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**Environment, Planning and
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21 October 2019

BY EMAIL ONLY

Dear Ms. Levett

Re: Benenden Neighbourhood Development Plan - Regulation 14

Thank you for consulting Kent County Council (KCC) on the Benenden Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council acknowledges the references made to the Tunbridge Wells Draft Local Plan. KCC has not provided direct commentary on the proposed sites within the Neighbourhood Plan, as these will be considered through the KCC response to the Tunbridge Wells Draft Local Plan Regulation 18 Consultation, which is running concurrently with this consultation.

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.

Introduction

The introduction to the Neighbourhood Plan describes, in detail, the extent and importance of Benenden's heritage and the role it has played in shaping the Parish. To this end, the County Council recommends that the Plan should include policies for conserving and enhancing this heritage. The Plan provides an opportunity for the Parish Council to describe how Benenden's heritage can contribute to achieving the Vision, as outlined on page 7, by helping to integrate new development into the existing community. This can ensure that new build developments contribute to the existing historic character and emphasise the role of

the historic environment as a contributor to the 'historic beauty' that the Plan wants to preserve. Heritage also has a significant role to play in the health and well-being of residents and visitors. The County Council therefore recommends that there is a specific historic environment policy within the Neighbourhood Plan.

History

The text mentions the Roman roads that cross Benenden and the settlement at Hemsted, but there are numerous other Roman sites in the parish. These include a paved Roman ford near Stream Farm and iron working sites at Spring Wood, Benenden School and Flight Wood. The Benenden School site may have also comprised a small roadside settlement.

Chapter 1 – Landscape and the Environment

The text rightly notes the historic nature of the landscape and some of its components in the form of field boundaries, footpaths and routeways. KCC recommends that the Neighbourhood Development Plan should make clear the role the Historic Landscape Characterisation (HLC) for Tunbridge Wells Borough that was developed by the Borough Council in 2017¹. The HLC examined the Borough's landscape in detail and is an important tool for helping developers and planners assess the impact of their proposals. An assessment of proposals against the HLC should be considered as a requirement, where appropriate, for development proposals in rural areas.

The Plan does not specifically mention development within farmsteads but it is likely that development proposals of this type will come forward. It should be noted that much of Kent has historically had a dispersed settlement pattern. Development between villages and hamlets and among farm buildings would in many places be consistent with the historic character of those areas. Historic England, KCC and the Kent Downs AONB Unit have published guidance on historic farmsteads in Kent that considers how rural development proposals can be assessed for whether they are consistent with existing character².

Whilst it is recognised that a large percentage of the Public Rights of Way (PRoW) network in Benenden consists of Public Footpaths, there is a Public Bridleway and Restricted Byway passing through the Parish, providing higher rights of access for equestrians and cyclists. In addition to footpath enhancements, there is also an aspiration to improve access for cyclists and equestrians across the region. With these points in mind, it is requested that the term '*Footpaths*' is replaced with the wording 'Public Rights of Way', as this would encompass the full range of different classifications of PRoW.

Open Space and Recreation

It is important to ensure that any development takes account of the Sport England Guidance³. Sport England's strategies for sport are very much focussed on tackling inactivity

¹ <https://beta.tunbridgewells.gov.uk/local-plan/evidence/resources/environment-and-landscape/historic-landscape-characterisation-2017>

² <http://www.highweald.org/look-after/buildings/farmsteads-and-hamlets.html>

³ > <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>
> <https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>

and supporting/encouraging under-represented groups to be active. Through the national Active Lives Survey, approximately 25% of people nationally (24% now in Kent - 26% two years ago) are inactive and this is having knock on effects on physical and mental health, as well as individual and social/community development. Therefore, the plan should specify that any development proposals should consider this and, where appropriate, incorporate a mix of formal and informal areas/spaces (indoor and out) where people can be active, including walking and cycling routes and open spaces.

Policy LE2

Studies have shown that green spaces provide considerable health and well-being benefits for the public, but these spaces will face increasing pressures from new developments and a growing population. There is a risk that the quality of green spaces will deteriorate, unless appropriate steps are put in place to protect the sites and manage access. To cope with the increasing demands of a growing population, it is recommended that Neighbourhood Plan policy seeks to protect and increase open space provision.

It is imperative that open spaces can be accessed through sustainable modes of transport. To encourage active travel, the wording of this policy text should be strengthened to ensure that visitors can walk or cycle to open spaces. Alternatively, good public transport links with open spaces should be made available, so that the public are not dependent on private vehicle use to visit these sites.

