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BY EMAIL ONLY

12 August 2022

Dear Sir/Madam,

Re: Charing Neighbourhood Plan (2011-2030) - Regulation 16 Consultation

Thank you for consulting Kent County Council (KCC) on the Charing 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 Neighbourhood Plan.

Chapter 3 – The Parish

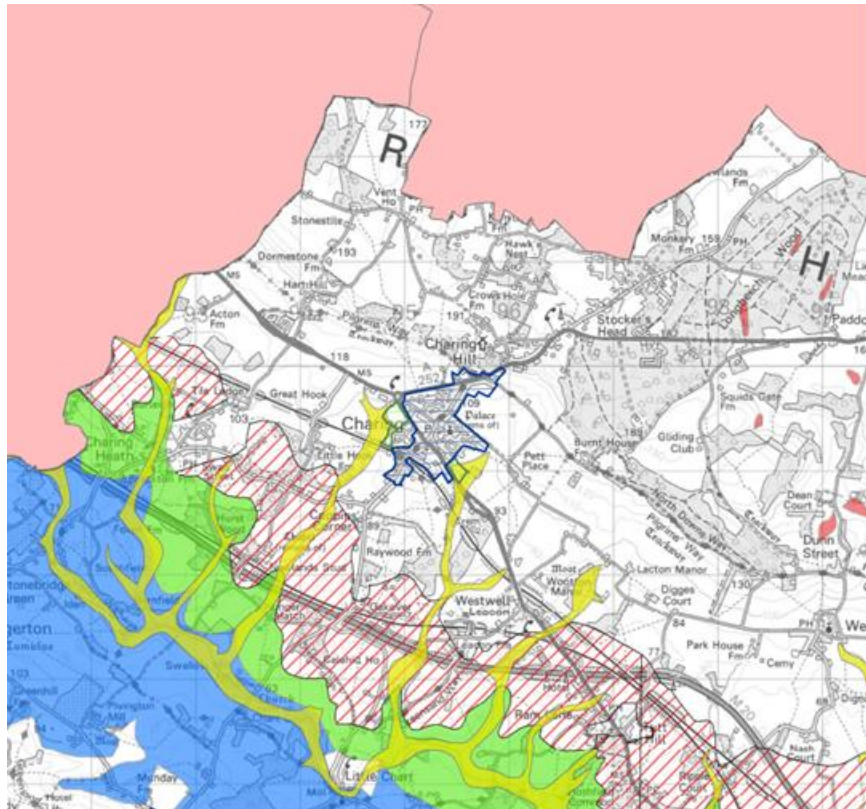
3.8 Quarrying and minerals in Charing

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, acknowledges that KCC's previous response to the Regulation 14 Consultation (Appendix A) mistakenly regards the chalk, which is still being actively extracted in the Neighbourhood Plan area, as a safeguarded mineral. The chalk is an important economic mineral that KCC has to plan for, however, the County Council would clarify that it is not formally safeguarded.


KCC would recommend that the Neighbourhood Plan describes all the safeguarded minerals present in the area, in order to be consistent with the [adopted Development Plan](#), which includes the [Kent Minerals and Waste Local Plan \(2013-2030\)](#) (KMWLP). These are:


- Sub - Alluvial River Terrace Deposits (superficial deposit)
- Sandstone - Sandgate Formation (solid geology)
- Silica Sand / Construction Sand - sandstone: Folkestone Formation (solid geology)

The Neighbourhood Plan could also include an extract from the Ashford Mineral Safeguarding Areas map within the KMWLP, as shown below in an extract of the Charing area. The County Council also recommends that the Neighbourhood Plan corrects references to ‘Mineral Safeguarding Zones’ – which should instead be referred to as ‘Mineral Safeguarding Areas’ (MSA).



