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Growth and Communities

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BY EMAIL ONLY

15 March 2023

Dear Councillor David Smith,

Re: Thanington Neighbourhood Plan Consultation

Thank you for providing Kent County Council (KCC) with an early opportunity to provide feedback on the draft Thanington Neighbourhood Plan.

KCC has reviewed the Neighbourhood Plan and for ease of reference, has provided comments structured under the chapter headings and policies used within the document.

KCC considers that the Neighbourhood Plan is too general and fails to provide specific examples of how the neighbourhood can be practically improved and clear ways to implement the policies. Government guidance states that Neighbourhood Plans should provide an additional level of detail to that set out in strategic policy, and must be supported by proportionate, robust evidence to justify the approach taken¹. KCC does not consider the Neighbourhood Plan to be in accordance with this guidance and therefore recommends that more evidence and detail is provided.

KCC, as Local Highway Authority, is also concerned by the aspersions made by the Parish Council on current and proposed traffic conditions, many of which are considered to be personal opinion and experience rather than based on evidence and facts. The alluding to a report which is unproven and considered factually incorrect is considered to be misleading by the Local Highway Authority, and KCC would welcome the opportunity to assist the Parish Council to ensure that correct data is included in respect of transport². Neighbourhood Plans must be prepared positively, in a way that is aspirational but deliverable and KCC therefore considers that the document should be worded more constructively to reflect this requirement.

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2>

² DevelopmentPlanningEast@kent.gov.uk

KCC, as Lead Local Flood Authority, also notes that certain sections are in conflict with the National Planning Policy Framework (NPPF), including Policy B7.3. Specifically, the NPPF identifies that certain types of developments **are** permitted within areas to be shown at high risk of flooding, following the application of the Sequential/Exception Test. Neighbourhood Plans must be compliant with national policy and KCC would therefore suggest that any conflicting statements in the document are removed to avoid constraining the delivery of important NPPF objectives.

The Parish Council is therefore advised to review the relevant sections of the Neighbourhood Plan and revise accordingly. Further comments made by KCC are set out below.

Chapter 1: Introduction

KCC considers that the Neighbourhood Plan for Thanington as currently drafted requires further detail and consideration. Whilst it recognises certain ambitions for the area, it does not appropriately identify where and how these wants and needs could be specifically incorporated. For instance, there is significant focus on how the four community buildings could be used to support further educational and social needs, but no explanation of how the premises could play a role in delivering this objective. KCC would therefore recommend that these objectives are further expanded on in the Neighbourhood Plan.

Objective A: To Promote A Healthy Community Content

A4 Access to Education

Provision of County Council Community Infrastructure and Services: KCC has prepared a response in respect of its responsibilities for Education, Community Learning, Libraries, Youth Services, Waste and Adult Social Care and draws attention to the following work undertaken by KCC in regard to the relevant policies and text:

KCC understands the need to ensure that there will be sufficient local school provision for local residents, with supporting community facilities and services. KCC is working with Canterbury City Council in its preparation of the emerging Canterbury Local Plan through assessing proposed dwelling numbers, locations of potential development sites and the subsequent need to provide education, community and waste infrastructure. This includes sites proposed with Thanington Parish Council's administrative area.

As the Strategic Commissioner of Education Places, KCC is required to ensure that sufficient places are provided to meet demand. As such, it is in the process of planning the delivery of a new two form entry primary school at the existing Cockerling Road development (Application reference: CA/15/01479). Whilst mitigating the needs of the new development, this provision will be open to existing residents to apply for places and will provide a primary school centrally within the parish.

Regarding any new development under the emerging Canterbury Local Plan, KCC has proposed new primary education provision to meet the increased demand arising in the

parish. This will be dependent on new housing coming forward and is subject to securing developer contributions.

With regard to secondary education, provision is planned on a wider geographical area, including the district and in some cases, neighbouring districts. For the emerging Canterbury Local Plan, KCC has proposed two new secondary schools on the coast. With significant numbers of secondary pupils travelling from the coast into the city, this will allow for some redistribution of pupils, freeing up city school places and assisting to reduce vehicular trip movements.

