey Street and the Brents which are the context for any new proposals. Photographs throughout the Plan show the existing buildings and context. Historic landownership has largely been overtaken by earlier development, so that the only sites that are available for change are those identified in the Plan. The policies in the Design Quality policy section of the NP set out how new development should utilise appropriate materials. The differentiation between the historic and new development is explained in the descriptions of the views in UH. Activity such as boat repair
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		<p>in particular areas is not something that a Plan can safeguard because the use is not one which is identified as a separate use in the Town and Country Planning Use Classes Order 1987.</p> <ul style="list-style-type: none"> • EH states that the special interest of the conservation area lies in traditional uses of the buildings. This would mean at Standard Quay that they would prefer the black buildings to be used for storing grain. They were only used for boat repair for a short period in their history from 1993-2011. They were built in the early 19th century and used for grain storage until 1991. There is no boat building in them now-they are mostly used as shops and workshops, one as a wine bar and one expected to become a restaurant as well as a museum. The only boat building that took place near these was the rebuilding of the barge Cambria between 2007 and 2011. The lease for the people who used them was terminated in 2011. There is boat repair close by at Iron Wharf and at other sites with one-two miles including Ham Wharf and Hollow Shore. There was steel shipbuilding at Pollock's Yard now Waterside Close and Faversham Reach until 1970, but this is not a justification to stop any new development-they have already been developed. As for the planning appeal about building 1 (reference APP/V2255/A/13/2202894), this was only dismissed on one ground, the effect of the change of use on the listed building and its setting. Three other grounds relating to traffic, harm to town centre uses and possible use for boat repair were not upheld and costs were awarded against Swale Council. The only ground on which Swale could consider any new application is the heritage one and the applicants have demonstrated that they can convert the buildings with no harm to their historic character. It is evident from the comments made by EH that they have not understood these important planning considerations. If boat repair is an unneighbourly activity, then it is not in class B1 and should not be in a mixed use area-so should not be at Standard Quay where most uses are already shops and cafes and B1 workshops. • EH return to Undesignated Heritage Assets. Where these are in relation to the development sites is already covered above. Only Frank and Whittome's old buildings and the Purifier are in the identified sites. The management strategy at the end of UH covers the whole area. • EH then state that the NP needs to take account of the policies in the Swale Local Plan when looking at the same unidentified heritage assets. Of course it is intended to take these into account. They are all set out in the Basic Conditions Paper. NPs are meant to be in accordance with the Local Plan. EH do not take into account that the Swale Local Plan 2008 only has life as a Plan until 2016 if the new Local Plan (Bearing Fruits) is adopted. • EH admit, having said earlier that UH does not identify any views, that it does identify some but says that it does not include views from outside the area. The views of the town from the marshes are described in the
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		<p>relevant extracts from the Swale Landscape Character and Biodiversity Appraisal in the Basic Conditions. The buildings which stand out are St Mary’s Church and Oyster Bay House. How any new building would affect views around the creek would be assessed during the planning application process using the views in UH, the policies in the NP and Local Plan and other relevant planning guidance such as that above.</p> <ul style="list-style-type: none"> • <u>Issues identified relating to specific policies and allocation of sites.</u> • EH then go on to address specific policies in the Plan. They make general comments about how policies for sites should fit with local plan policies. Of course this has been considered when the policies were prepared. • Policy CLR 1. EH says that public access to the waterside may prevent employment uses including boat building/repair. There has been popular support for a walkway around the creek and this fits with the adopted Faversham Creek Streetscape Strategy which is identified as a background document in the Basic Conditions. If boat repair is to take place, it should not fence off areas of the creek that people want to walk through. Several years ago, the user of Standard Quay made an application to do just this which would have been particularly harmful to the setting of the listed buildings. Not enclosing such areas is what would best protect the character and appearance of the conservation area. • Policy INF 4 EH criticise the wording of this policy. This is a general policy about renewable energy. It will be used to help Swale with the consideration of any planning applications including such proposals. Of course they would be assessed for the impact on the conservation area. Of course other alternatives would be suggested if necessary. The use of renewable is supported by the NPPF. • Site 2-Ordnance Wharf. EH are dissatisfied with the description of this site in its context. Of course this site is an important element in the conservation area. It is a small site but quite visible. The historical significance is set