Solid Geology

 Silica Sand/Construction Sand - Sandstone: Folkestone Formation

 Sandstone - Sandgate Formation

Superficial Geology

 Sub - Alluvial River Terrace Deposits

3.10 Sites of special scientific interest, wildlife sites, & nature reserves

Biodiversity: The County Council welcomes the recognition of the sites of nature conservation, such as the Site of Special Scientific Interest (SSSI) and Local Wildlife Sites, which have been listed. It is also recommended that ancient woodland is included in this list, as this habitat receives targeted protection within the [National Planning Policy Framework \(NPPF\)](#) (2021), and that reference to these sites is made throughout the Neighbourhood Plan.

KCC would also advise that, in accordance with other policy objectives in the Neighbourhood Plan (such as objectives one and two), potential development and other losses of green space are considered in relation to these sites. The County Council would also recommend consideration of a policy within the Neighbourhood Plan which includes appropriate criteria to assess any development proposals within a certain distance of the statutory designated sites and the ancient woodland, which has specific protection under paragraph 180 of the NPPF.

KCC would also note that district and county councils have the authority 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). The Borough Council is able to delegate its powers for this purpose to the parish council. KCC would draw attention to [Local nature reserves: setting up and management](#) for full guidance on this matter.

Chapter 6 – Vision and Objectives

6.1 Plan Objectives

Public Rights of Way (PRoW): The County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve the PRoW in the county. KCC is committed to working in partnership with local and neighbouring authorities, councils, and others to achieve the aims contained within the KCC [Rights of Way Improvement Plan](#) (ROWIP). The aims include allowing people to enjoy a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.

PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The PRoW network provides the means to realise the objectives of this Neighbourhood Plan, including the ability to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality. KCC recommends that active travel, and PRoW specifically, should therefore be given positive regard within the Neighbourhood Plan and the terms ‘active travel’, ‘green infrastructure’ and ‘ROWIP’ defined accordingly.

KCC recognises that amendments have been made to the Neighbourhood Plan since the Regulation 14 Consultation (Appendix A). The PRoW network contributes to the Neighbourhood Plan's vision for the community and would support the achievement of objectives 2, 7, 8, 12, 13 and 16. Individual PRoW are a material consideration in the determination of any planning application, as stated in paragraph 7.2 of the [DEFRA Circular 1/09](#) and can be a significant factor in determining development proposals. It is therefore recommended that the Neighbourhood Plan acknowledges the value of the PRoW network and how this could be enhanced to deliver the community's vision and key objectives.

With reference to comments made in the previous Regulation 14 consultation (Appendix A), which encourages the improvement of the PRoW network to provide opportunities for sustainable and active travel, KCC would recommend that the Neighbourhood Plan further supports the principles of active travel. The provision of active travel opportunities is an

increasingly significant element of sustainable neighbourhoods, and the Neighbourhood Plan should include specific recognition of PRoW as a valuable component of active travel. The relevant policies within this Neighbourhood Plan should therefore be reviewed and revised in this respect.

KCC would recommend that reference is made to the ROWIP throughout the Neighbourhood Plan, particularly in paragraphs 8.5 and 14.1; policies H1, H6, D1; and section 13. This will enable successful partnership working to continue and deliver improvements to the PRoW network in the parish.

The County Council notes the objective '*Promoting tourism, and, especially, preserving a vibrant High Street*'. Although tourism is an important industry for Kent and the landscape is a key attractor, it - the landscape - is not given significant prominence within the Neighbourhood Plan. Sustainable tourism can be utilised to support rural areas and community services, as well as providing jobs. The PRoW network has a critical role in achieving the County Council's tourism objective within the [Framing Kent's Future Strategy \(2022-2026\)](#) '*Rebrand Kent to attract national and international investment by promoting all that the county has to offer for business, learning, leisure and tourism*', and KCC therefore advises that the Neighbourhood Plan supports improvements to walking and cycling routes.

Heritage Conservation: The County Council is supportive of objective 14 '*to support the full restoration of the Archbishop's Palace*' and objective 15 '*to support all initiatives which preserve heritage in the parish*'. However, the County Council would advise that the restoration and preservation of the heritage will need to be managed more pragmatically than the strongly worded objectives suggest at present.

