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BY EMAIL ONLY

21 October 2021

Dear Councillor Hudson,

Re: Birchington Neighbourhood Plan (2021-2031) Consultation Draft - Regulation 14 Consultation

Thank you for consulting Kent County Council (KCC) on the Birchington Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and for ease of reference, has provided comments structured under the chapter headings and policies used within the document.

Foreword

County Council Community Services and Infrastructure: KCC welcomes the recognition that sustainable housing growth should be developed alongside adequate infrastructure, as well as the Parish Council's acknowledgement of the importance of developer contributions in new developments.

There will be a need to ensure sufficient flexibility for the delivery of community services as they evolve to meet client needs. Post-pandemic, many service providers are adapting their delivery methods to best meet community and individual needs and this may not always be through direct delivery of new physical infrastructure such as buildings or facilities. Some community needs may be better met by directing resources via third party specialist providers.

3. Brief history of the Parish of Birchington

Birchington Today

Highways and Transportation: The County Council, as Local Highway Authority, recommends that reference is made to the existing bus services and the footway/cycleway network within the village (or areas where this is perceived to be lacking) to provide a balanced picture of existing transport connectivity.

Public Rights of Way (PRoW): The County Council would welcome the reference to the PRoW network. The Parish has over 14km of PRoW, including the newly designated England Coast Path (which is a National Trail and promoted nationally) and the Viking Coast Trail, which is part of the National Cycle Network.

The Future

Highways and Transportation: This section refers to Thanet Local Plan Policy SP16, however, it is relatively silent on the proposed road connectivity requirements which form part of this policy and which may have a bearing on road/cycle and public transport connectivity within the village in the future.

The County Council would recommend annotating the proposed highway infrastructure on the diagram at the bottom of page 19.

4. Community Provision and Priorities

Context

Highways and Transportation: Paragraph 2 references air and noise pollution from continuing growth in traffic and congestion, however, the Neighbourhood Plan does not really set out how this issue could be addressed.

Our Vision

Highways and Transportation: The key components of the Vision appear to be sound, however there is limited reference to transport measures which could help to address relevant matters highlighted within the context section.

PRoW: KCC recommends that text should include an aim to provide high quality routes for pedestrians and cyclists to encourage more people to use sustainable modes of travel. This would bring health benefits to the local community and help to address vehicle congestion on the road network by providing realistic alternatives to short distance car journeys. This can be achieved by working in partnership with KCC to improve the existing network and identify opportunities for further evolution.

Our Aspirations

PRoW: The County Council recommends the following amendment “1. New development including sufficient *and sustainable* infrastructure”.

6. The Policies

6.1 Sustainable Development

Highways and Transportation: It is important to acknowledge the key role that transport can play in achieving sustainable development by reducing the need to travel using private motorised vehicles through the provision of safe and direct walking and cycling links, and the ongoing provision of public transport services/infrastructure.

PRoW: Reference should be made to the contribution that the PRoW network makes to delivering sustainable development. The document should include reference to the provision of sustainable transport choices, with walking and cycling routes available that provide realistic alternatives to short distance car journeys. Community facilities should be easily accessible so that residents and visitors are not dependant on private vehicle use for travelling across the parish.

6.1.1 Conserving Village Character

a) Design

Design can play a key part in creating a sustainable community. With the advent of increased levels of home working and new communication technologies, new development should cater for the potential need for increased home working space to meet this need and thus reduce the need to travel. The County Council welcomes the reference for development to make provision for digital infrastructure.

b) Peripheral Development

Policy B2

Highways and Transportation: The purpose behind this policy is supported, however, as and when highway infrastructure is delivered, there is sometimes an inevitable impact on vistas and views, which will need to be weighed up. The policy wording “protect as far as possible” should be sufficient to make the policy effective without conflicting with Local Plan policy, however, reference to the context should be included within the supporting text.

