



Brenchley & Matfield NDP
Planning Policy
Planning Services
Tunbridge Wells Borough Council
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Growth and Communities

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BY EMAIL ONLY

31 January 2022

Dear Sir/Madam

Re: **Brenchley and Matfield Neighbourhood Plan (2020-2038) - Regulation 16 Consultation**

Thank you for consulting Kent County Council (KCC) on the Brenchley and Matfield 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 within the Neighbourhood Plan.

Chapter 1 - Introduction

Public Rights of Way (PRoW): The County Council requests that KCC is directly involved in future discussions regarding projects that 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 any proposed schemes. The PRoW network is a vital component of parish assets, providing significant opportunities for active travel – KCC therefore welcomes specific references to the network within the Neighbourhood Plan. This will help enable KCC to deliver network improvements across the parish, which can provide sustainable transport choices and support growth.

Chapter 2 – Background on the Parish

Existing Services and Facilities

Sports and Recreation 2.36

Public Rights of Way (PRoW): KCC requests that “*excellent network of Footpaths*” is amended to “*excellent Public Rights of Way network, with a majority of Public Footpaths, which are not only for leisure opportunities but increasingly should be seen as providing local Active Travel opportunities and connectivity across the parish*”.

Chapter 4 – Vision Statement and Strategic Objectives

Access and Movement

PRoW: KCC supports the emphasis on active travel and sustainable transport within the Access and Movement section.

Chapter 5 – Objectives and their link to policies

Housing

Policy H10 Developer Contributions

PRoW: The County Council recommends that this section includes reference to the PRoW network to help secure funding for potential modifications to existing footpaths as a result of the development.

Landscape & Environment

Policy LE4 Valued Views

PRoW: It is essential that reference to the PRoW network is included here as the important views of the conservation areas and historic landscapes can be seen from the public footpaths.

Access and Movement

Highways and Transportation: The County Council, as Local Highway Authority, notes that the objectives relating to Access and Movement generally align with the principles in paragraphs 110 and 111 of the National Planning Policy Framework (NPPF). KCC, as Local Highway Authority, will review any planning applications for the development sites against the NPPF requirements.

PRoW: KCC supports these objectives and welcomes the inclusion of the PRoW network and policies AM1, AM2 and AM3.

Chapter 6 – Neighbourhood Plan Policies

Housing

Policy H10 Developer Contribution - Policy H11 Site specific policies for site AL/BM2

PRoW: KCC would welcome support within the document for the appropriate use of development contributions for PRoW and active travel enhancements.

KCC would also draw attention to the County Council's response to the Regulation 14 consultation (Appendix A) for details regarding the Village Hall access and the land at Maidstone Road connections.

Policy H12 – Good practice in construction

PRoW: KCC welcomes consideration of the impact of construction on the PRoW network.

Design

Policy D6 Climate change, environmental sustainability and resilience

Sustainable urban Drainage Systems (SuDS): KCC, as Lead Local Flood Authority, recommends the inclusion of blue green roofs in paragraph 6.69, which are designed to store water (blue), be planted (green) or both (blue/green), and provide multiple benefits with regards to flood prevention, biodiversity and more. Unfortunately, they are only suitable in certain circumstances as the roof is required to be generally flat. However, there are often opportunities for developments to incorporate blue green roofs such as roofs of apartment blocks or ancillary structures such as garages, bus shelters and bin/cycle stores.

Policy D7 Flood risk management

SuDS: Section C of the text correctly refers to sites within Flood Zones 2 and 3 as being required to undertake the Sequential and Exception tests. It should be noted that these tests are also required should a site (regardless of flood zone) be shown to be at risk of flooding from the [Environment Agency's flood map](#) for surface water.

'Overland Flow Paths' within Section 5.2.3 of KCC's Drainage and Planning Policy (Appendix B) states "*Account should be taken for any overland flow routes which cross the site from adjacent areas. Flow routes may be indicated by reference to the EA's surface water flow mapping however the magnitude of the contribution from upstream catchments should be assessed to determine flows and the extents of flooding. It is usually preferred that these flow routes would be accommodated within the development layout; however, flood assessment or more detailed modelling may be undertaken if these routes are to be modified or channelised. It is not acceptable to culvert overland flow routes.*"

The County Council recommends that this approach should be reflected in the neighbourhood plan.

Policy D8 Surface water management

SuDS: Whilst the approach taken within the Neighbourhood Plan, to specify that all parking surfaces should be permeable, is commendable, there are areas of the parish which are underlain by clay, and it therefore may not be possible for the parking surfaces to be truly permeable. It may be better for the statement to read:

“Parking surfaces should be permeable (either for the purposes of infiltration to ground or for the attenuation of surface water) and methods of recycling, harvesting and conserving water resources should be practised where practicable.”

