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BY EMAIL ONLY

25 July 2022

Dear Sir/Madam,

Re: Boughton and Dunkirk Neighbourhood Plan - Regulation 16 Consultation

Thank you for consulting Kent County Council (KCC) on the Boughton and Dunkirk 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.

Section 1.0 Aim, Vision Statement and Key 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 neighboring authorities, councils and others to achieve the aims contained within the [Rights of Way Improvement Plan \(ROWIP\)](#). The aims include allowing people to enjoy opportunities for an active and healthy lifestyle, with 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 and improving air quality. KCC recommends that active travel, and PRoW specifically, should therefore be given positive regard within the Neighbourhood Plan.

KCC recognises that amendments have been made to the Neighbourhood Plan since the Regulation 14 Consultation and welcomes the acknowledgment of the County Council's previous comments in this Neighbourhood Plan (Appendix A). 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 supporting or rejecting 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.

The County Council acknowledges that the Neighbourhood Plan's vision has been revised since the Regulation 14 Consultation version and the reference to the 'benefits of the surrounding countryside' has been removed. KCC would encourage that reference to the provision of access to the countryside is included within the Neighbourhood Plan vision.

Section 3.0 Neighbourhood Plan Development

3.5 National Planning Policy Framework 2021

PRoW: The County Council welcomes the recognition of the three overarching objectives of sustainable development and that these *'are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives'*.

KCC would recommend that the Neighbourhood Plan 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. Therefore, Policies H1, T1, T2, T4, T5, T7, T8, BE3, CWB1, CWB3, EP2, E1–E10 and AS1–AS13, as appropriate, should be reviewed and revised in this respect. The County Council would also draw attention to comments made in the previous consultation (Appendix A), to reference the need for sites to promote sustainable and active travel links and connectivity to the PRoW network.

Section 4.0 Planning Policy Context

4.5 Boughton Parish Planning Context

PRoW: The Neighbourhood Plan recognises negative issues arising from traffic use at Brenley Corner, with paragraph 4.5.2 stating that *'severe traffic problems at Brenley Corner ... continue to plague the safety of our community and visitors'*. Within the County Council's previous response, it recommended reference should be made to walkers, cyclists and equestrians when referring to any improvement scheme. It is therefore strongly recommended that the Neighbourhood Plan is revised to include this.

Section 5.0 Housing

5.4 Local Plan Review new development concerns

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 communities. KCC 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 to Blean Woods and Faversham. Sharing this list with Swale Borough Council and the County Council will greatly assist in understanding the needs of the communities and allocating funding if and when development comes forward in the locality.

5.12 Plan Site Selection

PRoW: It is noted that the Neighbourhood Plan proposes a single site for development from its call for sites, being Land at Rear of 89 The Street, amalgamating this with other land at Colonels Lane. The Neighbourhood Plan acknowledges the existing Public Footpath across the land; however, it does not consider its connection to other paths linking to valuable local services. The County Council would therefore encourage the Neighbourhood Plan to reference these connections to secure their availability in the long term.

Highways and Transportation: The County Council, as Local Highway Authority, raises no concern with the proposed allocated site being connected via the adjacent current allocation off Colonels Lane and the associated design code as referenced in paragraph 5.12.2.

Policy H2

County Council Community and Infrastructure Services: In respect of the proposed development of up to twelve homes within Policy H2, the County Council will require financial or other contributions to be secured through a Section 106 agreement for:

- Primary – new build and land contributions towards one of the new primary schools in East Faversham, as outlined in Policy EP1.
- Secondary – new build and land contributions towards the new secondary school in East Faversham, as outlined in Policy EP1.
- Library
- Community learning
- Youth
- Adult Social Services and all applicable homes to be Wheelchair Part M4(2) compliant. KCC welcomes this requirement within Policy H1.
- Waste disposal
- Broadband - to achieve fibre to the premises of 1GB capability 'gigabit-capable'.

The County Council would welcome further engagement as this development proposal is progressed to ensure the necessary infrastructure is available to support the development.

Policy H5

PRoW: KCC strongly recommends reference to the ROWIP within this policy to enable successful partnership working to continue and deliver improvements to the PRoW network in the parishes.

Policy H9

Highways and Transportation: The County Council notes that Policy H9 requires one parking space per bedroom. This contradicts the objectives to reduce car dependency and traffic through the village and therefore, KCC, as Local Highway Authority, is not supportive of this policy. Swale Borough Council has its own [Parking Standards](#) which have been examined and deemed appropriate for the borough and accounts for all locations. The Swale Parking Standards also include measures to accommodate Electric Vehicle charging which are not included in the Neighbourhood Plan. The County Council would therefore recommend that Policy H9 refers to the Swale Parking Standards rather than what is currently included.

Section 6.0 Traffic and Transport

Highways and Transportation: KCC notes that the Background Document BD4 - Traffic and Transport was particularly informative and that school related traffic features as a main contributor. However, the Neighbourhood Plan does not mention any support that could be provided by the parishes towards School Travel Plans or the recent Hiyacar car club scheme set up in Faversham. The County Council would encourage the inclusion of these as a way of facilitating a reduction in car ownership and congestion.