Chapter 7 - Community Well-Being Policies

PRoW: Improvements to existing access infrastructure and delivery of new infrastructure will be needed to realise the Neighbourhood Plan's vision and objectives, as well as the wider aspirations of the community as develops. The County Council encourages the Neighbourhood Plan to identify a list of access enhancements which the communities would like to see delivered around the parishes; for example, this could include cross-parish links and valued routes into the North Downs. Sharing this list with Ashford Borough Council and the County Council will greatly assist in understanding the needs of the communities and allocating funding if development comes forward.

Heritage Conservation: The County Council notes that there are substantial pressures on the health and social care of Kent's population and the County Council promotes the use of individual and community assets to provide a more person-centric system. As such, heritage can play an important role in the contribution of the arts to person-centred, place-based care through means such as arts-on-prescription activities, cultural venues and community programmes. The historic environment, archaeology and heritage form part of our experience of being human and can provide individual as well as collective opportunities to engage with arts and culture whilst having positive effects on our physical and mental health and wellbeing in the process.

Policy C2: Infrastructure, services, and facilities

PRoW: KCC would advise that this policy is revised to expect development to deliver or provide appropriate contributions for improvements to the PRoW network, to enable safe and attractive walking and cycling connections linking new development to local services, community facilities and existing residents. This will encourage transport away from short private car journeys and therefore helping to reduce local congestion, improve local air quality, and positively influence individuals' personal health.

County Council Community and Infrastructure Services: The County Council would recommend that *'new development must ensure that additional need facilities are in place early during construction'*, is amended to *'new development must ensure that additional need facilities are in place at the appropriate time'*. The County Council supports the timely delivery of infrastructure to ensure that services and facilities are available at the point of need.

Policy C4: Communications infrastructure

County Council Community and Infrastructure Services: To ensure the delivery of this necessary infrastructure, the County Council would advise the inclusion of the following policy requirement:

'Before development commences, details shall be submitted for the installation of fixed telecommunication infrastructure and gigabit-capable (minimal internal speed of 1000mbps) connections to multi-point destinations and all buildings including residential, commercial and community. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details. It is also recommended that the development complies with any statutory or non-statutory guidance extant at the time a decision on the application for planning permission is made.'

This will support the delivery of future-proofed digital infrastructure in new development as required by paragraph 112 of the NPPF.

Policy C7: Education

County Council Community and Infrastructure Services: KCC supports the requirement of development proposals to provide for necessary education infrastructure and facilities. The County Council is currently seeking contributions, where appropriate, to enable the expansion of Charing Primary School.

Chapter 8 - Traffic and Transport Policies

8.1 Traffic congestion and speed

Highways and Transportation: The County Council, as Local Highway Authority, would advise that 'Kent Highways' is amended to the correct term 'Kent County Council Highways

and Transportation'. Furthermore, KCC notes that Station Road is not a minor unclassified road; it is a C Class classified road and the Neighbourhood Plan should therefore be revised accordingly.

8.3 Residential car parking

Highways and Transportation: The County Council notes that 'Electric Vehicle Parking Standards' are in the emerging Kent Design Guide and require 10% active spaces, the rest passive, for communal car parks. One active charging point for a dwelling with an allocated parking space is also required, therefore, the text should be amended as appropriate.

Policy T5: Rights of way, bridleways, and cycleways

PRoW: KCC would recommend that Policy T5 is amended to reference PRoW and cycleways only, and to protect as well as enhance the PRoW network. PRoW is a generic term including both Public Footpaths and Public Bridleways and the Neighbourhood Plan should therefore be revised throughout to refer to PRoW rather than footpaths or bridleways unless there is specific and particular reason to do so.

