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Growth and Communities

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BY EMAIL ONLY

14 February 2023

Dear Sir / Madam

Re: Faversham Neighbourhood Plan - Regulation 14 Consultation

Thank you for consulting Kent County Council (KCC) on the Faversham 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 Neighbourhood Plan.

2. Local Context

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 Public Rights of Way (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 the KCC '[Framing Kent's Future](#)' strategy for 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 County Council supports the aims and objectives of the Neighbourhood Plan. However, it considers that there is a lack of reference to the PRoW network and the draft Neighbourhood Plan makes no reference to the County Council's ROWIP. The County Council strongly urges the Town Council to ensure that reference to the ROWIP is included within the Neighbourhood Plan as this will enable successful partnership working to continue

and deliver improvements to the PRoW network in Faversham. 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. There is also omission of the recently opened National Trail, the England Coast Path (ECP), the regionally promoted Saxon Shore Way, multiple promoted routes and National Cycle Routes, which all are significant assets to the area, offering both Active Travel and leisure and tourism opportunities.

The County Council recommends that this section includes reference to the PRoW network, National Trail and promoted routes to give context to the historic character of the network in the area. It would also emphasise the significant benefit that a well-maintained PRoW network can bring to the socio-economic well-being of a rural area.

Heritage Conservation: The County Council considers that more can be made of Faversham's heritage in the Neighbourhood Plan. Faversham is one of the most historically significant places in Kent and has a rich and diverse heritage. Some of this can still be seen in the town's historic buildings and character, but more is buried beneath the ground or remains to be discovered. This heritage is likely to be encountered regularly by residents and developers trying to deliver the goals of the Neighbourhood Plan and KCC considers that at the outset it should be reviewed so readers appreciate how extensive it is and why it is so important. This review could most usefully be in section 2.1 (Local Context) or at the start of section 3.7 (Historic Buildings and Areas).

This review should emphasise that Faversham's heritage is far older than the medieval appearance that the town presents today. It also includes several Palaeolithic handaxes and Mesolithic flints from across the Neighbourhood Plan area, Neolithic pottery from Ospringe Street and a possible Neolithic field system at Abbey Fields. Neolithic flints have also been found widely across the area.

Bronze Age weapons and tools have been found in Faversham and are now in the British Museum, and an early Bronze Age field system and late Bronze Age farmstead have been excavated at Abbey Fields. Late Bronze Age occupation has also been recorded at Davington and Perry Court Farm. Iron Age burials that produced brooches were found at Athelstan Road and a probable Iron Age settlement discovered at Abbey Fields. Other Iron Age occupation sites have been found south of Macknade Farm, Queen Elizabeth Grammar School, Lady Dane Farm and at Davington.

The Neighbourhood Plan area contains extensive Roman remains related to the crossing of the Neighbourhood Plan area by Watling Street and the proximity of Faversham Creek. These include cemeteries at Davington, Ospringe, in Faversham itself and at the King's Field. Roman occupation features have been found at various places in the Neighbourhood Plan area. These include buildings and an altar found at St Mary of Charity while east of Clapgate Spring finds have been recovered indicating a buried building. The most spectacular Roman discovery, however, is that of Faversham Roman Villa, a winged villa and now a scheduled monument.

Elsewhere, Anglo-Saxon settlement evidence is more elusive. Possible features have been found in Abbey Street and a possible ditch beneath St Mary's church. Saxon burials were, however, found at the King's Field and St Mary's church. These pre-medieval features may

not be visible, but they are nonetheless important components in Faversham's heritage and should be recognised and protected. Post-medieval buildings and industries are already more prominent in the text. The Neighbourhood Plan text should highlight these diverse discoveries, not only to link the modern town to its more distant past but to highlight the potential for further discoveries in future.

2.3 Aims

PRoW: The County Council supports the Aims within the Neighbourhood Plan. However, point 4 should include specific reference to the PRoW Network as a significant element of sustainable transport.