Policy A4.1

Provision of County Council Community Infrastructure and Services: KCC is supportive of the intention to provide for sufficient, appropriate parking at educational facilities, and will seek new school sites to provide for the required level of education infrastructure, including parking provision for staff and visitors. Engagement will also be made with the Local Highway Authority, Canterbury City Council and developers to ensure that developments are designed to deter problem parking and enable walkable neighbourhoods.

Policy A4.2

Provision of County Council Community Infrastructure and Services: In respect of the objective for future developments to review the educational provision and developer contributions required for their proposals, the County Council is working with Canterbury City Council to ensure that the appropriate level of CIL/S106 contributions are made available for necessary infrastructure.

Policy A4.3

Provision of County Council Community Infrastructure and Services: The aim to protect land adjacent to schools to allow for potential expansion is noted and KCC is working with Canterbury City Council to ensure that appropriately sized sites are secured within the emerging Canterbury Local Plan to meet the demand arising from increased dwelling numbers.

A5 Safe and Healthy Homes

Sustainable Urban Drainage Systems (SuDS): KCC, as Lead Local Flood Authority, recognises that reference is made to the 'Building for a Healthy Life' guidance document, specifically "11. Creative surface water management such as rills, brooks and ponds enrich the public realm and help improve a sense of well-being and offer an interaction with nature. As the richest habitat for flora and fauna, they are also a key play in achieving the net gain in biodiversity as set by the 2020 environment bill". The Parish Council may wish to further reference the [National Planning Policy Framework](#) (NPPF), specifically paragraphs 159 to 169 which consider flood risk and the requirement for all developments to include sustainable drainage systems for surface water.

A6 Employment, Transportation, Physical Activity, and Nutrition

Sport and Recreation: Whilst KCC supports the Neighbourhood Plan's approach to provide sufficient community facilities within any new significant developments, it would recommend that any new plans align with the emerging Canterbury Playing Pitch Strategy, emerging Open Space Strategy and potential indoor sports facilities strategy.

Active Kent would also welcome the opportunity to advise the Parish Council on what facilities are needed in the area from a community engagement and physical activity perspective.

Objective B. Conserve The Natural And Historical Environment

B3 Landscape and Biodiversity

Public Rights of Way (PRoW): As a general statement, KCC is keen to ensure that its interests are represented within the local policy frameworks of the parishes in Kent. KCC is committed to working in partnership with the Parish Council to achieve the aims contained within the KCC [Rights of Way Improvement Plan](#) (ROWIP). This aims to provide a high quality PRoW network, which will support the Kent economy, provide sustainable travel choices, encourage active lifestyles and contribute to making Kent a great place to live, work and visit.

KCC would welcome the inclusion of how the Parish Council seeks to provide important access to and connectivity between areas of open and green spaces. It is imperative that open spaces can be accessed through sustainable modes of transport. To encourage active travel, it is advised that the wording of all text is strengthened to ensure that visitors can walk or cycle to open spaces.

KCC recommends that the provision of high quality open green spaces and opportunities for outdoor recreation should be a priority within the Neighbourhood Plan. The Neighbourhood Plan should therefore consider an aim to increase the provision of accessible green spaces and improve opportunities to access this resource. Good public transport and active travel links with open spaces should also be made available, so that the public are not dependent on private vehicle use for visiting these sites.

Policy B3.4

Biodiversity: KCC considers that the wording of this policy is vague and would recommend the following paragraph to be used in replacement:

An Ecological Impact Assessment is submitted as part of any planning application. The Ecological Impact Assessment must follow the [CIEEM Guidelines](#). Where ecological impacts are identified and ecological mitigation is required, the site plans must demonstrate that it can be implemented.