out on page 42. It has been built over before but it is acknowledged in UH that the wharves are important. It has not been used for maritime use in living memory, having been part of the gas company and used for oil storage. There is not a boatyard use within the Use Classes Order, so this cannot be specified in the Plan. What can be specified is B1. If we are to take on board the comments above with regard to boat repair, then that use is B2 and could not be part of the mix set out in the Plan. If the site is to be used for its ‘optimum viable use’, then any use would need to include housing to cross-subsidise any other uses. The Plan sets out a wide range of potential uses, the widest of any site and alternative scales of development. • Site 3-BMM Weston. EH are dissatisfied with the description of the contribution of this site to the conservation area. Page 43 sets out a detailed description of the existing house and its setting for the office site at BMM Weston, If there is any archaeological interest, then it could easily be the subject of a planning
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		<p>condition on any scheme for redevelopment. This is normal planning practice as EH should recognise. The Plan and the UH set out between them what is the character of the site and its setting. The Plan sets out on page 44 the issue that need to be taken into account with regard to the sites at BMM Weston. The office site is very prominent and there is detailed guidance about the planning considerations.</p> <ul style="list-style-type: none"> • Site 5-Swan Quay. EH raise many concerns regarding redevelopment of this site. The proposed development as described in the Plan preserves the existing listed building. The attached building to the rear of the blue listed building is expected to be retained and not demolished as the landowners have already indicated. The building which is of particular concern to the author of the unofficial conservation appraisal is of limited historic merit, having only the roof trusses and part of a wall remaining as original structure. This is the building adjacent to the Faversham Creek Hotel. The issue of potential archaeology is discussed above. There is only one listed building on the site-the blue building. TS Hazard (grade II*) is not on this site but on a separate site for which no development is proposed. None of the other buildings are ‘heritage assets’ (even undesignated ones) except in an unofficial study which has not been accepted by the Council. The development parameters set out in the Plan were discussed in detail with the conservation officer and he was happy with what is proposed in the Plan. It was a potential specific development but gives a clear indication of the scale of development that might be acceptable. It is not so detailed that it would prejudice any other development so would not conflict with para 60 of the NPPF. The character of this part of the creekside is described briefly in the CACA and in the views in the UH. There are several taller buildings along the creek in this area which set a precedent for higher development characteristic of wharves. Of course any new development would be considered with regard to its impact on views from the bridge-this is a normal planning consideration. The UH advises this. • Site 8-Standard Quay. EH concentrate much of their attention on the appeal decision on building 1. The issues raised in the Inspector’s decision for Building 1 are discussed above. Three of the four grounds were not substantiated. The application to convert the building is already close to determination so it would not have been appropriate to set out why this building should not be converted in the Plan. It would be meaningless as it would very quickly be overtaken by events. • EH comment that the Plan includes residential use at Standard Quay. The only residential is at the back of one of the green sheds onto New Creek Road. There is no proposal to change the used of the former grain warehouses to housing. The Plan describes what has already been granted planning permission over the site and suggests appropriate new uses for the remaining buildings. The green shed is not a historic building and
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		<p>make no positive contribution to the site other than being fairly low in height. It is a modern green corrugated metal building erected by Gillett’s agricultural merchants. The housing that might replace part of it would fit with the character of New Creek Road to the rear which has already been redeveloped. Therefore there would be no conflict with national or local planning policy.</p> <ul style="list-style-type: none"> • Site 9-Standard House. EH consider that the NP does not justify its proposals for this site. This building was formerly a house and the most appropriate use for it is to convert it back into one and restore it in accordance with the advice in para 131 of the NPPF. The setting of the listed building is described on page 54 of the Plan. The development of the surrounding area could be considered to be ‘enabling development’ under para 140 of the NPPF. Provided the development is kept away from the side elevation of the main building, it would be easily possible to develop this site without harming the setting of the listed building. • <u>Overall content</u> • These comments need to be assessed against the English Heritage comments and they should be asked to amend or retract them as they are ill-founded and inaccurate. Their comments were also written at the wrong time in the process and EH should have known this. • Also attached is a tracked changes version of the Faversham Creek Neighbourhood Plan • Statement of Common Ground and Schedule of Minor Changes. This has been forwarded to the examiner.