2.4 Overall Planning Strategy

PRoW: The County Council recommends that the reference to FAV4 and FAV6 should be amended to the PRoW network, National Trails, promoted routes and Cycleways, and also amend text of "existing path network" to PRoW network.

3. Policies

3.1 Overview

PRoW: The County Council would recommend that the title of Policy FAV69 should be amended to the PROW network, National Trails, promoted routes and Cycleways.

3.2 Faversham Town Centre

PRoW: The County Council recommends that Policy FAV1 includes additional text to highlight the need to ensure pedestrian and cycle connectivity for any proposed development.

3.3 Residential Development

PRoW: In respect of the Key Issues for Policies to Address the County Council would strongly recommend the inclusion of Active Travel opportunities, and the priority which should be given to walking and cycling. The policy should address the need to ensure links to amenities, public transport as well as green and leisure space. The County Council would also recommend reference to the need for improvements to the PRoW network to enable safe and attractive walking and cycling connections and links from and to new developments. The policy should also include some general wording around the need to secure improvements to PRoW to ensure the highly regarded links are not degraded.

The County Council would also recommend that Policy FAV2 wording should include the consideration of strategic approach for the protection and enhancement of the PRoW network.

3.4 Movement and Sustainable Transport

Highways and Transportation: The County Council recommends policy wording that encourages access to public transport hubs on pedestrian desire lines and the hubs themselves should be equipped with cycle parking, shelter, rubbish bins and seating.

PRoW: The County Council would recommend that this section of the Neighbourhood Plan includes reference to PRoW as part of the Local Cycling and Walking Infrastructure Plan – existing PRoW routes provide opportunities to enhance this policy. KCC recommends that the assessment of Faversham Critical Junctions should consider the proximity to PRoW for safety issues as well. The majority of the strategic Faversham sites will have an impact on the PRoW network - either adjacent or connecting - that are being improved and enhanced through the development either on site or through Developer Contributions. Specific reference to PRoW as a key issue will ensure further opportunities may be able to be explored. The County Council would also recommend reference to KCC ROWIP as it is a statutory policy document for PRoW.

Policy FAV4 Mobility and Sustainable Transport

Highways and Transportation: Point 4 of this policy makes reference to secure and covered storage for cycles and scooters. It is not clear, however, what scooters are being referred to here as electric scooters are not being trialled in Swale and thus cannot be used on the public highway. The County Council questions whether the drafting of this policy is referring to mobility scooters or to non-motorised scooters (as sometimes used by school age children) or even to moped type scooters. This needs defining further so as not to suggest that electric scooters are permissible on roads and footways in Faversham.

PRoW: The County Council recommends that PRoW is referenced specifically in consideration of the importance of this access resource. Where PRoW would be directly affected by development proposals, the Neighbourhood Plan should encourage applicants to provide plans that should clarify intentions for positively accommodating, diverting, or enhancing paths.

Policy FAV5 – Critical Road Junctions

Highways and Transportation: The County Council is uncertain of how the junctions have been prioritised and what evidence has been used to rate them, but any submitted planning application likely to generate significant traffic impacts will be supported by a Transport Assessment. This will be scoped with the Local Highway Authority and will include any junctions within the development area that need to be considered.

Developers are only required to mitigate their own development impact and are not required to address the existing network. Therefore, any trips on a junction that is currently above capacity still has to be considered on the level of additional impacts being generated and whether or not that impact is deemed to be severe. Severity is not defined and appeal cases to date suggest that only impacts that are detrimental to highway safety are objectionable, not those of capacity or journey time delay.

To list the junctions in FAV5 as being unlikely to be supported in forthcoming planning applications if further impacted is unreasonable and cannot be justified without a sound transport modelling evidence base. Should decisions be made without a sound evidence base then the applications are likely to end up in an appeal without the support of the Local Highway Authority and liable for costs awarded against the Local Planning Authority. It is the recommendation of the County Council as Local Highway Authority that FAV5 should be removed.

