



Growth and Communities

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BY EMAIL ONLY

24 February 2022

Dear Sir/Madam,

Re: Birchington Neighbourhood Plan (2021-2031) Consultation Draft - Regulation 16 Consultation

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

Foreword by Councillor Neville Hudson, Chairman, Birchington Parish Council

County Council Community Infrastructure and Services: The Chairman's supportive stance on sustainable housing growth supported by adequate infrastructure is welcomed. The County Council wishes to emphasise the need to ensure sufficient flexibility for the use of developer contributions to support the delivery of County statutory services. Post-pandemic, many service providers are adapting their delivery methods to best meet the requirements of service users, which may not always be met through new physical infrastructure, such as buildings or facilities. It should be acknowledged that there may be some community needs that could be better met by directing resources via third party specialist providers.

1. Introduction and Executive Summary

Approving the Plan

The County Council, as Local Highway Authority and Lead Local Flood Authority, welcomes the incorporation within this document of much of the feedback provided by KCC during the

Regulation 14 consultation. In respect of the Highways and Transportation comments, whilst not all suggested amendments have been incorporated, the most salient policy points have either been addressed through revised policy wording or supporting text.

2. The Planning Framework

Overview

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority confirms that the Neighbourhood Plan area does not contain any safeguarded mineral deposits, nor any safeguarded mineral or waste facilitates and therefore KCC does not have any comments to make on this Neighbourhood Plan.

3. Brief History of the Parish of Birchington

Birchington today

PRoW: A section of the new England Coast Path, a new long-distance walking route that has been given National Trail status, follows the coast through the parish. This, and the Viking Coast Trail cycle route, is only once acknowledged within the Plan. However, the routes could deliver a diverse range of benefits to the community including recreation, healthy lifestyles, reduction of local road congestion, improved levels of local air pollution, and economic enhancement, through greater local promotion and establishment of suitable 'feeder' routes. The County Council supports improvements to walking and cycling routes and will, in partnership, support the Parish Council to improve the existing network and identify opportunities for further evolution, which could potentially be delivered through developer contributions.

5. Planning Policy Development and Application

The Policies

PRoW: PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. The value of the PRoW network is in providing the means to realise many objectives of this Neighbourhood Plan, whether to access and appreciate landscapes for personal health and wellbeing, enhancing community connectivity and cohesion, reducing local traffic congestion for economic benefit and improvement in air quality. Positive regard should be shown to the PRoW network and Active Travel throughout the Neighbourhood Plan's policies and objectives.

6. Sustainable Development

PRoW: Specific recognition of PRoW as a valuable component of Active Travel is recommended. The PRoW network is a key element of sustainability, so this section should include reference to the PRoW network, especially where new development can provide sustainable travel choices as realistic alternatives to short distance car journeys.

6.1 Conserving Village Character

Policy B2

Highways and Transportation: The County Council, as Local Highway Authority, is now satisfied that the proposed wording provides sufficient flexibility to avoid conflicting with potential future highway infrastructure.

6.2 Conserving Our Heritage

Objective 2

Heritage Conservation: The County Council is supportive of this objective. As the text in the section makes clear, Birchington contains numerous archaeological sites and historic buildings. Most of these are not designated as scheduled monuments or Listed Buildings and yet play a key role in the character of the parish. If this character is to be conserved and enhanced, it is essential that these assets are protected from unsympathetic or damaging development.

Footnote 1

Heritage Conservation: The note says that the Birchington Heritage Trust is collating a list of local heritage assets. The Kent Historic Environment Record (www.kent.gov.uk/HER) is an essential resource for information about Kent's heritage and should be consulted to inform the collation of the list. KCC would encourage the Trust to ensure that Birchington's archaeological and landscape assets are also included in the review and KCC would be happy to advise on this further. Furthermore, KCC would encourage the Parish Council to work with Thanet District Council on developing a formal List of Local Heritage Assets that will support the Parish Council's work.

Policy B3

Heritage Conservation: The County Council is supportive of this policy.

Policy B4

Heritage Conservation: The County Council is supportive of this policy. National Planning Policy Framework (NPPF) paragraph 201 presents the conditions that should be fulfilled before substantial damage to, or loss of, a designated asset should be permitted. Although Policy B4 concerns local heritage assets rather than designated assets, a similar approach should be taken.

