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BY EMAIL ONLY

Growth and Communities

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14 August 2023

Dear Grace,

Re: Fawkham Parish Neighbourhood Plan - Regulation 14 Consultation

Thank you for consulting Kent County Council (the County Council) on the Fawkham Parish 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.

Section 1: Introduction

Involvement in the Neighbourhood Plan Process

Public Rights of Way (PRoW): As a general statement, the County Council is keen to ensure that its interests are represented with respect to its statutory duty to protect and improve PRoW in the county. It should be noted that PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic.

The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council [Rights of Way Improvement Plan](#) (ROWIP) (2018-2028) and '[Framing Kent's Future](#)' strategy (2022-2026). The County Council 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 County Council notes that the draft Neighbourhood Plan makes no reference to the County Council ROWIP, which is a statutory strategic document. It is recommended that this document is referenced and given due consideration within the Neighbourhood Plan, as it

will assist successful partnership working, deliver improvements to the PRow network in the parish, and assist in the exploration of funding opportunities.

The County Council is pleased to note that local residents value opportunities to access their local landscape. The Parish Council's Countryside Survey 2021 showed almost 50% of residents walk daily in the countryside and many comments noted the enjoyment of views from the parish's public paths. However, this survey also identified that residents are concerned with the amount of local vehicular traffic preventing them from enjoying walking in their local environment. Concerns were also raised with the low amount of cycling undertaken by residents (also recognised within the supporting Transport Evidence Report). The County Council therefore requests that the comments within this response are taken into consideration to ensure that the draft Neighbourhood Plan will assist in improving access for the benefit and enjoyment of existing and future residents.

Section 5: Neighbourhood Plan Policies

Environment

Policy FNP1 – Protection and Enhancement of Landscape Character

Biodiversity: The County Council would recommend that this policy is amended in order to seek improvements to the lighting information that is submitted by developers at planning application stages and provide a better understanding of the extent of information that is required. Implementation of the policy will be of benefit to residents and biodiversity through the reduction of light spill and glare. The following amendments to this policy are based on guidance published by the Institute of Lighting Professionals:

- i) *“comply with the current guidelines on the Reduction of Obtrusive Light for rural areas (zone E2) set out by the Institute of Lighting Professionals **and the Bat Conservation Trust Guidance Note 08/18 (or later amendments) as a minimum;***
- ii) *include full details of the proposed lighting to be installed (number, design, specification, position, **height, angle** and method of control), **documented within a Lighting Plan (or Strategy for larger sites).***
- iii) **Selection of lighting:**
 - a. **LED luminaires should be used where possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capability. All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used;**
 - b. *limit the correlated colour temperature of lamps to 3000 Kelvins or less (ideally 2700K);*
 - c. **PIR sensor controls will be used for security lighting and set to short (1 minute) timers;**
 - d. **lighting will be positioned at low height to reduce spill;**
 - e. **luminaires will have an upward light ratio of 0% and be mounted on the horizontal, i.e., no upward tilt. All uplighting to be avoided.**

- iv) **The lighting plan/strategy should include the following to show that proposals will be designed to avoid or minimise impacts on retained/proposed habitats and all associated wildlife, including but not limited to legally protected and priority habitats and species:**
- a. **a pre-development baseline lighting assessment;**
 - b. **contour plans indicating a horizontal plane calculation, representing ground level, and a vertical plane calculation to show illumination at various heights;**
 - c. **measures taken to reduce glare;**
 - d. **full shielding (at the horizontal and above) of any lighting fixture exceeding 500 initial lumens;**
 - e. **Dark buffer zones to separate wildlife habitats or features from lighting. Where ‘complete darkness’ on a feature or buffer is required, illuminance is required to be below 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane;**
 - f. **where buildings are proposed in proximity to key features or habitats, and/or a high degree of glazing is proposed, Lux contour plots should also model the contribution of light spill through nearby windows, making assumptions as to internal luminaire specification and transmissivity of windows. Contour plans should incorporate any mitigation measures proposed to reduce impacts from external and internal lighting, including sensitive positioning / recessing of internal lighting, use of cowls, and/or tinted glazing treatments.**
 - g. **The calculations should be based on output of luminaires expected at ‘day 1’ of operation, where the luminaire and/or scheme Maintenance Factor is set to zero.**