Policy FAV6 – Footpaths, Bridleways and Cycleways

Highways and Transportation: The County Council notes the statement within this policy which states that “Development not to encroach onto footpaths, bridleways or cycleways”. It should be recognised that **there are** options for stopping up, diversion or extinguishment and creation that should be considered before a blanket ban is put on development that may encroach onto any public highway.

The Interpretation section of FAV 6 should also ensure that there is clear forward visibility along footpaths and that no part of a footpath is unknown to users.

PRoW: The County Council would recommend that this policy is renamed to the Public Rights of Way Network and Cycleway” rather than “Footpaths, Bridleways and Cycleways”. The County Council notes that development contributions can be used to upgrade existing routes and/or create new links that connect to local amenities and public transport, address existing network fragmentation issues highlighted by the public. The County Council ROWIP should be specifically mentioned in all the above to aid decision-making and promote good design in both PRoW and countryside access management. The County Council is able to then advise on the design and delivery of these projects, ensuring that new routes successfully integrate with the existing PRoW network. KCC would welcome future engagement with the Town Council to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

Within the Interpretation section, references to footpaths should be amended to PRoW. These should be open for natural surveillance, avoid proposals to divert onto estate roads, and again reference the ROWIP for policy.

3.5 Environment

FAV7 – Natural Environment and Landscape

Highways and Transportation: The County Council would recommend that this policy includes consideration of street trees to enhance street scenes, assist drainage, reduce harmful pollutants and mitigate high summer temperatures.

PRoW: The County Council would recommend that the policy makes reference to the need to consider adverse impact or loss of landscape and visual amenity on the PRoW network, the National Trail (England Coast Path) and cycle routes.

Biodiversity: The County Council has provided extracts of the policy below and provided direct commentary on the wording as currently drafted:

1. *Development must have no adverse impacts on green or blue infrastructure, including designated landscapes, nature recovery networks, habitat distinctiveness, wildlife and nature corridors, ecology, tidal marshes, and the Westbrook and Cooksditch Chalk Streams, and Thorn Creek (see figures 10; 11; 12; 13).*

It should be noted that where development will impact on these features (directly or indirectly), the impact and details of any appropriate mitigation must be demonstrated within an Ecological Impact Assessment, which shall be submitted and approved.

2. *Development must create an overall net gain in biodiversity of at least 20%, including through positive features in its design and landscaping.*

The County Council recommends that this policy is specific as to which applications will be required to deliver at least 20%. There have been issues caused within other areas where this type of policy also takes into account householder applications. The County Council would also draw attention to the Dunkirk Neighbourhood Plan where a similar policy was reduced to 10% as opposed to 20% though the Examination of the Neighbourhood Plan.

3. *Loss of green or natural landscape through development must be balanced through provision of green infrastructure, landscaping, planting and net gains to wildlife and biodiversity in the design and layout of development.*

The County Council clarifies that this must be demonstrated within the documents submitted as part of the planning application including the Ecological Impact Assessment, Landscaping plans and the Biodiversity Net Gain assessment.

4. *Trees, woodland and hedges must be retained and be incorporated into the layout and landscape design of development proposals. Where loss of trees, woodland or hedges is unavoidable, replacements should be provided nearby, using native species, to create a similar level of amenity.*

The County Council would recommend the inclusion of and wildlife functionality at the end of this sentence.

5. *Landscaping and planting should use native species.*

The County Council would recommend consideration of whether this should be a requirement to use native species as opposed to *should* to strengthen the policy.

FAV8 – Flooding and Surface Water

Sustainable Urban Drainage Systems: The County Council is supportive of FAV8 which states “4. Hard ground surface treatments must be permeable to allow water to penetrate.” The County Council, as Lead Local Flood Authority, would however advise that this could be

onerous on some developments given that the underlying geology may not be suitable for infiltration of surface water and so it would be advisable to include where appropriate.

