



Swanley Town Council  
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## Growth and Communities

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### BY EMAIL ONLY

24 February 2023

Dear Sir / Madam,

### Re: Swanley Neighbourhood Plan – Regulation 14 Consultation

Thank you for consulting Kent County Council (KCC) on the Swanley 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.

### Vision And Objectives For The Neighbourhood Plan

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in the county. PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. 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) and [Framing Kent's Future](#) (2022-2026). KCC intends for people to enjoy, amongst others, 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.

The Neighbourhood Plan does not refer to the ROWIP, a statutory strategic document. KCC would therefore recommend that reference is made to the ROWIP throughout the Neighbourhood Plan, which will assist successful partnership working, deliver improvements to the PRoW network in the town, and help avoid loss of access to funding opportunities.

The Neighbourhood Plan's Vision and Objectives allow considerable opportunity for maintaining and enhancing the local PRoW network, and therefore make a significant contribution in delivering the Neighbourhood Plan's overall aims. For example, the PRoW network can enhance community connectivity and cohesion; improve local environments by reducing local traffic congestion and improving air quality; support personal health and well-being of individuals and groups; and support local economies, whether in providing passing trade such as with a cafe, or larger supply businesses as with cycle users. However, KCC recognises that the Neighbourhood Plan only makes a single reference to PRoW (page 76). The local PRoW network could support the parish in various ways, for example, PRoW could be recognised as part of the broad definition of Community Infrastructure (pages 20-31), and should therefore be given positive regard in this Neighbourhood Plan.

### **Sustainable Development Strategy For Swanley**

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, is concerned that little consideration has been given to surface water, the risk of flooding and sustainable drainage solutions.

KCC understands that there is limited provision for new builds given the developed area within the parish, however, it would be useful if a statement or policy could be provided within this section with regards to '*New developments proposing a surface water discharge rate which matches or is less than that existing (the Greenfield Run off Rate) will be permitted*'. Similarly, the County Council would also expect for brownfield development sites to strive to achieve the same, in line with the KCC Drainage and Planning Policy Document (Appendix A).

### **Community Infrastructure**

Education: The County Council, as Education Planning Authority, raises concern that incorrect data has been used in respect of the education figures. KCC would strongly urge that the Steering Group reviews the KCC [Commissioning Plan for Education Provision in Kent](#) (2022-2026) for up-to-date data, and that the Neighbourhood Plan is revised accordingly. The County Council would strongly recommend the Steering Group engaging with KCC as Local Education Authority (LEA) to ensure correct data is included in respect of education and the LEA's role to be able to advise in the development of any policies moving forward.

Sustainable Urban Drainage Systems (SuDS): KCC would advise the Steering Group to consider the use of public open space for the management of surface water within the Neighbourhood Plan, to deliver multifunctional benefits as set out in Policy 8 of the KCC Drainage and Planning Policy Document (Appendix A). For example, to consider whether new developments should utilise existing open space areas permanently for regular rainfall events. The County Council would encourage this use to be commensurate with the designation of open space.

Sport and Recreation: The County Council would advise that reference is made to the outdoor bowls club (Beechenlea Lane, BR8 8DR), and the indoor club next to Whiteoak Leisure Centre (Garrols Close, BR8 7BF). KCC has funded new changing rooms for the rugby club at the outdoor club and considers this to be a new 'hub'.

KCC is pleased that the Neighbourhood Plan acknowledges the displacement of sports clubs. The Neighbourhood Plan refers to the redevelopment of the Orchards Academy to mitigate these clubs, however, KCC is concerned that this is not a resolution and is uncertain on the progress of the redevelopment. KCC would therefore ask that they are kept informed of any progress on this issue.

## **Housing**

PRoW: The County Council acknowledges that the Neighbourhood Plan is not seeking to allocate future housing development sites, relying instead on Sevenoaks District Council's Local Plan allocation. KCC expects Sevenoaks District Council to protect these paths should detailed plans come forward for the sites. However, the Neighbourhood Plan should support retention of these and all PRoW in the parish by including a specific policy supporting protection of PRoW where development is proposed, and also seeking their enhancement for the benefit of path users. KCC would draw attention to Policy SwC2 - Open Space as a similar example.

## **Transport**

Highways and Transportation: The County Council, as Local Highway Authority, is supportive of the transport policies within the Neighbourhood Plan.

PRoW: The County Council would welcome partnership with the Steering Group to ensure consistency with standards around the county PRoW network and the various applicable statutory procedures, such as realising the ambition to up-grade footpaths for cycling in Policy SwT3 – Cycling.

KCC is also encouraged to note the concept of active travel within the Neighbourhood Plan, which is a key policy for KCC and within the emerging Sevenoaks Local Plan. However, KCC recognises that the term is only loosely defined, and would therefore recommend that a definition is stated. This will ensure that references are consistently interpreted so designers of future developments and Sevenoaks District Council give it due weight in preparing and determining future planning applications. The definition used by KCC for its [Active Travel Strategy](#) is recommended for inclusion within the Neighbourhood Plan.