Footpaths

The inclusion of paragraphs 1.6 and 1.6.1 regarding footpaths is welcomed by the County Council. However, there is no specific policy for footpaths or the wider PRoW network. To address this matter, it is requested that a specific policy for the protection and enhancement of PRoW is included within the Neighbourhood Plan.

The PRoW network provides significant opportunities for active travel and outdoor recreation across the parish. The increased population will undoubtedly add to the pressure on, and importance of, the surrounding PRoW network. It is critical therefore that some wording is included within this new policy to secure funding from new development to ensure these highly regarded links are not degraded and where possible are enhanced.

Considering the value of the PRoW network, it should be expected that section 106 contributions (or CIL should it be introduced) will be sought to fund PRoW improvements across the parish, in preparation for the expected increase in path use. Developer contributions could be used to upgrade existing routes and create new path links that address existing network fragmentation issues highlighted by the public.

> <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>
> <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>
> <https://www.sportengland.org/facilities-planning/active-design/>

In addition to footpath improvements, new development should, where appropriate, contribute towards PRow enhancements that also benefit cyclists and equestrians. The KCC PRow and Access Service would welcome engagement with the Parish Council to consider local aspirations for access improvements, the delivery of these schemes and potential sources of funding for these projects.

It is requested that applicants for new developments engage with the County Council at the earliest opportunity. This is to allow for reviews of access improvements to be carried out and consider appropriate developer contributions for PRow network enhancements, which would ensure there are sustainable transport choices available that provide realistic alternatives to short distance car journeys.

The reference to the National Planning Policy Framework (NPPF) on page 21 of the Plan is welcomed. The KCC Rights of Way Improvement Plan (ROWIP) should also be referenced within this section, as it is a statutory policy document for PRow, setting out a strategic approach for the protection and enhancement of PRow. This will enable successful partnership working to continue and deliver improvements to the PRow network in Benenden. Joint delivery of this strategic plan will ensure significant benefits, while its omission could result in a significant loss of access to additional funding opportunities. KCC would welcome future engagement with the Parish Council to consider local aspirations for access improvements and the potential delivery of these schemes.

Environmental aspects of new development

The Neighbourhood Development Plan considers that development should seek to protect and enhance the biodiversity of the site and the surrounding and sites must be surveyed prior to development, in order to ensure important natural features are identified. The County Council would like to highlight that Ecological Surveys and mitigation strategies for habitats and protected/notable species must be submitted to demonstrate they are following the mitigation hierarchy to “avoid, mitigate and compensate” any impact.

The Plan also highlights the importance of biodiversity and the need for a provision for the creation of new wildlife habitats, the joining up with existing biodiversity rich areas and net gain. The County Council is supportive of this approach and advises that where green spaces are proposed, they ideally should be located within the areas where there are existing habitats, rather than creating new habitat.

Policy LE8

The County Council as Lead Local Flood Authority has provided comments directly to the Parish Council, which set out a number of matters to be considered in relation to this policy.

Chapter 3 Design and the Built Environment

Policy HC2

The draft policy states that materials should be used that are similar in appearance to those used in Benenden’s historic buildings. The County Council supports this requirement but

would note that this may be dependent on such materials being available. KCC recommends that a clause be added to state that development proposals will not be accepted if materials required for their appearance leads to the destruction of natural resources.

Chapter 5 Transport and Infrastructure

The County Council as Local Highway Authority has no comments on the Neighbourhood Development Plan as currently drafted.

Policy T1

The inclusion of this policy is supported, as it would ensure that new developments provide opportunities for walking and cycling, enabling active lifestyles.

Policy T2

Rural lanes provide useful connections for Non-Motorised Users (NMUs) travelling between off-road PRow. The potential for additional vehicle traffic along these country lanes is therefore a concern, as increased movements could introduce safety concerns for NMUs and potentially deter public use of the PRow network. With this in mind, Policy T2 should include wording that requires developers to submit traffic impact studies in support of their applications. Where negative impacts on NMUs are identified, developers should provide or contribute towards appropriate mitigation measures.

Policy T5

The County Council recommends that the Plan has a focus on energy and low emissions as opposed to climate change within this 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,



Katie Stewart

Director - Environment, Planning and Enforcement

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Appendix 1: KCC SUDS Response dated 29 August 2019