6.1.2 Conserving our heritage

Heritage Conservation: Birchington is rich in heritage assets dating from the earliest times. There are extensive archaeological landscapes dating from prehistoric, Roman, Saxon and medieval times visible as cropmarks on aerial photographs covering most of the undeveloped land in the parish. Several of these sites have been designated as Scheduled

Monuments recognising their national interest. Others are not designated but may be of comparable interest individually and cumulatively. The intertidal areas, especially at Minnis Bay are also rich in well preserved remains including prehistoric structures. Archaeology can also be seen throughout the built area of the parish and is often encountered in plans for development. The village core and other key locations will include archaeology and built heritage associated with the post medieval development of the parish. The parish also includes the historic Quex House and Park.

KCC welcomes that the richness of the heritage is recognised in the Neighbourhood Plan and the inclusion of this section and “Objective 2 – To conserve and enhance heritage assets, the Conservation Area(s), listed buildings and ancient monuments”. KCC notes the recognition in clause 14 that there are local heritage assets and that an indicative list has been developed by the Birchington Heritage Trust. This is also included in section 15 (page 60). The County Council would welcome joint working with the Trust to assist with the list and ensure that the archaeology of the area is incorporated. KCC has several present projects in place or underway which could help, including development of Archaeological Notification Areas and a potential mapping project for Thanet. The present Historic Environment Record is also a rich source of information and is regularly being updated with the latest discoveries.

Policies B3 – B6 are proposed to support the conservation of the parish’s heritage. Policy B4 could also include reference to impacts on archaeological assets including the setting of the Scheduled Monuments. The County Council is supportive of Policy B6 that promotes the need for onsite and other interpretation of the archaeological sites which are incorporated in, or affected by, new development. The County Council has sought to address this in advice concerning the strategic allocation and also is seeking community archaeology and outreach so that the local community can be involved and informed of what are likely to be significant archaeological discoveries during the expansion of the built areas. The heritage and engagement with it can also support the wellbeing aspirations of Objective 14 in the Neighbourhood Plan.

6.1.4 Sustainable Utilities

Waste Management: The County Council, as Waste Disposal Authority for this area, welcomes the inclusion of Policy B8, which looks to ensure “waste management is sustainable and not detrimental to existing users”. Whilst the wording is more focussed towards wastewater management, KCC would like it recognised that waste management is also critical and the impact of new developments on existing infrastructure needs to be included in the assessments too. The Margate Household Waste Recycling Centre (HWRC) that serves this area, is currently at capacity and as such, a project to increase the capacity is required to ensure the service remains sustainable. Recognition of this, and support for developer contributions towards the expansion, is important.

6.1.5 Developer contributions

Policy B9

The County Council welcomes a collaborative approach to ensuring that development within Birchington is delivered viably and sustainably, supported by the relevant community infrastructure.

7. Natural Environment

PROW: With reference to paragraph 7.1, the County Council recommends that the Neighbourhood Plan should encourage and ensure connectivity is achieved without short car journeys and that views and tranquillity from the PRow network are protected. The parish is home to a large area of Coastal Access and to the significant assets of the England Coast Path and Viking Trail promoted routes. The Plan should ensure reference to the England Coast Path, a newly created long distance walking route with National Trail status, delivered in partnership with KCC and Natural England.

Policy B10

Highways and Transportation: The primary purpose of this policy is understood and supported; however, it must be acknowledged that strategic road infrastructure improvements, such as the upgrades of the Manston Road, Shottendane Road corridor and Columbus Avenue extension, may (once fully developed) require a level of incursion into the areas identified at Green Space. Therefore, policy wording should be revised to reflect this and should provide a level of policy flexibility over incursion (for the purpose of delivering future road infrastructure improvements).

Policies B10-B13

PROW: The County Council would recommend specific reference is made to the PRow network within these policies and any impact that development may have on the landscape character to ensure the continuation of user enjoyment of the network.

Biodiversity: The recognition given within the Neighbourhood Plan to the landscape character and biodiversity of the parish is most welcomed. The parish contains several nationally and internationally important sites for nature conservation, as well as some Priority Habitats.

Statutory Nature Conservation Sites

There are several sites that are of national and international nature conservation importance that are protected by law. These are summarised in Table 1 below and shown within Appendix 1 (Figure 1).