### *Policy SwT3 – Cycling*

PRoW: In addition to the cycle schemes proposed in Policy SwT3, the County Council would recommend the following additional possible schemes:

- Walking and cycling routes connecting Swanley town with Swanley Village, Eynsford, Farningham, towards Hockenden.
- It may be possible to uplift existing Public Footpaths SD83 and SD338 from Heathwood Gardens to the A20 underpass and connection to Hockenden Lane (with support to upgrade a footpath west of the A20).

These schemes would require feasibility work and for the Steering Group to work jointly with neighbouring councils. They would also benefit Swanley residents, not just in providing valuable access to surrounding communities and countryside but, in working actively with neighbouring councils who similarly can secure funding, then pooling resources should increase the likelihood of delivering such improvements. This will also help inform any future Local Cycling and Walking Infrastructure Plans, moving forward.

#### *Policy SwT7 – Transport Infrastructure Planning*

PRoW: The County Council supports the stated Objective *'to propose specific projects to improve the community infrastructure of Swanley'* and presumes this would be realised by Policy SwT7 – Transport Infrastructure Planning. KCC would advise the Steering Group to consider cross-referencing within the Neighbourhood Plan to ensure clarity and to assist with on-going monitoring. KCC has provided the following comments in respect of this aim:

- Both the Objective and Policy SwT7 seek to propose projects whereas they would have more impact and relevance if they were extended to also include delivery;
- Policy SwT7 refers to proposals yet only one project is listed. KCC would request clarification on whether this is an omission from the Neighbourhood Plan;
- Any list of projects should be able to be added to, including by residents, and kept under constant review to ensure its relevance. This will ensure it is useful evidence when Sevenoaks District Council is seeking comments for its future Infrastructure Delivery Plan;
- The list of projects, which could include those stated in Policy SwT3 amongst others, should include big and small projects. Sometimes residents' concerns may be overcome by laying a few metres of surfacing or replacing gates or other barriers that prove an inconvenience or even a bar on public access; and
- Swanley Town Council is already familiar with CIL funding, and, for those smaller projects, these could be funded from its CIL allocation. The Steering Group is able to exercise its own discretion to allocate these monies, ensuring visible returns from development within the community.

#### **General Comments:**

PRoW: The County Council recognises that the Neighbourhood Plan period has not been clearly defined. It is recommended that this is clarified and stated across the document so that its relevance and applicability is understood. It is further advised that review periods are established and stated to ensure the Neighbourhood Plan remains relevant, and progress is monitored and acknowledged.

The Neighbourhood Plan acknowledges the National Planning Policy Framework (NPPF) in determining the location and design of development, including promotion of sustainable

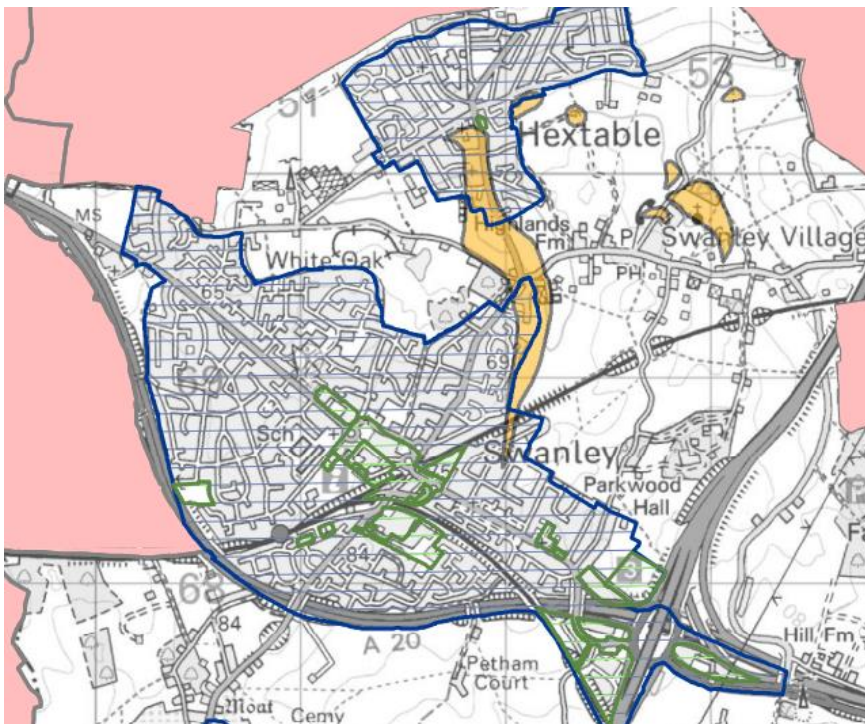


transport (page 76). The County Council wishes to highlight various NPPF paragraphs which are relevant to PRoW, including paragraphs 92, 93, 98 100, 104, 106 and 112.