This would benefit design, as both of these methods are within the required SuDS drainage hierarchy. It could also help to prevent large scale attenuation features (tanks) being constructed, which can sterilise large sections of sites and should they fail, could affect large areas. The failure of a small attenuation structure would only directly affect those connected and immediately downstream.

KCC notes that although it is beneficial to flood risk management, it may be difficult for developers to demonstrate how improvement can be achieved with regards to reducing runoff from the site from its predevelopment level. It is unclear how much of a reduction would be desirable. Ultimately, this could be so restrictive that the amount of attenuation required on site could negate the feasibility of it actually being developed. KCC guidance from Section 5.2.2 of the Drainage and Planning Policy (Appendix B) and national guidance from paragraphs S2-S5 of the [Non-Statutory Technical Standards for Sustainable Drainage](#) by the Department for Environment, Food and Rural Affairs, states that developers are required to demonstrate that the amount of surface water runoff from a site is no greater than existing for the equivalent rainfall event i.e., that it is no greater than the existing greenfield run off rate. The exception to this is when considering the redevelopment of brownfield sites where KCC requests that surface water run off rates ideally be reduced to greenfield but as a minimum achieve a 50% reduction overall. KCC recognises that the requirement for the reduction of surface water run off rates can be set by the Parish Council for inclusion within the Neighbourhood Plan. However, it would be helpful if these generally align with KCC’s own requirements for the reduction of surface water run off rates to ensure clear expectations are provided to applicants.

Business and Employment

Policy BE3 – Infrastructure for Business

PRoW: KCC welcomes inclusion of the PRoW network within the text.

Landscape and Environment

Policy LE4 – Valued Views

PRoW: KCC welcomes and supports Appendix 4, which shows the photographs and descriptions of the significant views from local footpaths, bridleways and pavements in the development proposal.

Policy LE6 – Biodiversity

Biodiversity: KCC notes that the biodiversity policy is in line with Policy EN 9 of the [Tunbridge Wells Borough Council Submission Local Plan](#) which states that ‘*the percentage of net gain shall be a minimum of 10% as required by legislation or greater where required by supplementary planning guidance.*’

Access and Movement

Policy AM1 – Sustainable and Active Travel

PRoW: KCC is supportive of this policy, however it is requested that “*bridle paths*” is amended to “*bridleways*”, and that “*where justified*” is amended to “*to create active travel and leisure routes for all users across the parish*”.

Policy AM2 – A non-motorised route between Brenchley and Matfield

PRoW: KCC supports this policy, however it is requested that the caption to Figure 30 is amended from “*Footpath Network*” to “*PRoW network*”. This proposed route has been added to KCC’s Feasibility Study project which assesses the practicality of implementing new development proposals.

Policy AM3 – Enhancing the Local Highway Network

PRoW: It is imperative that the PRoW network is included in all Development Transport Assessments to ensure mutually beneficial outcomes for all modes of transport.

Chapter 7 – Community Action Projects

Project Priorities

Non-Vehicular Access 7.6

PRoW: KCC requests reference is made to the [Rights of Way Improvement Plan](#) (ROWIP).

Appendix 1

The Strategic Planning Context for the Neighbourhood Plan

PRoW: KCC requests that reference is made to the ROWIP.

The Kent Waste and Minerals Plan (2016)

Minerals and Waste: Paragraph 9.11 of the [Kent Waste and Minerals Plan](#) in the Neighbourhood Plan, in relation to the waste and minerals adopted Development Plan policy in Kent, is noted.

It is correct that the [Kent Minerals Sites Plan](#) does not allocate sites for mineral extraction in the Plan area. However, the Plan area does have safeguarded minerals and therefore KCC's comments provided as part of the Regulation 14 response remain relevant (Appendix A).

Appendix 5


LGS15 – Porters Wood Recreation Ground, Petteridge 12.15

Biodiversity: KCC highlights that there could be opportunities within the Neighbourhood Plan to enhance the land immediately adjacent to the ancient woodlands. This would subsequently allow the impact on the ancient woodlands to be minimised.

KCC would also draw attention to the County Council's response to the Regulation 14 consultation (Appendix A) with regards to the recommended specific ancient woodlands policy.

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

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Appendix A: KCC response to Matfield and Brenchley Neighbourhood Plan 28.06.2021
Appendix B: KCC Drainage and Planning Policy