GD011	Ken Whittaker	<ul style="list-style-type: none"> • As directed in the <i>Faversham Creek Neighbourhood Development Plan Guidance and Directions</i> I am writing to request an opportunity to make representations at a public hearing. I would also appreciate the opportunity to participate in an accompanied site visit covering the NDP area, should one occur. I wish to explain concerns set out in my previous response to the Regulation 16 consultation regarding the historic environment and the failure of the NDP to meet the following basic conditions: <ul style="list-style-type: none"> • having regard to national policies and advice contained in guidance issued by the Secretary of State; • the making of the NDP contributes to the achievement of sustainable development; • the making of the NDP is in general conformity with the strategic policies contained in the development plan for the area of Swale Borough Council (or any part of that area). • Concerns previously raised, along with similar representations subsequently made by Historic England, have been partly addressed through amendments to the NDP. However, changes to the NDP still fall short of resolving inconsistencies between NDP residential development policies and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The NDP does not accord with

		<p>the requirement for planning functions to have:</p> <ul style="list-style-type: none"> • special regard to the desirability of preserving the listed building or their setting or any features of special architectural or historic interest which they possess; • special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. <ul style="list-style-type: none"> • Furthermore, the NDP fails to establish a sound basis on which the authority will be able to strike a balanced decision between the weight that should be properly accorded harm to a heritage asset on the one hand and planning benefits on the other. This issue is not helped by the failure to conform to guidance on the preparation of a robust evidence base to inform the development of the NDP, giving rise to inadequacies in both the NDP and the SEA. It should be noted this latter document was produced retrospective to the formulation of the NDP and was not available at any stage of the public consultation. • Specifically I wish to draw your attention to the Court of Appeal <i>Barnwell Manor</i> judgement, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The implications of this judgement is demonstrated in the significant number of applications rejected by the secretary of state on the basis of the significant weight to be attached to the less than substantial harm affecting heritage assets, notwithstanding demonstrable wider planning benefits. • The NDP needs to be far more conscious of this statutory presumption in favour of preservation. It should not promote residential development policies, as set out in the NDP, that are likely to lead to applications that do not satisfy the statutory tests regarding the appropriate weighting of harm (to the specific special qualities that represent the heritage significance of the Creek) when balancing other planning benefits. This is a critical consideration given that: <ul style="list-style-type: none"> • NDP residential policies are based on the authority's <i>Strategic Housing Land Availability Assessment 2010-2011</i> which does not properly consider the statutory heritage constraints, yet indicates adequate levels of residential development opportunities within the Borough at sites less sensitive to the negative impact it would have on the heritage of the Creek; • the authority's <i>Employment Capacity Study 2010</i> demonstrates how the Creek could contribute to sustainable planning policies that are consistent with the protection of heritage significance. • In addition to representations I would like to make, it may be helpful to your examination if Mr Ray
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		<p>Harrison was also allowed to explain his concerns on similar issues, but with specific regard to policies affecting Swan Wharf.</p> <ul style="list-style-type: none"> • We are both available to attend a hearing or site visit during the week beginning 5th October.
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Table of Comments Received to the Examiner’s Guidance and Directions 2.

Response Number	Respondent Name	Comments
GD012	Timothy Stevens	<ul style="list-style-type: none"> • Many thanks for forwarding me the latest about the review of the Neighbourhood Plan for the Creek. Can you please confirm that my two submissions of comments on the plans will be passed to Timothy Jones? If they have not been forwarded, can you please do so? • I am very concerned that the parameters within which the plans were drawn up have now significantly changed. The single most important change is the decision to allow development to take place across the A2. To my mind this change requires a radical review of the Neighbourhood plan which I think as drafted is even more outdated. Is there any way I can communicate this view to Mr Jones?