Chapter 10 - Countryside and Environment

10.3 Non-listed heritage assets

Heritage Conservation: The County Council is pleased to note the extensive list of non-designated heritage assets, including both archaeological and built assets. All surviving heritage sites have a degree of heritage significance that needs to be identified and considered in advance of any works that could lead to damage. This should be by means of heritage statements, but could also include desk-based assessments and, where appropriate, by archaeological fieldwork.

Policy E1: Historic Environment

Heritage Conservation: KCC welcomes the inclusion of this policy within the Neighbourhood Plan, particularly the recognition that the historic environment can be enhanced as well as conserved.

The historic environment has rightly been identified as crucial to a community's sense of place, as it reminds people how their community came to be and how it took on the shape it has. It can also bring important health and wellbeing benefits. This is particularly important for new developments, whether in the form of new settlements or growth on the urban fringe. If such settlements are to feel part of the continuing story of the parish and form sustainable new communities, then the historic aspects of such places must be recognised and conserved.

The County Council notes the following significant historic environment issues in regard to new developments:

- Design and layout of new developments - New layouts should complement existing historic settlement patterns, should be undertaken sensitively and existing patterns should be retained as much as possible. Developments should respect existing settlement in terms of scale, layout and orientation so that the pre-existing historic settlement is not diminished by the new development.
- Building materials - The County Council would like to see the design of developments complementing any existing local historic character that the area may have. It is also advised that the materials used in the design are appropriate to the existing character, if possible, using locally sourced and traditional materials.
- Protection and conservation of historic remains whether built or buried.
- Incorporation of the historic environment assets into leisure and cultural improvements, particularly relevant for the parish's greenspaces, parks and gardens.
- Working with the historic landscape - new developments may be more successfully integrated with the parish if they work with the existing historic landscape than if they impose an entirely new 'grain'.

Policy E2: The Archbishop's Palace

Heritage Conservation: The County Council is supportive of this policy; however, proposals for restoration need to be sympathetic to the full history of the site and should not artificially restore the site to a particular time or period. KCC would therefore recommend that Historic England is consulted on any proposals at an early stage.

Policy E5: Landscape strategy, and safeguarding and enhancing biodiversity

PRoW: KCC would recommend that Policy E5 is revised with the aim to increase the provision of accessible green spaces and improve opportunities to access this resource. There is a growing body of evidence demonstrating physical exercise in open green space has a positive impact on mental health and wellbeing. Good public transport and active travel links with open spaces should be made available so the public are not dependent on private vehicle use for visiting these sites. It is further recommended that this policy references the ROWIP and the emerging Kent Design Guide, which aids decision-making and promotes good design in PRoW and countryside access management.

Heritage Conservation: The County Council recognises that Charing sits within a landscape that is both historic and vulnerable. To understand and value landscape character fully, it is important to consider its historic aspect. This means the pattern of tracks, lanes, field boundaries and other features that comprise the historic character of the modern landscape and which can shape future growth. The [Kent Historic Landscape Characterisation](#) (2001) has identified the broad historic character of the landscape of Kent; however, it is strategic in scope. To be most useful at a local level it needs more detailed refinement as has already taken place in Medway, Tunbridge Wells and other places. KCC would welcome engagement with Charing Parish Council to discuss this community refinement project.

The County Council would also advise that clause c of this policy is modified to '*Proposals should safeguard features of nature conservation and historic interest, and should include measures to retain, conserve, and enhance habitats and networks of ecological interest, including ancient woodland, water features, and ditches, dykes, and hedgerows, as corridors and stepping stones for wildlife*'.

Biodiversity: Whilst the County Council is supportive of this policy in principle, some of the wording is non-committal and non-specific. It is therefore advised that the word 'should' be removed, as proposals will be required to demonstrate there will be no biodiversity loss. This is required within the NPPF and in accordance with the [NERC Act](#) (2006) and will be legally required when the [Environment Act](#) (2021) is fully implemented. KCC recommends that the policy includes the focus of landscaping towards native species only, as this is the most effective method to ensure maximum biodiversity gains. The County Council would also note that '*...and demonstrate consideration of both near and distant views of the development from key public vantage points where appropriate*' is not related to biodiversity.