Heritage Conservation: Although it is welcomed that the Parish Council has recognised the importance of Birchington's archaeological assets, it may not be possible to defend all archaeological assets, in all circumstances, in the way described in the text. The County Council recommends that the approach to archaeological assets, as described in the NPPF, is followed closely. In particular, developers must be required to be proactive in assessing the archaeological significance of assets that could be affected by their proposals and presenting

that assessment with their applications (NPPF paragraph 194). The County Council advises that this will include desk based assessment and perhaps field assessment in addition. The assessment process as described in NPPF paragraphs 195 to 197 should then be followed.

Policy B5

Heritage Conservation: The County Council is supportive of this policy.

Policy B6

Heritage Conservation: The County Council is supportive of this policy – however, recommends that the wording of the policy is amended to “At designated and non-designated archaeological sites of particular significance...”

6.4 Sustainable Utilities

Policy B8

Waste Management: The County Council, as Waste Disposal Authority, is pleased that much of the feedback provided at Regulation 14 has been noted and incorporated into the Regulation 16 submission regarding impact of development on waste infrastructure.

6.5 Developer Contributions

Biodiversity: The County Council recommends that reference is made to the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) contributions. As the parish is located very close to the Thanet Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site (as raised within the County Council response to the Regulation 14 consultation), new developments will have to contribute to the North Kent SAMMS to ensure that new growth will not adversely affect the integrity of North Kent’s wildlife sites.

Policy B9

County Council Community Infrastructure and Services: Whilst the County Council acknowledges Policy B9 and Objective 5, it should be noted that parish priorities will need to be balanced against essential County Council statutory responsibilities and services.

The impact of any new development on county services will be assessed based upon mitigation measures that increase capacity in a local area for these services. Due to the ‘spoke’ delivery models used by some County services, it should be understood that it is not always appropriate, nor in the interests of users, to deliver county services through the closest specified community facility.

Heritage Conservation: The County Council has recently been successful in pursuing the provision for community heritage activities for major developments. These provide a good way for local people and new residents to explore the heritage of their area and help embed the new communities within existing social networks. KCC recommends that, where possible,

the Parish Council supports similar provisions for developments in Birchington. The County Council can advise on appropriate approaches to support this.

7. Natural Environment

7.1 Green and Open Spaces and the Coast

Biodiversity: Section 7 of the Plan states “Opportunities for a net gain in biodiversity should also be sought.” This appears to be the only mention of biodiversity net-gain. Now that the Environment Act has been passed, with secondary legislation being disseminated over the next two years, a measurable net-gain in biodiversity (a minimum of 10%) will be mandatory for the strategic housing development areas. Therefore, the wording should be strengthened to make clear this will be a requirement.

Paragraph 174 of the NPPF 2021 states that it expects plans to “*recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*”. The proposed replacement of ‘green space’ (mostly arable land within strategic development area) with hardstanding development will greatly diminish the ‘natural capital’ of the area, entailing more flooding/drought events, higher burden on health services, low agricultural output and poor water quality. If possible, some of the ‘green wedge’ areas should be planted up with native woodland, scrub and ruderal vegetation (or even wetlands) to offset some of this loss.

Policy B10

Highways and Transportation: The County Council as Local Highway Authority is now satisfied that the proposed wording provides sufficient flexibility to avoid conflicting with potential future highway infrastructure projects.

Policy B11

PRoW: Policy B11 should be strengthened by revising to ‘... and enjoyment of public open spaces including Public Rights of Way.’

8. Movement and Getting Around

Objective 7

PRoW: With regards to cycling, it is acknowledged that Policy B17 has been revised in line with KCC’s earlier consultation response; and it is recommended, for consistency, Objective 7 similarly references cycling.

Policy B17

Highways and Transportation: The County Council as Local Highway Authority is now satisfied that the proposed wording of this policy and supporting text provides sufficient flexibility and clarity over the retention and diversion of the PRoW network.

Policy B18

Highways and Transportation: The County Council as Local Highway Authority is pleased to see that commentary has been noted and modified text added to the policy is acceptable.

PRoW: The County Council recommends that this policy should specifically recognise the PRoW network as a local access network that delivers the policy ambition of safe local access and reduced use of vehicles.

9. Agriculture

Policy B19

Highways and Transportation: This policy wording is largely accepted, however the County Council as the Local Highway Authority would request that the policy wording is subject to a minor amendment to provide further clarity in relation to future transport based projects such as the A28 Birchington, Acol and Westgate-on-Sea Relief Road. KCC would recommend the following amendment: (Point 3): 3. there are no otherwise suitable sites available to facilitate the provision of essential public infrastructure to meet the requirements of the Local Plan and/or relevant Local Transport Policy.