Table 1

Site Name	Designation	Statutory Basis for Protection	Planning etc. Requirements
Thanet Coast	Special Area of Conservation (SAC)	The Conservation of Habitats and Species Regulations 2017 are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives). Changes were made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and came into effect on the 1 st January 2021 when the UK left the EU.	Regulation 63 requires that any planning and development proposals that may affect the conservation objectives of the protected sites must be subject to a Habitats Regulations Assessment.
Thanet Coast and Sandwich Bay	Special Protection Area (SPA)	See above	See above
Thanet Coast and Sandwich Bay	Ramsar	See above	See above
Thanet Coast	Site of Special Scientific Interest (SSSI) (overlaps with and includes the above sites)	The Wildlife and Countryside Act, 1981 (as amended).	Section 28 of the Wildlife and Countryside Act, 1981 (as amended) requires that SSSI's should be protected against any activities that will harm their interest features for which they are designated. Local planning authorities must consult Natural England on any proposals that may affect an SSSI.

Thanet and Canterbury Strategic Access Management and Monitoring Strategy (SAMM)

It should be noted that all planning applications for new residential development within the parish will need to be subject to Appropriate Assessment under Regulation 55 of the Conservation of Habitats and Species Regulations, 2017 (as amended). Further detail on this matter is available in Appendix 1.

Local Nature Reserves and Local Wildlife Sites

There are currently no statutory Local Nature Reserves or Local Wildlife Sites in the Parish.

Priority Habitats

The Neighbourhood Plan identifies woodland, trees and hedgerows as being important components of the landscape and biodiversity of the Parish. KCC would also advise adding the following habitats, which are also Priority Habitats:

- Wood Pasture and Parkland at Quex Park;
- Lowland Deciduous Woodland e.g. at Crispe Park and Neame Woods; and
- Arable Field Margins – the Parish has a significant area of arable land.

Under Section 40 of the Natural Environment and Rural Resources (NERC) Act, 2006, every public body (including Parish Councils) has a duty to conserve biodiversity as part of the exercise of its functions, which in this case means in preparing the Neighbourhood Plan. Section 41 of the NERC Act¹ sets out the habitats which the Government has identified as being of principal importance for nature conservation, i.e. priority habitats such as those set out in Appendix 1 (Figure 2).

Priority Species

Section 41 of the NERC Act also sets out the list of species which the Government has identified as being of principal importance for nature conservation, i.e. priority species². Many of these species also receive legal protection under the Wildlife and Countryside Act, 1981 (as amended) and the Conservation of Habitats and Species Regulations, 2017 (as amended). The Parish of Birchington is known to support some of these species.

Whilst Kent is a national stronghold for great crested newt (GCN), only one record exists in the parish and there is a scarcity of potential breeding ponds. The parish falls within the Green Zone for GCN populations in Kent.³

- *Red zones* – These zones contain key populations of GCN, which are important on a regional, national or even international scale. District Level Licensing is not available as a licensing option in these areas.
- *Amber zones* – These contain main population centres, habitats and dispersal routes for GCN. Development with a significant land take in these zones would be expected to have a high impact on GCN.
- *Green zones* – GCNs are sparsely distributed in this zone and development would be expected to have a low impact in this zone, though may still pose a risk to GCN.

Bats (all species), dormouse, otter, water vole, badger, common reptile species such as the slow worm and common lizard are further examples of Priority Species which also receive varying degrees of protection in law and which may occur within the parish. Many species of invertebrates including insects are also Priority Species and some have legal protection. All breeding birds are protected by law and additionally several species of breeding birds (Schedule 1 under the Wildlife and Countryside Act, 1981) such as red kite, barn owl and kingfisher receive full legal protection for their nesting sites.

KCC would advise that under Objective 6, the Neighbourhood Plan should make specific references to the need to conserve and enhance statutory sites, priority habitats and populations of legally protected and priority species. This could be achieved through a re-wording of Policies B14 and B15.