GD013	Anna and Michael Bales	<ul style="list-style-type: none"> • The inspector asked if people who lived on the creek might contribute and thus I have sent this attachment. I am currently in France examining old fishing ports and am unable to attend. • I would be very grateful if you would ensure that the inspector receives this submission. • We live on the creek directly opposite Standard Quay. We thank you for inviting our views.

	<ul style="list-style-type: none"> • We are of the opinion that had the views of local people been sought, the outcomes would have been significantly different. Indeed the Faversham Creek Trust has amply demonstrated this point. • A major problem has been that a very small number of people drew up the NP in a rather haphazard fashion and they were not people familiar with the ways of the creek and with a very few exceptions, it's remarkable heritage and history. There was no vision, no creative thought whatever, and this unfortunate situation was compounded by the fact that the same people appeared on all the various committees and despite spending large sums of public money, no real or substantive progress was made. Had collaboration been invited or sought, we are in no doubt that the outcome would have been very different indeed. • We have just spent six weeks touring the West Coast of France in our caravan. We are still in France continuing for another four weeks. Our aim was simple. This coastline has relied heavily upon its fishing industry, notably sardine fishing, and the decline in this industry has left numerous small villages with very little source of income. We wanted to see how the villages and towns had adapted as we felt that this would hold some ideas for Faversham. • It very quickly became apparent that the heritage of these towns and villages was heavily utilised to draw in tourists. What struck us forcibly was how successful the ideas were. It was clear that there had been substantial collaboration between town governance developers and creative artistic people. We have collected some 1000 photos to illustrate what we found. • The tragedy for Faversham is that we have people of world renown in all these spheres and yet they have been actively excluded from the Neighbourhood Plan process. We are simply unable to understand why it is only the speculators that have been listened to. The creek is Faversham's jewel in the crown and to watch it being actively and quite deliberately destroyed has been very painful. • The heritage buildings on Standard Quay have to be seen together as one unit rather than individual 'sheds'. Their role in our maritime history has to be studied and sympathetically understood. Sail dressing is just one small example of an activity vital for the old barges sails which used to attract large numbers of visitors. The large concrete area had the historic mooring rings dug out, the old train tracks were similarly disposed of. The area became a car park which for us amounted to vandalism. Planning enforcement was sadly virtually non-existent due to low staffing levels. • Of course, we recognise the need to be realistic but perhaps we could also remember that we are an island nation. The sea and coastline are part of our lives and it does interest and attract people. • We can utilise our skills and people, bring young people into apprenticeships and offer them the opportunity
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		<p>for some sailing, such activity does attract EU grants. The young people of Faversham have had nothing offered to them for year upon year and we now have the opportunity to change that. Local people have already started upon these ideas and the Purifier building is testament to the vision and determination of creek people. We also understand that a mix of residential and commercial will need to be accommodated but this could follow our maritime history. Much may be accomplished provided that we keep the vision of our 1000 years of liquid history in the foremost of our minds.</p> <ul style="list-style-type: none"> • All we have been asking is for a chance to become involved in the Neighbourhood Plan. Once our history and heritage are destroyed by speculators, we will not be able to undo the damage. I very much hope that you will ask the councils to abide by their duties and indeed the legislation of due process and draw up a Neighbourhood Plan that is acceptable to the people that live on and around the creek. Together it is both possible and desirable.