The Neighbourhood Plan refers to the adopted Canterbury Local Plan policies, including Policy LB9 “*All developments to avoid a net loss of biodiversity and pursue opportunities to achieve a net gain.*” Biodiversity Net Gain (BNG) will be implemented in November. KCC recommends consideration of applications which may be excluded from the national legislative requirements, such as porch extensions, which are excluded from statutory BNG due to their small size. Therefore, KCC would suggest that any exclusions are in line with statutory BNG.

KCC would also encourage any open space/landscape buffers/developments to incorporate measures that would increase connectivity through the parish.

B7 Climate Change

SuDS: KCC would recommend that the requirements of the NPPF, particularly paragraphs 159 to 169, are applied and referred to in this section of the Neighbourhood Plan.

Policy B7.3

SuDS: KCC would advise the Parish Council that this policy, along with similar statements made within the Neighbourhood Plan, is in conflict with the NPPF. Specifically, the NPPF identifies that certain types of developments **are** permitted within areas to be shown at high risk of flooding, **following the application of the Sequential/Exception Test**. The requirements for and the reasoning behind the tests are further explained in NPPF paragraphs 159 to 169 and KCC would also draw attention to general [guidance](#) on the tests and their application.

KCC would advise the Parish Council to consider the following addition to the policy: unless demonstrated as acceptable via the application of the Sequential/Exception Test as detailed.

The application of the Sequential/Exception Test is a requirement for the Local Planning Authority to assess and may therefore be covered within the emerging Canterbury Local Plan. KCC would therefore advise the Parish Council to investigate if this requirement is contained within the emerging Canterbury Local Plan to avoid conflict with Policy B7.3.

B8 Public Foot, Bridle and Cycle Ways

PRoW: KCC strongly recommends that reference and consideration is had to KCC's ROWIP. Reference should be included within the Neighbourhood Plan to enable successful partnership working to continue and to deliver improvements to the PRoW network in Canterbury. 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 requests that the text is revised to include the significant benefit that a well-maintained PRoW network can bring to the socio-economic well-being of a rural area, and that it contributes towards more sustainable development; delivers active travel options; and provides opportunities for exercise, leisure and open-air recreation for all community user groups. The Neighbourhood Plan should make specific reference to PRoW and the opportunities offered to health and well-being, tourism, sustainable transport and access to

the environment as advocated by planning policy. The PRow network offers a significant role in helping to deliver health and wellbeing benefits to a wide variety of community groups, and this should be included within the Neighbourhood Plan.

The generic reference should be to the PRow network, rather than Footpaths and Bridleways, to ensure all routes are included. The text should also clarify that KCC has a statutory duty to ensure the network is recorded, protected and maintained. This can be in partnership with the parish Footpaths Group.

Paragraph 100 of the NPPF states that planning policies and decisions should protect and enhance PRow and access, including taking opportunities to provide better facilities for users. For example, by adding links to existing rights of way networks including National Trails. This is vital for inclusion into the Neighbourhood Plan to ensure protection and enhancement of the network.

KCC's ROWIP policy is to improve and upgrade the PRow network where it links with amenities, public transport nodes, work and education to increase the attractiveness of walking, cycling and riding as an alternative to driving. KCC collaborates with Local Authority Planners to secure PRow within green space and green corridors which actively ameliorate air pollution. For example, the Cocking Road development, with improvements to routes and upgrade of Public Footpath CB464 to Public Bridleway to ensure higher user rights and access.

KCC recommends that its ROWIP should be specifically mentioned in all relevant parish projects to aid decision-making and promote good design in both PRow and countryside access management. It is KCC policy to provide advice and guidance to landowners, planning authorities and developers. It is therefore requested that KCC is directly involved in future discussions regarding projects that will affect the PRow network both directly and with a wider countryside impact. KCC can 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 Parish Council to consider local aspirations for access improvements and potential funding sources for the delivery of these schemes.