As currently drafted, the Policies B10 to B13 which are aimed at achieving Objective 6 (conserving and enhancing the natural environment), read more as policies protecting green

¹ <https://jncc.gov.uk/our-work/uk-bap-priority-habitats/#list-of-uk-bap-priority-habitats>

² <https://jncc.gov.uk/our-work/uk-bap-priority-species/>

³ <https://naturalengland-defra.opendata.arcgis.com/datasets/gcn-risk-zones-kent/explore?location=51.375750%2C1.304800%2C14.25>

spaces and open spaces and as such, would be more appropriate to delivering Objective 14 (*to provide, maintain and enhance high quality indoor and outdoor leisure and recreation facilities that meet the needs of the whole community and support our visitor economy*). Whilst there is a close link between the distribution of green spaces within the parish and biodiversity, not all green spaces are of biodiversity value. Therefore, the Plan may wish to consider identifying projects and targets for improving the biodiversity of these green spaces perhaps in partnership with other organisation such as Kent's Plan Bee⁴ to conserve our pollinating insects.

Biodiversity Net Gain and Biodiversity Enhancement

New development, including that proposed under policy SP16 of the Thanet District Council Local Plan, provides significant opportunities for biodiversity enhancement within the Parish. The National Planning Policy Framework (NPPF) requires that new development should result in no net loss of biodiversity and contribute to delivering net gains. The Environment Bill, which is currently passing through its Parliamentary stages⁵, will make it a mandatory requirement that all new development delivers a minimum of 10% biodiversity net gain. This can be delivered on site or off site depending on the circumstances. Defra has recently published the latest Version 3 of the Biodiversity Metric⁶ for measuring net losses and gains from new development. In anticipation of this new legal requirement, the Plan may wish to consider including reference to it and to identify the type of new habitat features which would be appropriate and beneficial e.g. ponds, since there are currently so few in the parish. This could be achieved through re-wording of Policies B15 and B16. The County Council would also draw attention the work being carried out by the Kent Nature Partnership in respect of biodiversity net gain.

It is also worth noting that Parish Councils, along with District and County Councils, have the powers to lease or purchase land and to designate statutory Local Nature Reserves (under Section 19 of the National Parks and Access to the Countryside Act, 1949).

8. Movement and Getting Around

PRoW: The County Council would recommend that this section includes reference to the PRoW network, and the opportunities and benefits that PRoW improvements can bring to the Parish. The PRoW network provides valuable opportunities for active travel and outdoor recreation. In discussion with KCC, the development of the Neighbourhood Plan should consider the scope for upgrading the status and condition of existing PRoW to improve access opportunities e.g. converting Public Footpaths into cycle tracks, upgrading footpaths to bridleways. Further, there may be potential to create new PRoW, which can address existing network fragmentation and improve connectivity across the Parish. The aims of the Rights of Way Improvement Plan⁷ should be referenced in relation to movement and sustainable travel.

⁴ <https://www.facebook.com/Kents-Plan-Bee-100965242154004/>

⁵ The Environment Bill is heading back to the House of Commons, following amendments by the House of Lords.

⁶ <http://publications.naturalengland.org.uk/publication/6049804846366720>

⁷ <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/countryside-policies-and-reports/public-rights-of-way-improvement-plan>

The County Council would also recommend that “improve walking routes and cycle paths” is amended to “*improve and enhance the PRow network and cycle routes*”.

Policy B17

Highways and Transportation: Given that the allocated site covered under Thanet District Council Local Plan Policy SP16 has several PRowS running through it, a level of flexibility over the retention of these routes on existing alignments may be required. Therefore, it is suggested that this policy is modified to allow for diversions of existing PRowS where this is necessary to achieve an effective masterplan or maintain/ensure highway safety. The inclusion of the creation of new routes is generally supported, however, it will need to be considered on a case-by-case basis.

Paragraph 4 – The County Council agrees with this paragraph. It is important that road infrastructure is designed with the needs of pedestrians, cyclists, and public transport in mind, and not simply catering for increased vehicle-based traffic capacity. A balanced provision of infrastructure is needed within the village, and this is reflected within the Thanet Transport Strategy.