Further to this KCC recommends consideration of brownfield sites within the Neighbourhood Plan and the redevelopment of these areas can provide valuable opportunities to improve and increase flood resilience through improvements to their existing drainage networks. Further advice and the County Council's recommendations can be found in KCC's Drainage and Planning Policy document (Appendix A).

FAV9 – Air Quality

PRoW: The County Council recommends that the policy should consider the impact of local air quality on PRoW users. There is no reference in the policy of the ROWIP that can develop safe walking and cycling routes both within a new development and connecting to the wider environment. Increasing levels of Active Travel participation improves public health and well-being, in addition to improving air quality by reducing short vehicle journeys and vehicle congestion.

3.6 Design

FAV10 – Sustainable Design and Character

PRoW: The County Council recommends that this policy includes reference to the opportunities offered for connectivity to the existing PRoW network.

3.7 Historic Buildings and Areas

Heritage Conservation: The heritage of Faversham goes well beyond the visible historic buildings and Conservation Areas. It also includes archaeological sites as noted above.

In addition, although the Neighbourhood Plan area is primarily urban in nature, it does contain a significant area of countryside. This rural area is a historic landscape that contains many surviving historic features, such as the patterns of tracks, lanes and hedgerows that give character to the area. When considering the impact of either development or intensive agriculture on the countryside, it is important to understand the historic development of the landscape so that its essential character can be conserved. The [Kent Historic Landscape Characterisation](#) (2001) has identified the broad historic character of the landscape of Kent. Where it is to be applied locally further study is needed to refine its conclusions, but it remains an essential tool for understanding the landscape within which the historic town of Faversham sits. To be fully effective in local planning and development control, the Historic Landscape Characterisation should be backed up by more detailed case-by-case analysis at a parish level, to add greater detail through secondary sources. This would make a good volunteer project for the Town Council, and KCC would be happy to discuss this further.

Given the potential of Faversham's archaeology and historic landscape, in addition to the historic buildings and Conservation Areas, KCC would suggest section 3.7 be re-titled as simply 'Heritage'.

Kent Historic Towns Survey (2003)

Heritage Conservation: The County Council welcomes the use of the Historic Towns Survey in the Neighbourhood Plan. Using the text of the survey as part of the evidence base will help developers and consultants be more aware of the archaeological implications of their proposals and thereby prepare more sensitive planning applications. It should be noted, however, that the Historic Town Survey is some years old (2003) and would benefit from being updated. This would make a good community project for a town with a significant local heritage sector as Faversham and KCC would be happy to discuss this further.

FAV11 - Heritage

Heritage Conservation: In relation to point 1, the County Council welcomes the commitment to heritage-led regeneration and the re-use of historic buildings.

In relation to point 3 (a), KCC welcomes the commitment to the conservation of the rural areas of the NP but feel the historic aspects could be more fully development. KCC would therefore suggest the text could be helpfully modified to:

The rural setting of Faversham Town Centre and Syndale, Ospringe, Preston-next-Faversham, and Faversham Conservation Areas, including the open and historic landscape between the Ham marshes and Bysingwood

In respect of point 3 (b), KCC welcomes the recognition of the role of historic industries in Faversham and the commitment to the conservation of relevant heritage assets.

In respect of point 3 (c), the County Council welcomes the use of the Urban Archaeological Zones from the Historic Towns Survey in the Neighbourhood Plan, noting the need for some updating as mentioned above.

3.8 Community Facilities

Sport and Recreation: KCC would also like any future provision of playing pitches to take the following into account:

- Need to increase the number of artificial pitches from one to three to meet the demand for rugby and football;
- Invest in grass pitch improvement to increase the capacity of already overused grass pitches;
- The access for King Georges Playing Fields (The Mount) and the Queen Elizabeth Grammar School in order to sustain and grow sporting provision on site; and
- Recognise that King Georges Playing Fields (The Mount) is at capacity and no further formal or informal community and sports facilities can be housed at the site.