Objective C: Sustainable Transport

Highways and Transportation: KCC recognises that the Neighbourhood Plan mentions Electric Vehicle charging infrastructure to be provided by new development proposals. However, it is not specific on whether such infrastructure should be located only within the new settlement boundary or if there is a need for it elsewhere within Thanington, such as within the community hall parking areas. The Neighbourhood Plan also identifies parking pressures within the village but fails to explain where this pressure is from. For example, if it is from existing households with limited or no off-street provision, or if it is due to traffic regulation orders limiting on-street provision. It also does not identify if the pressure is caused by visitors wanting to access the open spaces. Without understanding the reason behind parking issues, it is difficult to accommodate future needs. Development proposals will accord to current [Kent Vehicle Parking Standards](#) and as such should not be generating

additional parking pressure on the existing highways, as parking should be accommodated within the boundaries of the new development.

KCC also acknowledges that repeated reference is made to the need for improved walking and cycling routes, but there are no suggestions on where this can be provided or where improvement has been made. It is anticipated that locals would have ideas on particular links which would be utilised and could contribute to an upgrade of a public footpath to a bridleway or cycleway to accommodate cyclists, or where new connections on the PRow network may give a more joined up network to facilitate the residents of Thanington.

PRow: KCC recommends that reference should be made as to how the current PRow network supports and plays a role in local transport choices with a quality network, offering choice and encouragement of a modal shift away from short car journeys.

C1 Background

Highways and Transportation: In respect of Transport Related Issue 7 “*There is a lack of coordination and interrogation, of traffic data submitted by the various developers [sic] agents, and the influence of differing agendas and objectives of the various authorities, when assessing impact of traffic due to development.*”, KCC, as Local Highway Authority, refute this statement as the correct procedure has been followed by the Local Planning Authority and KCC as Local Highway Authority has similarly acted with due diligence in its role as a statutory consultee to the planning process. KCC notes that government guidance requires Neighbourhood Plans to be positively prepared, and the challenges faced by the neighbourhood should therefore be discussed more constructively.

In respect of Action 1, any submitted Transport Assessment is required to provide baseline traffic surveys of the existing network which shows the current operation of the network and how traffic is distributing prior to adding any committed development, future proposed infrastructure or future forecasting. The developers are **not** required, under planning law, to mitigate any existing impacts but to ensure that they offset any additional impacts generated by new trips from their development site in order to achieve nil detriment.

In respect of Action 7, any traffic modelling carried out must be supported by an up to date and validated transport model. The traffic modelling used to support the two large development sites currently within Thanington were supported by validated and current transport models.

The Neighbourhood Plan also refers to the Institute for Public Policy Research (IPPR) report dated July 2021 which predicts traffic growth. It should be recognised that such predictions were made outside of normal traffic conditions due to the pandemic, and such predictions are likely now updated and will reflect changing travel behaviours, peak hour spreading and lower traffic growth predictions post COVID-19.

The Neighbourhood Plan has a main concern about the impact of traffic congestion on the A28 between the Howfield roundabout and the A2/A28 junction leading into Wincheap. However, it makes no reference to the traffic likely to reassign to the new spine road through the Cockering Farm development which will lead to a reduction on the

aforementioned stretch of the A28. KCC would encourage this to be stated within the Neighbourhood Plan.

KCC also acknowledges the following statement made within the Neighbourhood Plan:

“The data submitted by Developers agents does not appear to have been subjected to sufficient due diligence or scrutiny. This, coupled with differing agendas, and objectives, of the various authorities, has lead to lack of objective traffic impact assessment of developments. This has been the case in the current approved major developments in Thanington.”

Reference is then made to the Railton Report, the content of which is strongly contested by the Local Highway Authority as being misleading and factually incorrect. This should therefore not be referred to in the Neighbourhood Plan. KCC would ask that this opinion be retracted from the Neighbourhood Plan and the document should stick to facts borne from a reliable evidence base.

KCC recognises the concern raised around the traffic impacts from the current development proposals on Cockering Road, Strangers Lane and St. Nicolas Road. These development proposals have all been subject to microsimulation modelling and evidenced to demonstrate that these roads can appropriately accommodate the increase in trips likely to occur from the new developments, with the approved junction modifications in place. As such, these views are unfounded and KCC would suggest that they be removed from the Neighbourhood Plan.