6.2 Brenley Corner Junction

Highways and Transportation: The County Council will continue to engage with National Highways and raise the case for this junction to be improved. KCC is acutely aware of the ramifications of any proposed changes on the local highway network and surrounding villages and these will be a factor in any representation made. In this respect, the County Council is supportive of Policies T1 and T2.

6.4 Congestion and parking

Highways and Transportation: KCC recognises that the issues regarding congestion on The Street are a known historic concern. It is noted that the Boughton and Dunkirk Neighbourhood Plan Parking Questionnaire in 2015 regarded this issue as being of high concern, however, there is currently no identified acceptable solution. The County Council understands that the issue of single working along The Street continues to be a constraint to the acceptable level of traffic flows through the village.

Policy T7

Highways and Transportation: KCC is supportive of this policy, as the promotion of active travel throughout the village is in line with the County Council's [Local Transport Plan 4](#) and [Active Travel Strategy](#).

Section 9.0 Educational Provision

Policy EP1

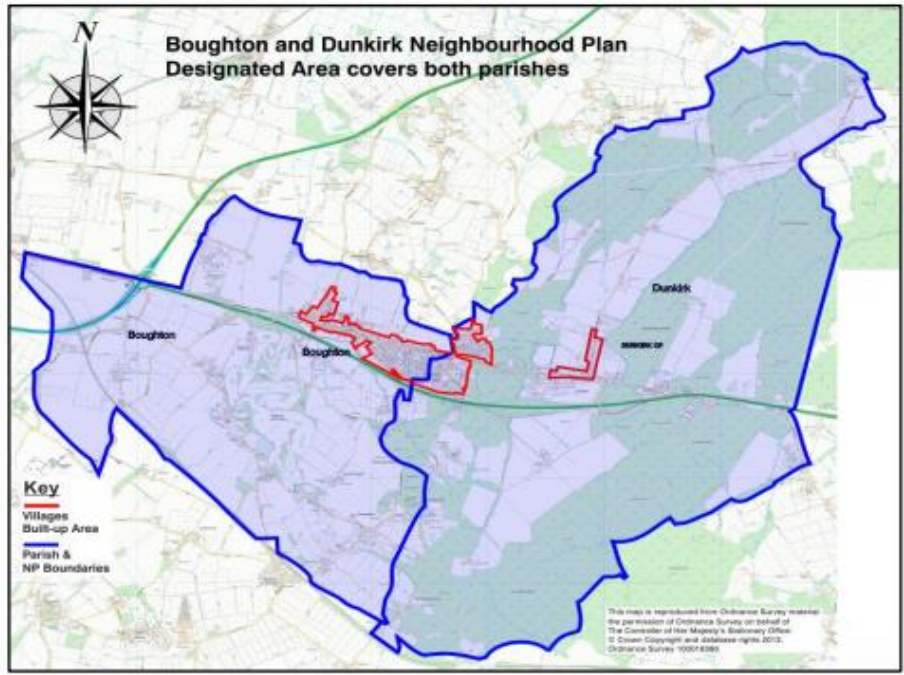
County Council Community and Infrastructure Services: The County Council welcomes the requirement that all new development will be required to make an education contribution via a Section 106 agreement to offset the development's impact on school provision. However, this policy should be extended to cover all the services KCC provides.