Paragraph 6 – This section is relatively unclear on what the area of concern relates to i.e. is there not enough parking at the station or does this lead to inappropriate parking on surrounding highway streets? Whilst improved parking provision at the station could be an option, this would need to be considered carefully as excess parking could encourage additional car trips into the village. It is noted that Policy B36 seeks to encourage sustainable travel to the local rail station.

Paragraph 7 – It is agreed that proposals should encourage reductions in the need to travel by private vehicles and this reflects some of the key themes of the Thanet Transport Strategy (Reduce the Requirement to Travel and Encourage Sustainable Travel Habits). Whilst in some situations, on-street parking may need to be discouraged, a level of on-street parking can sometimes enhance design and increase the scope of convenient communal visitor parking provision.

The County Council, as Local Highway Authority, recommends that additional policy detail could be added relating to specific parts of the village where movement and getting around could be enhanced or maintained through the provision of development. KCC would be happy to engage with the Parish Council and the Neighbourhood Planning Group to seek joint identification of specific themes which may seek to enhance policy or complement supporting text.

PRow: The County Council would recommend an amendment to “incorporates protects *and* (not or) enhances existing *Public Rights of Way*, including Public Footpaths, Bridleways, Restricted Byways and Byways Open to all Traffic as well as cycle routes”.

Policy B18

PRoW: The Policy encourages sustainable transport modes, including cycling and walking and therefore, KCC would recommend reference to the Rights of Way Improvement Plan (ROWIP). One of the ROWIP's key themes is evolution of the network to achieve the objective of a modal shift to cycling and walking to reduce road air pollution. The policy should also seek provision of cycle routes and safe walk to school routes, and safe travel initiatives, along with a better network for leisure and daily use.

Public Health: KCC is supportive of the reference to health and wellbeing within the Neighbourhood Plan and is pleased that this is a consideration throughout the document including the support for 'Building for a Healthy Life' and reference to the Kent Joint Strategic Needs Assessment (JSNA) and the Kent Health and Wellbeing Strategy.

The County Council would recommend consideration of additional sources of Public Health data to further support the Neighbourhood Plan. Additional data is available from the [Public Health Outcomes Framework](#) (PHOF), including ward level data ([Local Health - PHE](#)). On the whole, residents who live in Birchington generally live in good health in comparison to the rest of Thanet, however, there are still areas of concern which can be supported through the Neighbourhood Plan.

Birchington has the highest percentage of people who self-reported as having a limiting long-term illness or disability in Kent (although it must be noted this is from the 2011 census data) and this is significantly higher than the England average. Birchington also has the highest percentage of over 65s in the County. Objective 7 and Policy B18 could have greater emphasis on improving the public realm for individuals with limiting long-term illness or disability and older populations, such as through the provision of benches, tree planting toilets and lighting where appropriate.

It is also worth noting that although both Birchington South and Birchington North, on the whole, enjoy generally good health for residents in Thanet, there are differences between the wards. Birchington South often performs worse on a number of indicators within the PHOF, including (but not limited to) income deprivation, the percentage of older people living alone and unemployment. These indicators are often worse than England averages. This should be taken into account when progressing the Plan so that health inequalities can be understood, tackled and not inadvertently widened.

Policy B19

Highways and Transportation: The primary purpose of this policy is understood and supported by the County Council as Local Highway Authority; however, it must be acknowledged that strategic road infrastructure improvements identified within the Local Plan such as upgrade of the Manston Road, Shottendane Road corridor and Columbus Avenue improvements, may (once fully developed) require a level of incursion into the areas identified at Green Space/Agricultural land. Therefore, it is requested that the policy is revised to reflect this potential need and provide a level of policy flexibility over incursion for the purpose of delivering future road infrastructure improvements.

Policy B20

PRoW: it should be recognised that the PRoW network provides substantial opportunities for active travel and outdoor recreation, which can help to address issues associated with health, wellbeing and air quality. The ROWIP key theme of Active Lifestyles seeks to increase health and wellbeing benefits and address health inequalities through active travel and recreational activity. Walking for Health walks can lead to improvements in health and active travel can aid reduction in air pollution levels, through changes in transport modes.

