



Growth and Communities

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6 August 2021

BY EMAIL ONLY

Dear Carly,

Re: Egerton Neighbourhood Plan 2021-2040, April 2021

Thank you for consulting Kent County Council (KCC) on the Egerton Neighbourhood Plan 2021-2040 in accordance with the Neighbourhood Planning (General) Regulations 2012. The County Council has reviewed the Neighbourhood Plan and sets out its comments below, following the order of consultation document.

Chapter 1 Introduction

How does the Egerton Neighbourhood Plan fit into the planning system?

Minerals and Waste: KCC, as Minerals and Waste Planning Authority, welcomes the references to the Kent Minerals and Waste Local Plan (KMWLP) within the Neighbourhood Plan.

Chapter 3 Egerton now

Paragraph 3.11

Public Rights of Way (PRoW): The County Council would recommend drawing attention to the fact that there are no Public Bridleways in the Parish and this should be addressed in order to provide higher rights of access for equestrians, cyclists and pedestrians.

Chapter 4 Vision and Key Objectives

Develop

Paragraph 4.6

PRoW: The County Council raised within its previous response the need to reference the PRoW network as necessary infrastructure to support development and would continue to request its inclusion. The PRoW network can help contribute towards a robust infrastructure provision that enables development and encourages economic growth leading to regeneration and attraction of new businesses. The Neighbourhood Plan should make specific reference here to the PRoW network and the opportunities offered to promote sustainable transport and access to the environment.

Chapter 5 Protecting and conserving Egerton's Individual Character and Environment

Distinctive Landscape Character and Biodiversity

Biodiversity: The County Council supports the recognition given within the Neighbourhood Plan to the landscape character and biodiversity of the Parish.

The Neighbourhood Plan identifies ancient woodland, trees, hedgerows and flower rich grass verges as being important components of the landscape and biodiversity of the Parish. KCC would also advise adding the following habitats which, in addition to woodlands and hedgerows, are priority habitats:

- Rivers – the Great Stour;
- Ponds – the Parish has a large number of field ponds and fish ponds;
- Arable Field Margins – the Parish has a significant area of arable land; and
- Traditional Orchards – the Parish still contains a few traditional orchards.

Under Section 40 of the Natural Environment and Rural Resources (NERC) Act 2006, every public body (including Parish Councils) has a duty to conserve biodiversity as part of the exercise of its functions - which is applicable to the preparation of a Neighbourhood Plan. Section 41 of the NERC Act sets out the habitats which the Government has identified as being of principal importance for nature conservation (i.e. priority habitats) such as those set out above¹.

Section 41 of the NERC Act also sets out the list of species which the Government has identified as being of principal importance for nature conservation (i.e. priority species)². Many of these species also receive legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

¹ <https://jncc.gov.uk/our-work/uk-bap-priority-habitats/#list-of-uk-bap-priority-habitats>

² <https://jncc.gov.uk/our-work/uk-bap-priority-species/>

The Parish of Egerton is known to support a number of these species. For example, the great crested newt (GCN) species has been found within the Parish and significant areas of the Parish are identified as Amber Risk Zones for this species by Natural England:

- *Red zones* – These zones contain key populations of GCN which are important on a regional, national or even international scale. District Level Licensing is not available as a licensing option in these areas.
- *Amber zones* – These contain main population centres, habitats and dispersal routes for GCN. Development with a significant land take in these zones would be expected to have a high impact on GCN.
- *Green zones* – GCNs are sparsely distributed in this zone and development would be expected to have a low impact in this zone, though may still pose a risk to GCN.

The remainder of the Parish falls within the Green Zone³.

Bats (all species), dormouse, otter, water vole, badger, common reptile species such as the slow worm and common lizard are further examples of priority species which also receive varying degrees of protection in law, and which may be present within the Parish. Many species of invertebrates, including insects, are also priority species and some have legal protection. All breeding birds are protected by law and additionally several species of breeding birds (Schedule 1 under the Wildlife and Countryside Act 1981) such as red kite, barn owl and kingfisher receive full legal protection for their nesting sites.

The County Council therefore advises that policy P1 should make specific references to the need to conserve and enhance priority habitats and populations of legally protected and priority species.

The recognition of the importance of biodiversity net gain in policy P1 is welcomed. The National Planning Policy Framework (NPPF) states that new development should result in no net loss of biodiversity and contribute to delivering net gains. The Environment Bill (which is currently in the House of Lords) will make it a mandatory requirement that all new development delivers a minimum of 10% biodiversity net gain. This can be delivered on site or off site depending on the circumstances. Defra has recently published the latest Version 3 of the Biodiversity Metric⁴ for measuring net losses and gains from new development. In anticipation of this new legal requirement, the Parish Council may wish to reflect this in policy P1.

It is also worth noting that District and County Councils have the powers 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 District Council is able to delegate its powers for this purpose to the Parish Council - full guidance can be found on the government website⁵.