Policy EP3

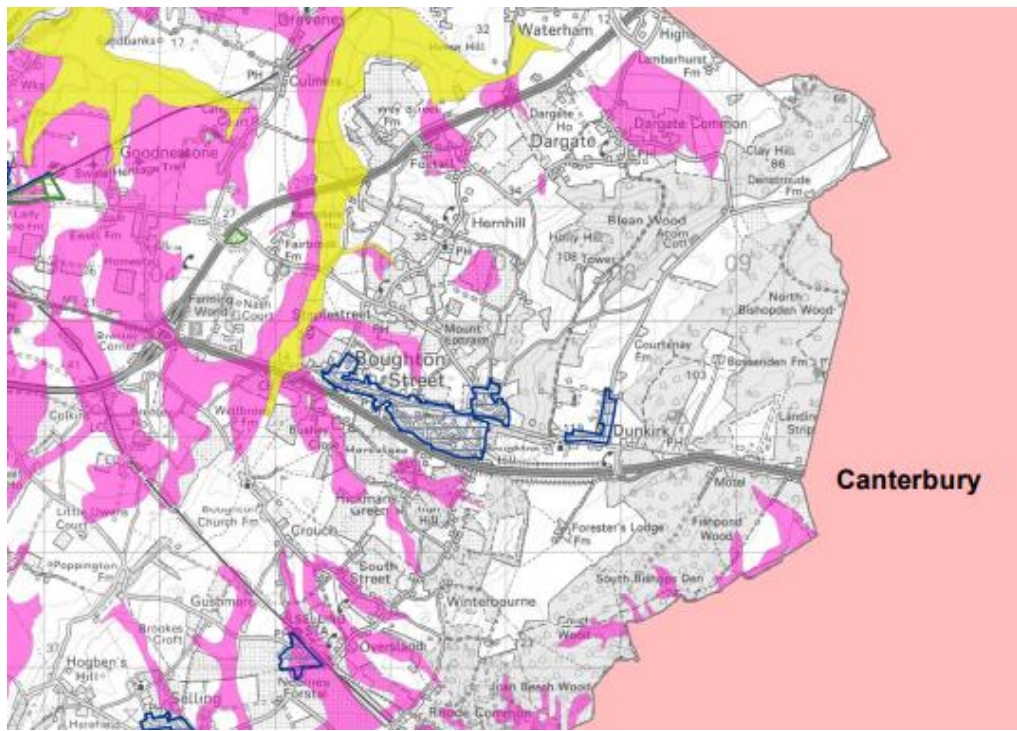
County Council Community and Infrastructure Services: In respect of Policy EP3, KCC would not have access to funding to completely rebuild the Boughton and Dunkirk Primary School, and so land without rebuild funding would be inadequate. If land was adjacent to the school, then there would be a possibility for future expansion. However, KCC is not currently planning any expansion to the school, given the low number of additional houses proposed. There is also a nursery on site and therefore if an alternative site within the village was available at some point in the future to move the nursery, then that would provide some spaces to release more capacity to the school.

Section 10.0 Environment, Landscape Character and Design

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, notes that the Neighbourhood Plan does not include all points made in the KCC response to the Regulation 14 consultation (Appendix A). This includes referencing the safeguarded minerals of Sub-Alluvial River Terrace Sands and Gravel and Brickearth, as well as the Canterbury City Council Mineral Safeguarding Area proposal maps of the [Kent Minerals and Waste Local Plan \(2013-2030\)](#) (KMWLP), as shown below:



Map I. Designated Area for Boughton and Dunkirk Neighbourhood Plan



- Sub - Alluvial River Terrace Deposits
- Brickearth (Faversham - Sittingbourne Area)

The County Council, as Minerals and Waste Planning Authority, requests that reference is made to the KMWLP (2013-2030) as future growth in the area may require mineral safeguarding issues to be considered.

Policy E2

Biodiversity: The County Council strongly recommends that Policy E2 references the need to carry out surveys to support the application. Whilst it depends on the site, a Preliminary Ecological Appraisal would initially need to be undertaken to identify if further surveys and mitigation are required. If this is the case, an Ecological Impact Assessment would subsequently need to be submitted.

To ensure that sufficient information is provided to enable consideration to be given to the policy, there will need to be ecological information submitted with the application.

The proposal for 20% biodiversity net gain in the Neighbourhood Plan has been discussed within the Kent Nature Partnership. KCC notes that work is currently underway to assess the viability of 15/20% biodiversity net gain, as there is a need to ensure that it does not materially impact the viability of delivering housing and infrastructure in Kent. There is also a need to ensure that there are opportunities available to enable biodiversity net gain to be undertaken outside of the redline boundary. Therefore, the inclusion of a 20% biodiversity net gain policy is understood, however, there is a need to ensure that any policy proposed is achievable.

Policy E6

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, appreciates that surface water drainage is now referenced within Objective 3 to minimise the environmental impact of development. However, KCC would advise that this is also specifically mentioned within Policy E6. Whilst KCC understands it could be argued that an increase in flood risk from development would *'harm the tranquillity, character or amenity value of the landscape and village environment'*, the County Council intended the need for surface water management to be clearly mentioned within the policy. KCC would therefore refer to previous comments provided in the Regulation 14 Consultation (Appendix A), to consider the importance of surface water management in new developments.

It is essential the implications of any new development are considered with regards to the increase of flood risk from all sources and that it is designed appropriately to not increase the risk.

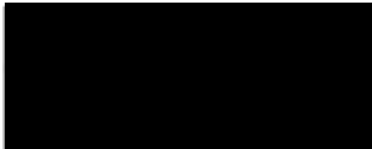
The County Council would therefore advise that additional wording should be included within Policy E6 (or as separate policy) such as *"proposals that seek to discharge surface water from site at a rate greater than existing will not be supported. Surface Water Drainage proposals should seek to maximise the multiple benefits that they can provide and follow the required SuDS hierarchy"*.

Glossary

PRoW: The County Council recognises that a glossary is now included, which contains a definition of PRoW. It is recommended that this definition is revised to the following: *'Public access rights over otherwise private land, enabling public users to pass and repass by foot, bicycle, horse, carriage, or motorised vehicle depending on status of the path, being Public Footpath, Public Bridleway, Restricted Byway, or Byway Open to All Traffic.'*

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 Boughton and Dunkirk Neighbourhood Plan 13.05.2021