10. Housing

10.1 Housing Quantity, Allocation, Tenure and Affordability

Policy B21

In relation to the second paragraph of this policy, KCC supports the approach taken by Thanet District Council in its Local Plan policy and is concerned that Policy B21 of the Neighbourhood could contradict that approach – delivery of 30% affordable housing must be balanced against required development contributions to support local infrastructure to ensure sustainable and viable growth.

10.2 Housing Quality

Policy B23

PRoW: “Building for Healthy Life” development proposals should show commitment to encouraging modal shift from short car journeys to Active Travel. Reference to the ROWIP should be included here.

A growing population arising from the new developments will increase the importance and use of the PRoW network, so it is critical that wording is included to recognise the need for improvements to preserve highly regarded PRoW links and ensure they are not degraded.

11. Economic Development

Policy B24-35

PRoW: Tourism is an important industry for Thanet parishes and the landscape is a key attractor; sustainable tourism is a way of supporting rural areas, providing jobs, and supporting community services. The PRoW network and the ROWIP has a critical role in this, and as such there should be specific mention of KCC supporting improvements to walking and cycling routes where they can assist the Council’s tourism objectives.

12. Health, Social Care & Education

12.1 Health and Social Care

Objective 12 / Policy B28

County Council Community Infrastructure and Services: The County Council welcomes the aims of this objective, that seeks to support development of facilities that help to sustain, improve and enhance residents' access to health, social and long-term care facilities. However, KCC would wish to emphasise the changing nature of post-pandemic adult social care needs which may not be met by the provision of physical buildings/facilities alone. Services continue to evolve to meet changing client demand and expectations and will require resourcing as appropriate.

Objective 13 / Policy B30

County Council Community Infrastructure and Services: KCC is supportive of the provision of community-wide education establishments and facilities.

It should be noted that it will be difficult for the Local Education Authority (LEA) to dictate that schools or other educational premises are available for use by the wider community outside of normal operating hours, due to the independence of Academy Trusts. However, this policy is encouraged from an LEA perspective and can provide an additional income stream for schools.

Policy B31

County Council Community Infrastructure and Services: This policy acknowledges redundant facilities might be disposed of, which is welcomed.

13. Leisure and Recreation

Objective 14

County Council Community Infrastructure and Services: This section recognises the gap in leisure and recreational facilities for young people. However, there is no mention of other ways of supporting the wellbeing of young people other than through the provision (or enhancement) of indoor and outdoor leisure facilities such as through youth outreach work, for example.

Policy B32 and B33

PRoW: The County Council recommends that this policy should aim to increase the provision of accessible leisure and recreation spaces. It should also improve opportunities to access this resource with good public transport and active travel links so that the public is not dependent on private vehicle use for visiting community facilities.

14. Strategic Sites Allocated for Development

Biodiversity: It should be noted that all planning applications for new development or the conversion and re-use of existing buildings should be accompanied by a Preliminary Ecological Appraisal (PEA) prepared by a competent professional ecological consultant. Further surveys for legally protected species may be required along with an Ecological Impact Assessment (EclA) in cases where the PEA identifies potential for them to be present within an application site. In such cases, ecological mitigation measures may be required to minimise impacts on legally protected species. The KCC Ecological Advisory Service, which advises Thanet District Council on all planning applications that may affect biodiversity, routinely requires such surveys in order that KCC can make a thorough assessment of ecological impacts and identify the appropriate type and scale of mitigation.

Policy B36

Highways and Transportation: The requirement for development to provide safe and attractive pedestrian/cycle routes is fully supported. It is also important that the site contributes positively to off-site infrastructure within the village such as providing improved cycle facilities linking to existing infrastructure on the coast. The Plan could be further enhanced by identifying specific routes that the development should focus on and specific interventions that it should fund (at a more local level than the overarching policy included within the adopted Thanet Local Plan).

PROW: KCC would recommend reference is made to the PRow network and therefore the existing opportunities and routes for off-road connectivity, ensuring Active Travel links are enhanced. Particular emphasis should be given to safety at the PRow crossings of the mainline railway (Public Footpaths TM37 and TM35), as due consideration must be given to increased use and the impact on crossing safety. Further emphasis should be given to the low percentage of Bridleways in the area, which can be improved with planning and upgrades to provide high quality links for walkers, cyclists, and equestrians.