3.11 Faversham Creek

PRoW: Public Footpath ZF39 and the England Coast Path National Trail (ECP) are aligned along the side of the Creek and the protection and enhancement of these assets should be included in the Key Issues.

FAV15 - Faversham Creek – Special Policy Area

PRoW: The County Council recommends policy consideration should seek to minimise impact on PRoW routes which offer significant leisure and tourism opportunities. Public Footpath ZF39 also provides connectivity to the West into the Town Centre and East to the surrounding network including National Cycle Route 1. This detail could be included within this policy.

3.12 Site Allocations

FAV17 - Swan Quay, Belvedere Road

PRoW: PRoW ZF39 and the England Coast Path (ECP) are on the site boundary. KCC recommends that point 3 of the policy should highlight that development should have no adverse impact on these routes.

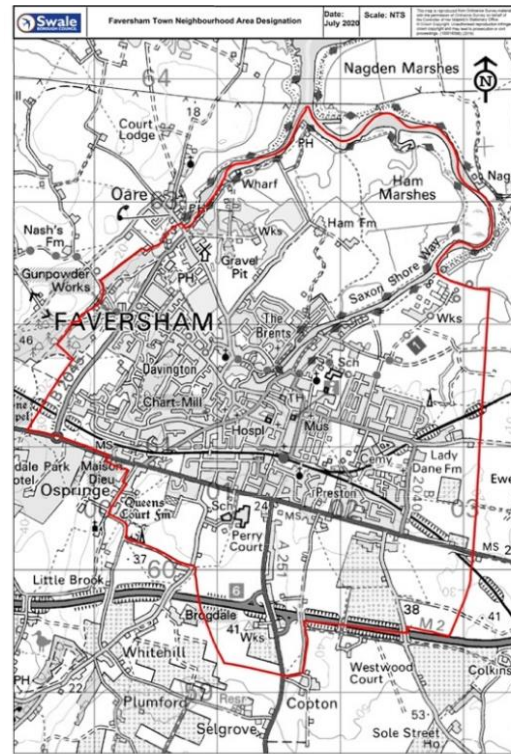
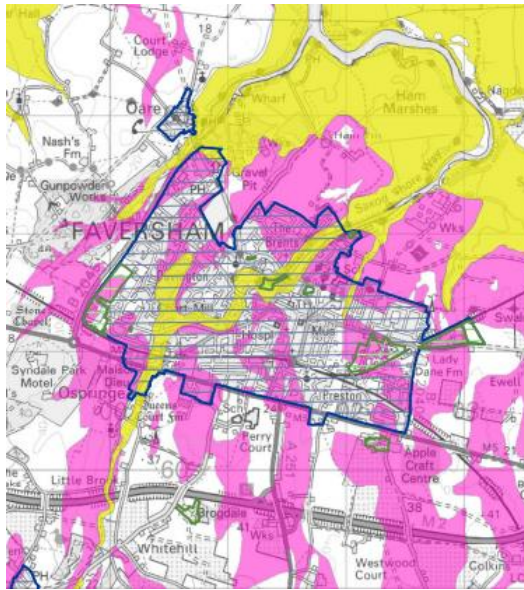
FAV18 - Queen Court Farmyard, Water Lane

PRoW: The policy should include reference to the need for any future development to contribute to improvements of Public Footpath ZF11, which connects to the A2 and therefore Town Centre.

Minerals and Waste: The Minerals and Waste Planning Authority notes that the Neighbourhood Plan is entirely silent on waste and mineral planning matters.

Within the Neighbourhood Plan area, apart from the Faversham Household Waste Recycling Centre, there are no safeguarded waste management capacity or mineral handling, processing and transportation facilities within the plan's area.

The extracts from the Swale Borough Council Mineral Safeguarding Area Proposals Map of the adopted [Kent Minerals and Waste Local Plan 2013-2030](#) (Early Partial Review 2020) (KMWLP) and the plan's outer boundaries below shows the safeguarded landwon minerals that occur in the plan's area:



 Sub - Alluvial River Terrace Deposits

 Brickearth (Faversham - Sittingbourne Area)

The sites identified in the Neighbourhood Plan are mainly within the main urban settlement area of Faversham and within this area, land-won mineral safeguarding does not apply.