10. Housing

10.1 Housing Quantity, Allocation, Tenure and Affordability

PRoW: The County Council recommends that this chapter should show commitment to encouraging modal shift from short car journeys to Active Travel using the existing PRoW network or new paths that could be secured through development proposals. This section could additionally state the aim to secure funding to preserve and improve highly regarded PRoW links as well as ensuring these are not degraded by development.

Policies B21 and B22

County Council Community and Infrastructure Services: Affordable housing requirements must be considered alongside other key infrastructure requirements needed to mitigate the impact of development. The County Council supports new developments of mixed dwelling types and homes to suit a range of needs in the community. Any housing needs assessment should include specialist housing for the elderly and vulnerable adults with learning and physical requirements.

The County Council would also request a universal requirement that new homes are built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2).

The Department for Levelling Up, Housing and Communities identified in June 2019 guidance *Housing for older and disabled people*, the need to provide housing for older and disabled persons is critical. Accessible and adaptable housing enables people to live more independently and safely, providing safe and convenient homes with suitable circulation space, bathrooms, and kitchens. KCC requests these dwellings are built to Building Reg Part

M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

11. Economic Development

Policy B24

PRoW: It is recommended the Neighbourhood Plan references the PRoW network as a means to support local tourism.

12. Public Services: Health, Social Care and Education

12.1 Health and Social Care

Public Health: The County Council is pleased to see that information has been included around the demographics of the population of Birchington, including the high percentage of people with a limiting long-term illness or disability, the high percentage of individuals over 65 and the differences in health indicators between Birchington North and South. The County Council recommends that emphasis of these demographics should be reflected in the policies and objectives throughout the Neighbourhood Plan to ensure residents needs are supported and inequalities not inadvertently widened. Through the identification in the Neighbourhood Plan, this can provide justification for policy emphasis including improvements to public realm.

Policy B28

County Council Community and Infrastructure Services: The County Council welcomes the aims of Objective 12: Health and Social Care: To support development of facilities that help to sustain, improve and enhance residents' access to health, social and long-term care facilities, and Policy B28.

The County Council would emphasise the changing nature of post-pandemic adult social care needs which may not be met by the provision of physical buildings/facilities alone. Services continue to evolve to meet changing client demand and with regard to section 106 contributions there are currently five priority areas to increase capacity as identified by KCC adult social care:

- Assistive technology and home adaptation equipment – to enable people to continue to live independently.
- Specialist Housing – Adult Social Care will purchase nomination rights from registered housing providers.
- Adaptations and improvements to existing community facilities to enable all to be able to access these.
- Provision of sensory facilities.
- Provision of changing place facilities to enable those with profound physical and mental health issues (and their carers) to remain active and as independent as possible.

12.2 Education

Policy B30

County Council Community and Infrastructure Services: Any new development coming forward in Birchington will include a detailed education assessment in order to ensure that sufficient school places are provided for the forecast additional pupils.

The County Council supports the provision of community-wide education ‘establishments’ and facilities (Objective 13). In respect of Policy B30, as noted in the Neighbourhood Plan, decisions to incorporate facilities for use by the wider community outside operating hours will tend to rest with the independent Academy Trusts that manage the schools. Nevertheless, KCC recognises that this policy could enable an additional income stream for schools and is supportive of proposals that accommodate community sports facilities (such as badminton courts) as part of new planned two form entry primary schools in Thanet.

In terms of Adult Education, KCC’s Community Learning and Skills service focus for infrastructure in Thanet is based upon the two predominant factors influencing the delivery of education and training - namely the pandemic and migration within local and wider communities. Both factors present barriers to engagement and the service now has effective alternative methods of delivery to enable equality of opportunity to the most vulnerable in society:

- Pandemic – remote on-line learning.
- Migration – The purchase and distribution of loan IT hardware (laptops) and appropriate software to those socially and financially disadvantaged.

Given the above, with any development contributions gathered in Birchington, the Community, Learning and Skills service would have consideration of the following:

- Utilisation of the funds to increase its capability and quality of on-line delivery of education and training so it is accessible to all.
- Increase stock of hardware and software (including licencing) to assist with the education, training, and social integration of migrants within the geographical area.

Policy B31

County Council Community and Infrastructure Services: Policy B31 acknowledges redundant facilities might be disposed of and KCC welcomes the inclusion of this. With reference to these priority areas, KCC will seek to utilise section 106 monies to support the provision or re-purposing of facilities/buildings local to the development if these facilities support the delivery of KCC adult social care services and there is a demonstrated need.