GD014	Anne Salmon	<ul style="list-style-type: none"> • I have received via the Secretary of the Faversham Society Mr Jones's second set of guidance including the timetable for the Examination in Public. • I was surprised that I have only received this via the Secretary of the Faversham Society. I was not their representative during the preparation of the Plan but was the representative of the Creek Consortium (now dissolved). I made a similar comment when I received the original set of guidance from Mr Jones via the same source and expected that in view of my comments then that I would receive a separate notice of the process rather than one which I only got by coincidence of my being a Faversham Society Trustee. • I can confirm that having rearranged some other commitments, I will be able to attend all three days of the Examination in Public. • I have read the guidance and note that the Examiner expects to discuss inclusion in the Plan of policies HE4 and INF 5 as proposed to be re-written by Historic England in the 'Statement of Common Ground' (SCG). I have seen the text of these and am happy enough that they are acceptable. He also intends to include a paragraph on moorings on page 36 of the Publication Draft. I have not seen this paragraph and I am sure that Janet Turner will not have seen it either. Could you please send this text to us so that we are familiar with its intentions. • In addition, it is noted that the Examiner expects that any changes to the Plan recommended by any bodies are identified by location as to where by paragraph and line the text is meant to be inserted. Although I am opposing taking in the modifications proposed as 'Minor Modifications' in the SCG, I prepared and Trevor Payne sent to the Town Clerk on 10th April after the TC of 7th April a paper which more clearly sets out where

		<p>some of the changes proposed could fit within the text. It does not change the content of the material sent to the Examiner in my marked up 'track changes' explanation of what was incorrect in the SCG. As I intend to use this at the Examination, it would be useful if this could be sent to any parties to whom needs to be sent.</p> <ul style="list-style-type: none"> • If there are any other matters that I need to be aware of before the hearings, please let me know. • Factual corrections to Schedule of Minor Modifications (SMM) 10th April 2015 • All page numbers refer to the Publication Version as used for consultation between 7th November and 22nd December 2015. Where paragraphs of the Publication Version can be identified, these are used. Where all text is new such as for the insert on page 16, the section heads and bullets in the SMM are used. Anything to do with BMM Weston is listed separately with page references as above. • Page 14-it is not clear where the new text goes-presumably after '.....disused or under-used' in the first paragraph in the second column. There is no issue with this text. • Page 16-it is not clear where the new text goes-presumably after the introductory larger type paragraphs and before the section that is headed 'A variety of urban forms' • Line 1: The Borough Council's published Conservation Area Character Appraisal 2004.... (explanation: 'Character' was omitted from the title) • Stonebridge Pond • Bullet point 2: Evidence of the 17th century and later Home Works of the Faversham Gunpowder industry (not factory-it was not one) and the archaeological remains of the mills. (explanation- nothing beyond as there were no other buildings in a gunpowder works because of the danger of blast) • Bullet point 4: The tranquil character of the area and the ecologically rich natural and planted vegetation including allotments and fruit trees (explanation-there is no woodland) • The creek above the bridge. • Delete bullet point 2: 'Open wharves and spaces.....' (there are none except the modern car park of Morrisons) • (explanation- The area was characterised in the early-mid 20th century by extensive development as the gas works and Agrigano and in the early 20th century by the roller rink where BMM Weston car park is, so to imply it is meant to be open is historically incorrect) • Bullet point 3: Replace whole bullet with: The Purifier House and 18th and 19th century features that reflect the industrial character of the creek including those associated with the gasworks and gunpowder • (explanation- there is only one 19th century building, no 18th century ones and nothing that reflects a maritime use. The only brewery building is the bottling store which is modern)
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	<ul style="list-style-type: none"> • Church Road into Upper Brents • Bullet point 1: More substantial 19th century brick housing, the Brents Tavern as a landmark and a weather-barded former public house (explanation-the Brents Tavern is much more of a landmark than the former Willow Tap which has been much extended) • North Lane, Conduit Street and Quay Lane including part of Belvedere Road • Bullet point 1: The open creekside space and quay at Town Quay (explanation- there are no others that are not modern - before 1990 all the ferontage was fully built up as fertiliser factories or sheds to store timber) • Bullet point 2: Historic routes linking the town centre to the creek comprising Partridge Lane, Quay Lane, Conduit Street, North Lane and Smack Alley (explanation- if there are some links between the town and the creek mentioned, why miss one out?) • Bullet point 4: replace with- The large cluster of listed buildings and Undesignated Heritage Assets around the junction of Quay Lane and Conduit Street. (explanation-the text supplied in the SMM does not make it clear that some road and pavement surfaces are modern