However, at Queens Court Farm, Water Lane (Policy FAV18), this site is coincident with Sub-Alluvial River Terrace deposits. To ensure this site is acceptable, there is a requirement for investigations into the extent and quality of the potentially threatened with sterilisation safeguarded mineral with a Minerals Assessment. If the mineral deposit is found to be useable and cannot be extracted beforehand, the Minerals Assessment will identify which exemption to safeguard the mineral deposit is appropriate to invoke from Policy DM 7 of the KMWLP.

FAV19 - Former Coach Depot, Abbey St.

PRoW: PRoW ZF39 and the England Coast Path (ECP) are on the site boundary. KCC recommends that the policy should highlight that development should have no adverse impact on these routes. Point 6 refers to a *public walkway along the Creek edge* and any future development should therefore, in partnership with KCC and Natural England, seek to vary the route of the ECP to the Creek edge, away from the existing alignment on Abbey Street.

FAV22 The Railway Yard, Station Road

PRoW: The County Council recommends that reference is made to Public Footpath ZF24, which is within the site boundary. The County Council also understands that Swale Borough Council Active Travel are working on a project to improve the rail crossing and connectivity

on this route into the Town Centre. The County Council is also seeking to secure s106 appropriate funding from developments for improved connection along this route into the Town Centre and the Recreation Ground. The rail crossing safety must therefore be addressed, and these projects taken into consideration.

FAV23 – Chaff House & Car Park, North Lane

PRoW: The ECP is located on the south boundary, Conduit Street, and on Bridge Road. KCC recommends that the policy should highlight that development should have no adverse impact on these routes.

FAV25 – BMM Weston Ltd Parcel 1b & 1c Land at Brent Road

PRoW: The County Council notes that Public Footpath ZF40 is in close proximity to the south of the site. The County Council would recommend that the policy encourages development contributions towards improvements to the route. The ECP is adjacent to the site and KCC recommends that the policy should highlight that development should have no adverse impact on these routes.

FAV27 – BMM Weston Ltd Parcel 3 Land at Brent Road

PRoW: Public Footpath ZF40 is directly affected by this proposal. It is recommended that the policy should include reference to encouraging development contributions towards footpath improvements as part of the “community uses” in light of new residential use.

FAV28 – Former Frank & Whittsome Site, Belvedere Road

PRoW: The ECP and ZF39 is adjacent to the site and KCC recommends that the policy should highlight that development should have no adverse impact on these routes.

FAV29 – Other Sites

PRoW: In respect of Kiln Court, the County Council recommends that the policy must address development contributions towards for Public Bridleway ZF17 to improve pedestrian and cycle link onto Western Link.

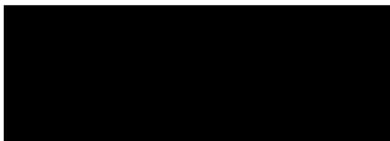
Additional Comments

Highways and Transportation: In general terms the Neighbourhood Plan should also be considering limitations on any expansion or creation of new development proposals that would generate further HGV movements along the A2 corridor, particularly in the vicinity of Ospringe. It should also be thinking in terms of reducing crime and preventing pavement parking and inconsiderate parking by not supporting rear parking courts in new development that is often rarely used (unless options to park at the front of the house in the street is not possible). All parking standards should be aligned with the adopted Swale Parking Standards and more cycle parking facilities should be included at key destination in the town.

The County Council would also recommend consideration throughout the Neighbourhood Plan for more seating to be installed on longer walking routes between residential settlements and the town centre to encourage the elderly and less mobile to travel sustainably with the option to rest between their origin and destination.

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,



Stephanie Holt-Castle
Director for Growth and Communities

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Appendix A: Kent County Council Drainage and Planning Policy