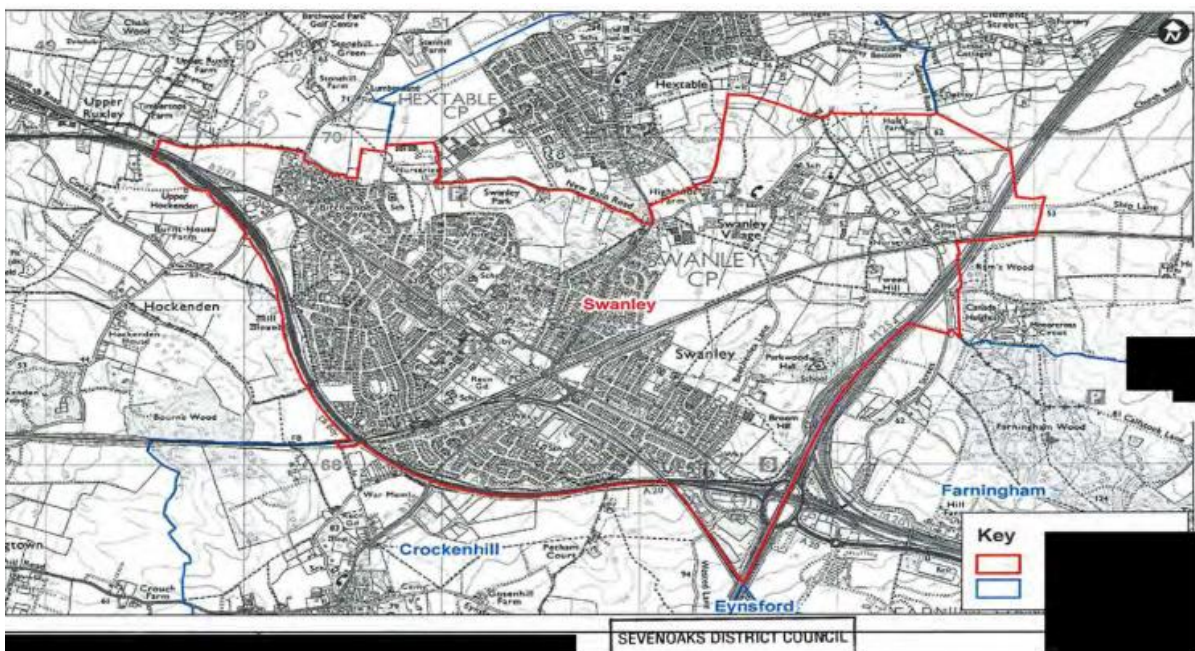
Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, can confirm that there are no safeguarded waste management or mineral handling and processing infrastructure within the area of the Neighbourhood Plan.

However, there are some safeguarded land-won minerals which are the River Terrace Deposits. These are shown in the orange colour wash below in the extract from the Sevenoaks District Council Mineral Safeguarding Areas proposal map, that are in the area of the Neighbourhood Plan.

### Sevenoaks District Council - Mineral Safeguarding Areas Proposals Map



### The Red Line Boundary Plan of the Neighbourhood Plan Area



The Neighbourhood Plan does not propose any allocations for development that are coincident with the safeguarded land-won minerals and is reliant on the Sevenoaks District Local Plan to address the housing needs of the area.

The adopted Core Strategy (2011) for the area identifies Swanley as a secondary strategic development location, however, it does not allocate any specific development sites. The adopted Allocations and Development Management Plan does allocate sites in Swanley, including within the Neighbourhood Plan area, none of which are coincident with the safeguarded land-won minerals.

KCC would recommend that reference is made to safeguarded minerals within the Neighbourhood Plan and that any allocations for development that are coincident with these deposits, either from the emerging Sevenoaks Local Plan or as additional allocations in the Neighbourhood Plan for Swanley, would have to ensure that they have been assessed against the mineral safeguarding policy requirements of the [Kent Minerals and Waste Local Plan](#) 2013-2030.

Biodiversity: The County Council has reviewed the Neighbourhood Plan and recognises that there is no ecology/nature chapter. KCC considers this to be an omission in respect of the wildlife legislation and policy in place, particularly with the forthcoming secondary legislation to the Environment Act to require Biodiversity Net Gain (BNG). The County Council understands that Swanley has notable habitats in the area, including acid grasslands which are a habitat of principal importance. There are also protected/notable species (including reptiles) present within the area so biodiversity should not be disregarded within the Neighbourhood Plan.

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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 faithfully,

A large black rectangular redaction box covering the signature area.

**Stephanie Holt-Castle**  
Director for Growth and Communities

Encs:  
Appendix A: KCC Drainage and Planning Policy Document