and some boundaries very poor-the UHA clearly identifies all items of merit, Streetscape then sets out what should be remedied) • Belvedere Road, Standard Quay • Bullet point 2: 17th, 18th and 19th century buildings in Belvedere Road and at Standard Quay of brick or stained weatherboarding with roofs of slate or corrugated iron that illustrate the area's working past including timber/joinery yards, the oyster fishery and the storage and the transhipment of agricultural products and other goods into and out of north Kent. • (explanation- the bricks the buildings were made of were not all local. The corrugated iron roofs at Standard Quay were replaced about 10 years ago. Not all trade was outwards-we imported goods through Faversham too). • Bullet point 3: The former industrial building, Provender Mill, now a restaurant and housing, set at right angles to the creek (explanation for stopping at this point is distance. Move the rest of the material in this bullet to create a bullet point 4 as it is 3-400 yards away from here) • New bullet point 4 (was in 3) Mixed alignments of buildings at Standard Quay providing a hub of buildings of different dates with a distinctive industrial character (explanation-sympathetic to what-this word is meaningless) • Bullet point 5 (was 4) Standard House as a landmark standing at the end of the group of buildings • (explanation-Standard House is not at the creek's edge and is not isolated on its west side)
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	<ul style="list-style-type: none"> • Iron Wharf • Bullet point 2 Rows of masts rising up from the creek and revealing its presence. (explanation-this is a Creek Neighbourhood Plan so the creek is not hidden) • The paragraph that begins ‘Key buildings and structures.....’ is very hard to read but replacing it is not a factual correction. I have a better set of wording for this which I can supply as and when it might be needed. • The page reference for the map is page 58 (not page 54). The map has no title at present, but if it is to have one, it should be ‘Undesignated Heritage Assets and Views’ (not Heritage Issues-issues mean problems not items on a map) • Last 2 lines: The appraisal also highlights the past failure of development to successfully reference the Creekside’s historic interest and architectural character in its design. (omit reference to Provender Walk-explanation-although the UHA refers to specific developments, it is not fair to only pick one for opprobrium here when it is not the worst) • Page 23 the extra archaeology section would go at the end of the section headed Archaeology. There is no issue with this text • Page 27: Policy HE1. This is not a factual correction, but if the CACA is mentioned in the policy, then UA should be as well as the UA paper is intended to identify these buildings and structures for protection. • Policy DQ1 ‘Any new buildings shall be required to preserve or enhance.....’ (the ‘to’ is omitted) • Pages 27, 29 and 37 policy wording - these are not issues of fact but are ok as wording. • At page 42 it is not clear where the new text fits in. To be logical, in para 1 on page 42 the text would start: •the gas company and for oil storage. A proposed redevelopment scheme in 2003 was dismissed on appeal partly due to the unknown potential impact on archaeological remains and partly on the grounds that residential use on the site was not in accordance with both the adopted and then emerging 2008 Swale Local Plan’s requirement to protect the areas that had been in employment use as reflective of the character of the Creekside area of the town (explanation- tautology to say residential housing. There was no employment use on OW when the appeal was dismissed so this statement from EH is factually wrong) • Para 1 would then continue: There were further planning applications in 2006 and 2012 for residential development which were both withdrawn. • (explanation-this is a fact which has been omitted from the text in the SMM and is in the Publication version worded slightly differently) • A separate paragraph as in the SMM would then be included: ‘Archaeological investigation after the 2003
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		<p>decision resulted in.....’</p> <ul style="list-style-type: none"> • Para 2 and bullet point 6. Not factual changes but new wording including ‘making a positive contribution’ is clumsy and inconsistent with other sections of the Plan which do not include this wording. It is up to the Examiner to assess whether the extra wording should apply throughout but I would prefer not. • Page 42 reference at the bottom of the page in the SMM is out of sequence. None of the corrections that could be made to make sense of this new text are facts except that there is no such planning use as ‘maritime’. All else will need to be resolved at the Hearing. • Page 43-all changes that should be made to this are about policy and not facts so have to be left to the Hearing. • See separate section for BMM Weston. • Page 47 Title of the section in SMM should be changed to Site 5 Swan Quay • (explanation- SMM refers to Site 4 as well but makes no criticism of the text for site 4 in the Publication version) • Page 47 –The third building is an open shed with a metal trussed roof with a long elevation to Conduit Street with attached modern offices built in the 1990s. • All after this is not based on the CACA which simply describes the building as one of disparate group defining the space at the bottom of Quay Lane. Although this is a fact, the merit of this building will need to be discussed at the Hearing. • The fourth building is a modern building built for a joinery company (c1990) constructed in brick and weatherboard, now