It should also be demonstrated that 'wildlife corridors' and 'steppingstones for wildlife' can be safeguarded. This includes their identification within the parish boundary and consideration in regard to future potential development. For example, KCC notes that priority habitats have not been identified, which could act as steppingstones. Moreover, sensitive lighting within developments could be promoted within the Neighbourhood Plan, as this is now considered a primary factor in the decline of invertebrates, which are the faunal basis of our ecosystems.

10.10.1 Mitigation measures taken in this plan

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, is pleased to note that the Neighbourhood Plan sufficiently considers the risk of flooding, particularly the reference to policies ENV6 and ENV9 of the adopted [Ashford Borough Council Local Plan](#), which promote flood risk reduction and appropriate sustainable drainage systems.

Chapter 11 - Housing

Heritage Conservation: The County Council notes that all the proposed development sites within the Neighbourhood Plan have sensitive archaeological issues to address. Recent archaeological investigations close to Arthur Baker fields have revealed an important Roman industrial and cemetery site, including high status burials. Charing was a focus of later Prehistoric and Roman activity; important activity which pre-dates the Medieval Bishops Palace. All the proposed developments will therefore need to consider archaeology carefully, as thorough appropriate assessment prior to application process and detailed mitigation will be required. KCC would also recommend that the archaeological issues of the proposed development sites and required mitigation are included within the Neighbourhood Plan.

Table 10: Summary of site assessment outcomes for approved sites

Heritage Conservation: The County Council has previously commented on the Land Adjacent to Poppyfields development site (Policy S55 in the Ashford Borough Council Local Plan) as part of the Ashford Borough Council site allocations consultation process. The following comments apply to site S55 and all its component areas:

The site contains several recorded metal 'Portable Antiquities Scheme' finds suggesting some level of Roman and later activity. Although the site is south west of the focus of the medieval settlement of Charing, there may be evidence of the use of several ancient trackways converging on Charing. KCC would therefore note that a phased programme of archaeological mitigation will be required. Significant archaeology could be dealt with through suitable conditions on a planning approval.

Policy H1: Land at Parsons Mead

PRoW: The County Council would recommend that this policy is revised to acknowledge the existence of Public Footpath AW349 that passes directly through the site, in addition to referencing the ROWIP. This policy, and each site allocation, should seek to protect and enhance the quality of any PRoW contained within or would be reasonably used for access to other property or local services.

Policy H3: Allocation of land next to Crofters

Highways and Transportation: The County Council notes that the Land next to Crofters site may be able to achieve a suitable access, however, the County Council is concerned with the sustainability of this site. The site is poorly connected to basic services and there is no pedestrian access to the Public House or to bus stops on Church Hill, for which there is only one a day service.

PRoW: KCC is pleased to note that this policy positively recognises Public Footpath AW14, which passes through the site. However, it is recommended that '*preserved*' is replaced with '*protected and enhanced*' given that this footpath could provide important access in future development.

Chapter 12 - Design Policies

12.2 The AECOM heritage and character assessment

Heritage Conservation: The County Council would request that a copy of the 2017 AECOM Heritage and Character Assessment is sent to [KCC Heritage Conservation](#).

Chapter 14 – Other Community Needs

14.1 Cycle and footpath from Charing Heath to Charing

PRoW: KCC notes that the enhancement and enlargement of the PRoW network, as with the road highway network, will involve legal processes and ensuring conformity with appropriate standards. The County Council actively supports communities to deliver their ambitions and recommends that this is recognised within the Neighbourhood Plan. This could be achieved through partnership with the Parish Footpaths Group and KCC's engagement with Charing Parish Council to create a walking and cycling link between Charing and Charing Heath, as promoted in paragraph 14.1.

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 Charing NDP 20 February 2020