³ <https://naturalengland-defra.opendata.arcgis.com/datasets/gcn-risk-zones-kent/explore?location=51.192345%2C0.725156%2C14.06>

⁴ <http://publications.naturalengland.org.uk/publication/6049804846366720>

⁵ <https://www.gov.uk/guidance/create-and-manage-local-nature-reserves>

Paragraph 5.4

PRoW: KCC recommends that “40 footpaths” is amended to 40 Public Rights of Way.

Heritage

Paragraph 5.32

Heritage Conservation: The County Council notes that the majority of the advice within the Regulation 14 response has been included within this Regulation 16 consultation. KCC would reiterate that under paragraph 5.32, there are a number of heritage assets dating to the post-medieval and modern periods which are not presently mentioned in the text. A possible moated manor site has been suggested for Wanden although there is little information about this. The remains of Egerton Smock mill also still exist at New Stone Farm.

From the modern era, the Kent Historic Environment Record lists three Second World War pillboxes in and around Egerton village. It is not known whether these were ever actually constructed and if so, whether they still exist, but if they do, they constitute important survivals from a critically important time in the village’s past. A Hawker Hurricane also crashed at Weeks Farm and although previously excavated, it remains a designated site under the Protection of Military Remains Act 1986.

Chapter 6 Ensuring a sustainable future for Egerton

Footpaths, Byways, Roads & Transport

PRoW: KCC requests an amendment to the title to Public Rights of Way, Roads and Transport.

Paragraph 6.27

PRoW: The County Council requests an amendment to the current text, as the proposal for AW368 is not included in KCC’s PRoW Rights of Way Improvement Plan (ROWIP) - however, it is identified as one of KCC’s objectives within Parish partnerships.

Chapter 7 Development to meet current and future need

Local needs / affordable housing

Paragraph 7.29

PRoW: The County Council recommends that “*Developers could be required*” should be amended to “would be expected to provide appropriate improvements”.

Policy ENP D3 Housing Policy / Policy ENP D4 Local Needs Affordable Housing / Policy ENP D5 Land at Orchard Nurseries / Policy ENP D6 Reuse of redundant farm buildings / ENP D7 Water supply and Drainage

Biodiversity: The proposed allocation of sites within the Neighbourhood Plan, the re-use of buildings and the provision of new infrastructure (Policies D3 to D7) should take into consideration any effects on protected and priority habitats and protected and priority species.

All planning applications for new development or the conversion and re-use of existing buildings should be accompanied by a Preliminary Ecological Appraisal (PEA) prepared by a competent professional ecological consultant. Further surveys for legally protected species may be required along with an Ecological Impact Assessment (EclA) in cases where the PEA identifies potential for them to be present within an application site. In such cases, ecological mitigation measures may be required to minimise impacts on legally protected species. The KCC Ecological Advisory Service, which advises Ashford Borough Council on all planning applications that may affect biodiversity, routinely requires such surveys in order that KCC can make a thorough assessment of ecological impacts and identify the appropriate type and scale of mitigation.

Older people's housing

Policy ENP D5 – Land at Orchard Nurseries

Highways and Transportation: The County Council, as Local Highway Authority, notes the proposal at Orchard Nurseries for semi-sheltered accommodation - however, there are no details of how the site will be accessed. Access to the public highway is essential for an allocation to be deliverable.

PRoW: As raised within the KCC response to the Regulation 14 consultation, there are PRoW within the Orchard Nurseries environment. The County Council would welcome engagement with the Parish Council to ensure opportunities for Active Travel improvement/funding are brought forward as part of the development.

Brownfield Sites and Small Scale Development

Policy EDP D6 – Reuse of redundant farm buildings

PRoW: As raised within the KCC response to the Regulation 14 consultation, this policy should ensure that new developments incorporate good sustainable transport connections within the community with high quality walking and cycling infrastructure provision, which can link local amenities together and encourage economic growth.

Infrastructure and Facilities to Support Current and Future Development

Policy ENP D7 - Water Supply and Drainage

Sustainable Urban Drainage Systems: The County Council, as Lead Local Flood Authority, welcomes the incorporation of advice provided within the KCC's previous response in relation to the inclusion of retaining and protecting the local drainage network.

Waste Management: KCC, as Waste Disposal Authority, is pleased to see that advice from the previous County Council response has been incorporated. The County Council recommends references to waste are set out within a new policy or, the current policy should be amended to reflect its inclusion.

Evidence base

PRoW: The KCC ROWIP⁶ should 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.

Maps

Local Wildlife Sites

Biodiversity: There are currently no internationally important biodiversity sites (Special Areas of Conservation, Special Protection Areas or Ramsar Sites) within the Parish and no nationally important biodiversity sites (Sites of Special Scientific Interest) or statutory Local Nature Reserves. There are, however, several Local Wildlife Sites and these are identified at Map 5 which is welcomed by the County Council.

The County Council will continue to work with the Parish Council on the formulation and delivery of the Neighbourhood Plan and welcomes further engagement as the Plan progresses.

If you require any further information or clarification on any matter in this letter, please do not hesitate to contact me.

Yours sincerely,



Stephanie Holt-Castle
Director – Growth and Communities

⁶ https://www.kent.gov.uk/_data/assets/pdf_file/0005/90491/Rights-of-Way-Improvement-Plan-2018-2028.pdf