occupied by a sailmaker. • All after this is incorrect factually-the space created is not a wharf and includes grass and trees not characteristic of this side of the creek. Since 1843 there was hardly ever an open area here-it was always sheds for timber storage. The timber wharf was probably renewed by Heather Mitchell in 1984 .The only fact is that there is a slipway as described. This again will have to be argued over at the Hearing. • All other recommended changes to pages 47-8 are policy issues except paragraph 2: Omit in new text line 2 ‘...is likely to have formed a part of the abbey wharves from the medieval period’ • (explanation- the town weights and measures in what is now TS Hazard were not there until 1475 and the abbey dissolved in 1536. There were 2 major bends so that the creek was not easily navigable to Town Quay- the Abbey used Thorn Quay and had a trackway to it which is still in existence) • It is not clear from the SMM how much of the Publication version text about the parameters of development
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		<p>is intended to be replaced by new text about old timbers in the ground and including different building heights recommended when there is no chance of redevelopment of some buildings-the shed has to be kept unless it is not 'practical'. If the retention of the open shed turns out not to be 'practical' then without the Publication version or something similar in content there would be no guidance as to the parameters for new development to allow Swale to advise developers. We know that the landowner's representative thinks it 'onerous'. It is not clear whether the paragraphs about the Streetscape requirements at the Quay Lane/Conduit Street corner or the requirements of Southern Water are retained. The omission of the former makes this section inconsistent with all other policy sections. All this will have to be argued about at the Hearing.</p> <ul style="list-style-type: none"> • Page 53 use of ground and first floor of Building 1 for Class A3 (restaurant) has been in every published document about the Plan since 2013 including the original by sites approved by the TC in November 2013 .This is a fact, whether it can be altered may be down to the Hearing. • Page 54. SMM introduces material about the location of supporting development in the context paragraph at the start of page 54 and amends bullet point 5 to conflict with existing Supporting Development text. Not a factual change but introduces inconsistencies. This may have to be resolved at the Hearing as it is about the merits of different sides of the building. • Bullet point 4: The open character of the curtilage must be maintained and enhanced (omit SMM's added 'isolated position' –explanation-the building is not isolated, it is close to a green shed on its west side) • Policy STH2 'tiled' roof • (not slate-explanation-I have photographs from the 1920s and 1930s showing the original roof of the building which is tiled) • Policy STH 4 add to wording: '....views along and across the creek and from Standard Quay and the footpath.' (explanation – the building is prominent in views from across the Creek as well) • BMM Weston • We have now been advised by John Cleaver that he did comply with the pre-commencement condition requiring submission of an archaeological assessment. He has stated who did it (Paul Wilkinson and others) and that it was deposited with SBC and KCC. Therefore, there cannot be a dispute that he implemented his planning permission and the Plan cannot include vague references to not having this confirmed –'....could now be considered to have lapsed'. That he has planning permission and implemented it is not called into question by the CACA published 2004 and this document affords no merit to the white office building. Therefore all
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		<p>material relating to its retention should be deleted:</p> <ul style="list-style-type: none"> • Page 16 Brent Hill • Bullet point 5: delete 'The prominently positioned office building of the BMM Weston Works and the associated garden planting' • Page 43: The text in the SMM does not accurately reflect the Publication version text at the start of para 3. The SMM did not ask to change para 2 which also refers to the planning permission from 1999. The two sets of comments on para 3 are separated by a change to page 44 which is very confusing. • Page 43 paragraph 3 should remain as in the Publication version. • (explanation-this sets out all that is necessary to describe the building and explain the planning situation as now confirmed by John Cleaver.) • After para 3, include as a separate para the text from the SMM about the Roman urnfield except 'it is not clear whether further remains are present'. • (explanation-This is conjecture and has no place in a Planning document) • Page 44 paragraph 3 'All new housing...' (not 4 as the SMM states as the 2 top lines are a carry-over from page 43) Should remain as in the Publication version • (explanation- this gives a clear set of advice for a planner assessing a scheme for the site and parallels the policy text at BMMW2) • Page 44 SMM proposed policy BMMW 3-delete • (explanation- this is all about how the existing building and the trees should be retained and how development can only be built that retains these, this no longer applies if John Cleaver has implemented his planning permission) • Page 44 BMMW4 delete • (explanation- Swale and KCC have a report of a field investigation that was carried out for John Cleaver by Paul Wilkinson. If Swale BC wants to add a further archaeological condition because of a different layout of development, they do not need the Plan to tell them to do so).