13. Leisure and Recreation

Policy B32

County Council Community and Infrastructure Services: This section recognises the gap in leisure and recreational facilities for the whole community and this is supported through the

Community Aspiration and Objective 14. However, the County Council would not support the ring-fencing of all section 106 county community services contributions for a single community facility, which might not provide the most appropriate support for the community requirement in question at the time of need.

With regards young people and teenagers, Thanet Youth Service supports the wellbeing of young people through youth outreach work which is delivered by KCC via a central 'hub' and outreach 'spoke' model. Thanet's Youth Services hub requires upgrading and contributions from new development sites in Birchington will be utilised towards both outreach services locally and towards the central youth hub improvements where local participants attend.

14. Strategic Sites Allocated for Development in the Development Plan 2020

Policy B36

Highways and Transportation: The County Council as Local Highway Authority is satisfied that the wording of this policy is effective.

Policy B37

County Council Community and Infrastructure Services: The County Council welcomes the inclusion of Policy B37, which supports KCC's aspiration for a new 2 form entry primary school at Birchington to mitigate the impact of proposed housing growth. The concerns in point 15 are noted regarding the location of the new school and the Parish Council is advised that KCC, as Local Highway Authority, will address highway access and safety when assessing the proposed primary school site.

In respect of the proposed housing development in Birchington, KCC has assessed the impact of the proposed development on other county services as detailed below:

- Primary education, as well as early years nursery provision – through the provision of a new on-site 2FE primary school and nursery (see comments on Policy B30).
- Special Educational Needs (SEN) provision – through planned expansion at specific schools (Garlinge Primary being the closest project to this strategic site).
- Secondary education – through the delivery of a new Thanet secondary school or the provision of additional secondary places within the Thanet District non-selective and selective planning group.
- Social care – five key priority areas and/or identified county projects local to the development site.
- Adult education – through the improvement of existing facilities locally and by extending adult education classes into the community (see comments on Policy B30).
- Youth services – through targeted outreach services according to need (see comments on Policy B32).
- Libraries – improvements at Birchington Library.
- Waste processing – through the Margate HWRC expansion project.
- High speed broadband for all new dwellings.

16. Summary and Conclusions

County Council Community Infrastructure and Services: The County Council welcomes reference to the demands arising from development on waste management infrastructure and would recommend this is also referred to in Section 14.

17. Action Plan – Implementation, Monitoring and Review of the Plan

PRoW: KCC welcomes working in partnership with the Parish Council to achieve the Plan's aims and to enhance the local PRoW network for the benefit of residents and visitors. It is requested that within the Action Plan, given the legalities involved in changes to the PRoW network and possibly the need to establish links with neighbouring parishes, KCC is recognised as needing to be directly involved in future discussions regarding projects that will affect the PRoW network. KCC can then advise on the design and delivery and potential funding sources for these projects.

Appendix

Part A Summary of Supporting Evidence

Movement & Getting Around

n) Policy B18

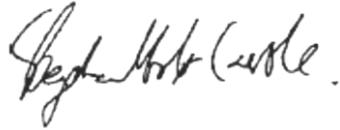
PRoW: The term 'Active Travel' is only mentioned in the Supporting Evidence section, specifically under Policy B18. The positive advantages for individuals and communities from Active Travel are inferred, indeed sought, through much of the Plan; yet to clearly state the ambition to encourage and support Active Travel would serve to increase its profile and thereby recognition by designers of future developments, also being given greater weight by Thanet District Council (TDC) in determining future planning applications. Acknowledgement of Active Travel within Objective 3 (Climate Change) (p35), Policy B9 (Developer Contributions) (p39), Policy B28 (Health and Social Care) (p59), and Policy B32 (Leisure and Recreation) (p63) is recommended to enhance the Plan.

Part D References to Other Supporting Documents and Sources of Information

PRoW: The County Council recognises that enhancements and expansion to the existing PRoW network achieved at comparatively small cost. A significant source of funding of access improvements could be through developer obligations. The Parish Council is encouraged to prepare and routinely review a list of off-road access enhancements it would like to see delivered around the parish, which could then be readily used to demonstrate need and therefore reason to support through developer contributions when opportunities arise.

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,

A handwritten signature in black ink, appearing to read 'Stephanie Holt-Castle'.

Stephanie Holt-Castle
Director for Growth and Communities