*Floodlighting to enable the use of sports facilities will need strong justification and will be required to have time restrictions and automated controls for **lighting colour/temperature**, switch off and dimming with reference to the Guidance Notes for the Reduction of Obtrusive Light, the Institute of Lighting Professionals 2021, the [Bat Conservation Trust Guidance Note 08/18](#) and any subsequent revisions.”*

Policy FNP2 – Woodland, trees and hedgerows

Biodiversity: The County Council would recommend that paragraphs (a) and (d) of this policy are revised to demonstrate alignment with national policy and legislation and in particular, the National Planning Policy Framework (NPPF) (2021) and [Natural England Standing Advice](#) for Local Planning Authorities. The proposed amendments to this policy are as follows:

- a) **“protect Ancient Woodland, as defined on Map 2, and ancient and veteran trees in accordance with Natural England Standing Advice and paragraph 180 of the NPPF, which states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”. The Natural England/Forestry Commission**

standing advice states that there should be a minimum 15m buffer zone between development and ancient woodland.

- d) **use an appropriate mix of native species only, to enhance biodiversity and maintain the ecological integrity of the existing habitats.”**

Policy FNP5 – Conserve and Enhance Biodiversity

Biodiversity: The County Council would recommend that this policy is amended to ensure that the text complies with national policy and legislation. Specifically, the NPPF and the Biodiversity Net Gain (BNG) requirements of the Environment Act (2021):

- a) **“protecting Local Wildlife Sites, as defined on Map 2, protected and *priority species, and insect biodiversity, including pollinators;***
- b) *preserving or enhancing linked corridors and ecological networks formed by woodland blocks, shaws and hedgerows, as defined on Map 2; and*
- c) *enhancing biodiversity through net biodiversity gains, to include:*
 - i) **BNG to meet the requirements of the Environment Act 2021 or any legislation replacing this Act. All planning applications in England (with a few exemptions) will have to deliver at least a 10% BNG. The latest Defra biodiversity metric will need to be used to demonstrate a minimum 10% biodiversity net gain. Habitats created/enhanced to achieve net gain will require a detailed management plan and be secured for at least 30 years. The BNG calculation should be evidenced within a biodiversity gain plan submitted as part of the planning application.**
 - ii) **Biodiversity net gain measures to meet the requirements of NPPF 2021 (or any policy document replacing this), for example additional native species planting, integral or wall/tree-mounted habitat boxes for bats, breeding birds and insects, areas of standing deadwood for invertebrates, and hedgehog boxes and connectivity ‘highways’ at the base of fencing. These measures should** ~~associated with development with enhancements which~~ *focus on protected and priority species known to be present in the Parish, and, where appropriate, priority given to the creation/restoration of species-rich grasslands, hedgerows, woodland and/or improved management of these habitats. Where new development is proposed, an appropriate depth of buffer must be provided between the development and any protected habitat. The size of that buffer shall be appropriate to safeguard the significance of that habitat and must itself create, and be maintained as, a suitable complementary natural wildlife haven. All proposals must include a detailed management plan to ensure successful enhancement in the long term.”*

Policy FNP7 - Surface Water Flooding

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, supports the recognition of flood risk as an issue for the parish. The County

Council also welcomes the Vision and Objectives for Fawkham to accommodate flood risk and the impacts that climate change will have on it.

The County Council recommends that Policy FNP7 could further require that development in the parish, particularly any proposing to connect to the existing drainage network 'upstream' of known flooding hotspots, provides improvements to reduce flood risk off-site. It is recognised that this may be a requirement more suited to the emerging Sevenoaks Local Plan, however, the Neighbourhood Plan could also include this requirement.