GD015	Martin Small, Historic England	<ul style="list-style-type: none"> • Thank you for your Guidance and Directions note, forwarded to us by Ms Earl on 14th September 2015. • As you are already aware, Historic England had a number of concerns with the Plan as submitted but these have been addressed through a constructive dialogue with both the Town and District Councils resulting in the Statement of Common Ground between the three parties with a Schedule of Suggested Minor Modifications. With these modifications, Historic England considers that the Plan meets the basic conditions as regards the

		<p>historic environment.</p> <ul style="list-style-type: none"> • We are grateful for the invitation to speak in respect of any session contained within your note. We very much welcome the opportunity to attend the hearing and confirm our position and assist you in any way we can. • However, unfortunately, we will only be able to attend on Monday 5th October as we are already committed on the 6th and 7th October with pre-arranged training. Our Historic Places Adviser for the South East, Robert Lloyd-Sweet, is most likely to be our representative.
GD016	Brenda Chester	<ul style="list-style-type: none"> • The Brents Community Association and Faversham Creek Trust have received your Guidance document and confirm that we shall be attending all the sessions of the hearing. • As people return from holidays over the next week we shall be deciding who will represent us on each of the different matters.
GD017	J.Ray Harrison	<ul style="list-style-type: none"> • I attach a letter to the Plan Examiner. I understand from his guidance notes that this must go first to you, for forwarding to him. I would be grateful therefore if you would pass it on to him. • I refer to the above and with reference to para 13. This is to confirm that the following documents were submitted to Swale Council for forwarding to you, with a covering letter: <ol style="list-style-type: none"> 1. <i>Submission of objection to Faversham Creek Neighbourhood Plan</i>, 15.12.2014. 2. <i>Faversham Town Quay Character Area Appraisal</i>. Revision 2, 23.10.13. 3. <i>Faversham: The town centre quays, a Conservation Plan</i>. January 2014.
GD018	Janet Turner	<ul style="list-style-type: none"> • I was amazed to find my name on the list of those allowed to speak! I am very happy to attend, and am available for all three days.
GD019	Griselda Mussett	<ul style="list-style-type: none"> • I would like to be able to speak at the hearing, please. • I have two brief points to make, one about Ordnance Wharf, and one about the historic nature of the whole creek. • This would be on my own behalf. • Please could you confirm or otherwise.
GD020	Brian Pain	<ul style="list-style-type: none"> • Could I please register to speak on the Monday session of the Public Examination next week?
GD021	Andrew Clague Architects	<ul style="list-style-type: none"> • I would like to appear before you please in Session 2 on Monday 5th October between 2.00pm and 5.00 pm regarding this site. • I enclose a plan showing the ownership of BMM Weston there are several points that I would want to make

		<p>as architect/agent for the company which are:</p> <ul style="list-style-type: none">○ Development has begun in respect the development of the top part of the site where planning permission was granted. Foundations have been formed for the entrance block and these can be clearly seen on site.○ The site has potential for a larger development than has been indicated so far.○ The company is wishing to support the development of the inner basin by the formation of the wharf as soon as possible from the company's point of view. This might include some development of the car park area adjacent to the basin. <ul style="list-style-type: none">● I would like you to note that I am awaiting clarification of instructions from BMM Weston so what I have advised above is a preliminary agenda.
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