C6 Parking and Traffic

Highways and Transportation: KCC notes the following statements made within the Neighbourhood Plan:

“There is concern that the authorities have not assessed the traffic evidence correctly and this is supported by the plan consultation were [sic] 96% of the response agreed that traffic data needs independent assessment and evaluation. 96% agreed the existing highway system does not have the capacity and needs assessment before any future development This has not happened in the recent proposals, the emphasis being on the Traffic assessments supplied by the developer. Some of these have been found incorrect retrospectively, after grant of planning permission. There have also been concerns expressed regarding the mitigation measures proposed to deal with these issues. Yet again these have been found wanting retrospectively. This should be corrected by more consideration given to auditing independently what is submitted in Developer’s [sic] Traffic Assessments TA’S [sic]”.

KCC would highlight that this paragraph is factually incorrect and does not comply with government guidance which requires Neighbourhood Plans to be positively prepared. KCC would therefore ask that these statements be removed from the Neighbourhood Plan. KCC as Local Highway Authority have every confidence in the modelling outputs and assumptions made to support the two consented development proposals which were assessed by experienced and highly competent officers.

Objective D: Development

PRoW: KCC recognises the intention not to propose any sites for future development. If this is to change, KCC would advise inclusion of the following: In areas where there would be significant effect on PRoW, the network must also be included in the landscape planning of the infrastructure as a whole.

Equally, any future applicants for new developments should engage with KCC at the earliest opportunity. This would allow KCC to review proposals for access improvements and consider appropriate developer contributions for PRoW network enhancements, to therefore ensure there are sustainable transport choices available that provide realistic alternatives to short distance car journeys.

Tourism is an important industry for Kent and the landscape is a key attractor. Sustainable tourism is a way of supporting rural areas, providing jobs and supporting community services. The PRoW network and the ROWIP has a critical role in this, and as such there should be specific mention of KCC supporting improvements to walking and cycling routes where they can assist KCC's tourism objectives. It is imperative that the character and value of rural roads connected to development sites should not be changed to a state that they become dangerous or unattractive for non-motorised traffic.

D4 Community Facilities

Policy D4.4

Provision of County Council Community Infrastructure and Services: In respect of the intention for developments to require new primary and secondary educational facilities and be deliverable at application stage, KCC will seek to secure new school sites necessary for the delivery of primary, secondary and special educational needs to meet the demand of the emerging Canterbury Local Plan. The size of sites will be appropriate to the planned infrastructure delivery. For larger development sites, the entirety of demand for school places may be created by one development. For other school provision, demand will come from several sites which is especially the case for secondary education provision.

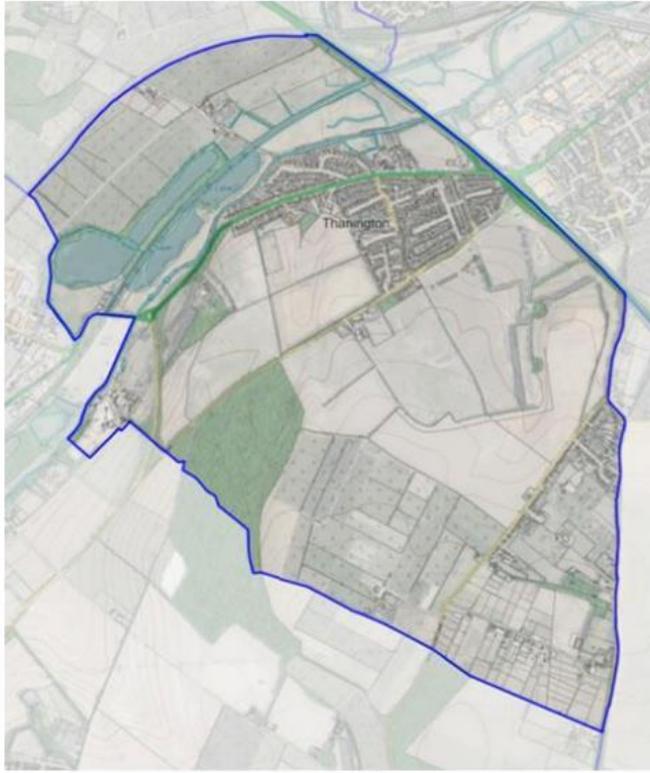
General Comments:

Minerals and Waste: KCC, as Minerals and Waste Planning Authority, can confirm that the Neighbourhood Plan area does not contain any safeguarded waste management facility or mineral and mineral products handling facilities. Therefore, the Neighbourhood Plan's content does not have to be considered against the presumption to safeguard (Policy CSW 16: Safeguarding of Existing Waste Management Facilities) or against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted [Kent Minerals and Waste Local Plan](#) (KMWLP) (2013-2030).

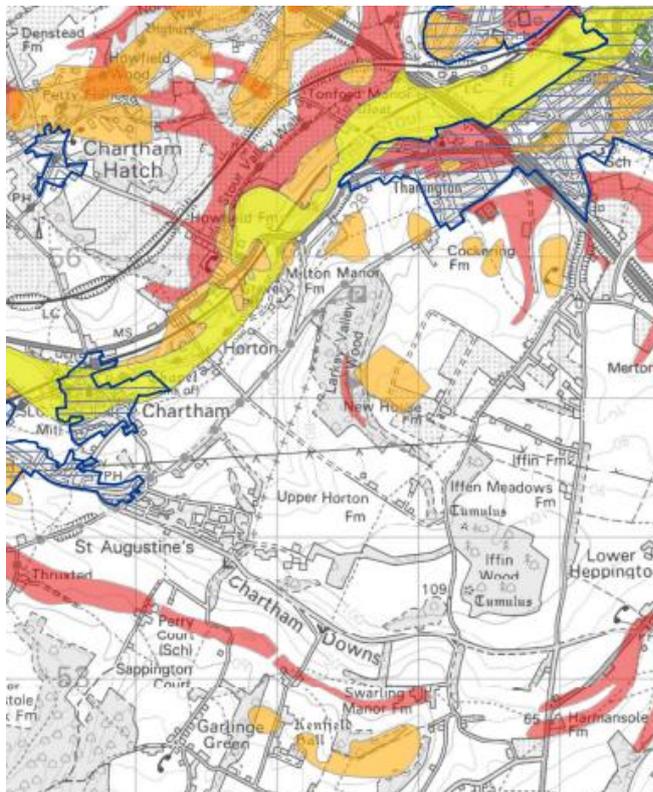
However, the area of the Neighbourhood Plan is coincident with three safeguarded land-won mineral deposits in the area. This is shown below in a map of the Neighbourhood Plan Area

and in the extract of the Canterbury City Council Mineral Safeguarding Areas proposal map of the KMWLP:

Map of the Neighbourhood Plan Area



Extract of the Canterbury Mineral Safeguarding Areas Proposal Map of the KMWLP



-  River Terrace Deposits
-  Sub - Alluvial River Terrace Deposits
-  Brickearth (Other Areas) - Ashford, Canterbury, Dover, Shepway

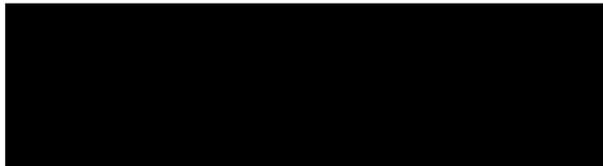
KCC therefore recommends that the Neighbourhood Plan refers to land-won mineral safeguarding.

Allocations within the Canterbury Local Plan may require a Mineral Assessment (MA) prior to the granting of planning permission – reference to this requirement could be included within the Neighbourhood Plan to ensure recognition of the policy requirements of the adopted Development Plan for the area.

Heritage Conservation: Heritage Conservation comments were provided direct to Thanington Parish Council on 8^h February 2023 (Appendix A).

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

Encs:
Appendix A: KCC Heritage Conservation comments provided direct on 08.02.2023