Policy B37

County Council Community Infrastructure and Services: KCC welcomes this policy, that supports KCC's aspiration for a new 2FE Primary School at Birchington to mitigate the impact of proposed housing growth. Reference should also be provided in respect of the impact of the proposed development on other county services.

17. Action Plan – Implementation, Monitoring and Review of the Plan

PRow: It is requested that KCC is directly involved in future discussions regarding projects which will affect the PRow network. KCC can then advise on the design and delivery of these projects, ensuring that new routes successfully integrate with the existing PRow network. KCC would welcome future engagement with the Parish Council to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

Appendix

Part A: Summary of Support Evidence

PROW: The ROWIP⁸ must be included as KCC policy.

Part B: Key Maps and Plans

PRoW: Key Maps and Plans (TP02 and TP03) should include a Public Rights of Way Map. The Parish Council should hold a copy of the Definitive Map to reference. If not, KCC is able to provide this⁹.

Part D: Glossary of Terms and Definitions

PRoW: Right of Way – the text is incorrect and requires amendment to *Public Rights of Way Network, definition* “A way over which the public have a right to pass and repass, including Public Footpaths, Public Bridleways, Restricted Byways and Byways Open to All Traffic.

Additional Comments

Sustainable Urban Drainage Systems

The Neighbourhood Plan does not appear to acknowledge the water environment, other than a brief reference in relation to increased highway areas.

Birchington does not have a significant extent of flood risk. Areas of surface water flood risk are associated with low areas that cross from Quex Park. The parish itself is traversed by a significant overland flow route. Much of the parish area is underlain by Upper Chalk bedrock. It is therefore very important that drainage provision within any new development is appropriately considered and ground conditions fully investigated so that potential impacts of new development are appropriately mitigated. It must be emphasised that discharge of the sewer system is not a preferred discharge destination given infrastructure issues.

It would be beneficial if the Neighbourhood Plan fully considers surface water and local flood risk. Housing delivery sites should include priority for integrating sustainable drainage systems within green infrastructure. This is supported by the latest revision to the NPPF paragraph 167 (2021), which requires that “major development should incorporate sustainable drainage systems (and) should where possible, provide multifunctional benefits.” The Parish should require all development drainage systems to include drainage systems which are at surface and provide water quality benefits, promote amenity and increase biodiversity. Pre-application advice has been sought in relation to recent development proposals at Birchington but other future developments need to be encouraged to integrate surface water management within open space.

⁸ https://www.kent.gov.uk/__data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf

⁹ The Parish Council should contact KCC at prow@kent.gov.uk

Neighbourhood planning resources are available¹⁰, including some specific advice in relation to inclusion of the environment and surface water, accessible via “Neighbourhood Planning for the Environment¹¹”.

KCC would recommend that the Parish Council also refers to KCC’s Drainage and Planning Policy (November 2019) and specifically the Drainage Policies defined in Chapter 5 (Appendix 2).

Minerals and Waste

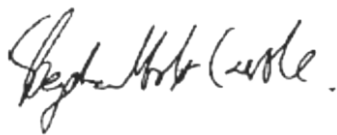
The County Council, as Minerals and Waste Planning Authority, confirms that the Neighbourhood Plan area has no safeguarded minerals or waste management facilities. Therefore, it does not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30 (KMWLP).

With regard to land-won minerals safeguarding matters, the Neighbourhood Plan area of the plan is not coincident with a safeguarded mineral deposit.

The County Council would recommend that the Neighbourhood Plan makes reference to the KMWLP to ensure the Plan is fully robust if any waste management and/or mineral related development is ever proposed in the area.

KCC would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities

Enc.

Appendix 1: Additional Biodiversity information
Appendix 2: KCC’s Drainage and Planning Policy

¹⁰ <https://neighbourhoodplanning.org>,

¹¹ [Environment-Toolkit-20181220.pdf](#) (neighbourhoodplanning.org)