Leisure and Wellbeing

PRoW: The County Council recognises that Objective 12 aims *'To protect and enhance open space and the network of footpaths serving the Parish'*. This is to be satisfied by Policy FNP14: Protection of existing PRoW and historic routeway – *"The alignment and character of existing public rights of way and historic routeways, as shown on Map 10, will be protected and enhanced."* However, the draft Neighbourhood Plan does not detail what form this protection and enhancement will take, how such will be delivered, or how the condition of the PRoW network will be monitored to determine the success of the policy. The Neighbourhood Plan Steering Group is advised to consider these points and revise the draft Neighbourhood Plan accordingly, prior to its Regulation 16 consultation.

Possible ways to enhance the local PRoW network include creating new PRoW, which could assist to avoid using the local road network, and upgrading the status of certain existing PRoW from Public Footpath to Public Bridleway. The latter would establish public rights to use these routes by cyclists and horse riders, therefore providing a valuable facility that presently does not exist in the parish (there are currently no Public Bridleways in the parish). The supplementary Informal Outdoor Recreation Evidence Report identifies *"at least a dozen stables"* within the parish, however, the lack of bridleways will limit equestrian access to and enjoyment of the countryside, which many would consider a character of rural environments. The County Council would therefore encourage reference to the County Council ROWIP, specifically Action 2.5 - *"work to secure higher status routes (bridleway, restricted byway) to provide access for the greatest range of users"*.

Local Infrastructure

PRoW: The Neighbourhood Plan has positively identified within this section that funding for local improvements could be secured from various sources. It identifies opportunities to enhance the parish, with potential projects listed in Appendix 3. The County Council understands that these sections are referring to the Open Space Assessment Audit within the Supporting Documentation, as 'Ideas for improvement' are listed for each site. If the Open Space Assessment Audit is regularly updated, it will evidence the parish's need for improvement when Sevenoaks District Council seeks to deliver any future Infrastructure Development Plan and therefore any funding available. It will also be useful if the County Council seeks to enhance access in the parish. Possible projects could include the upgrade of Public Footpaths to Public Bridleways; replacing existing Public Footpath stiles with gaps or gates (as stated in the 'Leisure and Wellbeing' section on PRoW); or laying compacted stone surfacing. The County Council would welcome the opportunity to engage with the Neighbourhood Plan Steering Group in order to take such projects forward.

The Neighbourhood Plan Steering Group may wish to consider working with neighbouring parish councils to develop and deliver access schemes, as this would likely enable resources to be pooled to benefit residents of more than one parish. The potential for Fawkham Parish residents to access other neighbourhoods, such as Hartley or New Ash Green, to enjoy wider local services as much as recreation, would be greatly enhanced.

The Neighbourhood Plan Steering Group is advised to adopt the County Council's suggestions, as this will support the County Council's aims to enhance off-road access within Kent. It will also encourage the concept of active travel, which is a key policy for the County Council, and is expected to be part of Sevenoaks District Council's emerging Local Plan 2040. The County Council would recommend that reference is made to active travel, given the need to acknowledge and conform to local planning policy. It is advised that a glossary is created, including the definition of active travel contained within the [Active Travel Strategy](#). This will ensure that references are consistently interpreted so developers and Sevenoaks District Council give it due weight in preparing and determining future planning applications.

Appendix 3: Projects - Opportunities leading on from the Neighbourhood Plan

Highways and Transportation: The County Council, as Local Highway Authority, notes that Fawkham Parish Council has a Highway Improvement Plan (HIP) which has been developed in association with the County Council's Highway Improvements Team. The HIP covers the transport issues highlighted within this draft Neighbourhood Plan, and the Local Highway Authority will continue to work with the Parish Council through the HIP process.

Additional Commentary

PRoW: The County Council recognises that the draft Neighbourhood Plan does not propose to allocate sites for development within the parish. The County Council would recommend consideration of the following NPPF paragraphs that are relevant to PRoW; 92, 93, 98 100, 104, 106 and 112. Paragraph 112b is particularly important, as there is no mention of the access needs of people with disabilities or reduced mobility within the draft Neighbourhood Plan.

The County Council 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