



Planning Policy
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Growth and Communities

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BY EMAIL ONLY

28 April 2023

Dear Sir/Madam,

Re: Arches Chatham Neighbourhood Plan - Regulation 16 Consultation

Thank you for consulting Kent County Council (the County Council) on the Arches Chatham 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.

Chapter 1: Foreword Introduction

Heritage Conservation: The County Council notes that the text does not provide a detailed account of the heritage within the Neighbourhood Plan area, including its history and development. It also does not consider the Neighbourhood Plan area within its wider context relating to the town of Chatham. As a result, this can lead to an under-appreciation of the area's remaining heritage, and cause missed opportunities as the connectivity of the area with historic areas remains unexplored. The County Council would therefore draw attention to [guidance](#) provided by Historic England on how to incorporate heritage into Neighbourhood Plans.

The County Council recommends that the Neighbourhood Plan includes a review of the history of the area and its heritage. The Neighbourhood Plan area has few surviving heritage assets within its boundary but the records of those that have been discovered show that the area has always been influenced by the rest of the Chatham area and Medway more widely. Palaeolithic hand axes have been found in the general Chatham area, and around Luton in

particular. A Middle Bronze Age Rapier, of lozenge-shaped section, was found in 1909 on the site of the "British Queen" public house in Chatham High Street and is now in the Guildhall Museum. Roman Watling Street also ran through the Neighbourhood Plan area. In the western part of the area, the route is not definitely known, however, it probably ran along Chatham Hill. A Romano-British inhumation cemetery consisting of eleven burials with accompanying pottery was found close to the road in 1897. There is little information on the area in the Early Medieval and Medieval periods and it was not until the industrial era that the area began to grow rapidly. However, there are few remains from this period today. Town Hall Gardens are 19th-century public gardens in the town centre. The site, formally the Rope Works, was developed as a burial ground in 1828 when the previous burial ground of St Mary's Church became overcrowded. The former Ragged School in King Street was built in 1858.

The Arches Chatham Neighbourhood Forum is advised to consider the [historic town survey](#) for Chatham, to understand the role of the Neighbourhood Plan area in the historic development of Chatham.

The County Council also recommends that the text reviews the character of the buildings inside the Neighbourhood Plan area, to highlight both the challenges and the opportunities that the Neighbourhood Plan faces. From a heritage point of view, it should also describe the character of the boundaries of the area. To both the north-east and south, the Neighbourhood Plan area is bounded by military landscapes, the open nature of which contributes much to the overall character of the Arches area. The open aspect and clear sight lines in and out of the area, and the compressed nature of the settlement itself, both derive from the presence of Fort Amherst/Great Lines and Fort Luton. The northern tip of the Neighbourhood Plan area is also influenced by the proximity of the Medway and the docks and wharves, and the need for the area to connect to the Royal Dockyard which has influenced the road layout.

Chapter 2: Vision and Objectives

Heritage Conservation: The County Council recommends that the Vision for the Neighbourhood Plan contains a goal to enhance the Arches' historic environment. The area has a legacy of historic housing and combined with the military and maritime heritage that border it, there are good opportunities for using the area's heritage to enhance wellbeing and the local environment. The open military landscape that surrounds the Neighbourhood Plan area offers a way to enhance connectivity between the urban area and more natural landscapes, which can improve green areas in the Neighbourhood Plan area.

The County Council is pleased that the Built and Natural Environment is identified as a policy area that can help deliver the Vision.

Chapter 3: Policies

Policies - Housing

Policy HO7 – Historic Environment

Heritage Conservation: The County Council supports this policy but would recommend that it is located within the Built and Natural Environment section of the Neighbourhood Plan.

Policies - Built & Natural Environment

Biodiversity: The County Council recognises that there is no mention of protected or priority species within the Neighbourhood Plan. It is therefore recommended that a policy which focuses on protected and priority species is included and accords with the [National Planning Policy Framework](#) (NPPF) 2021 and the [Natural Environment and Rural Communities Act](#) (NERC) 2006. The policy could require consideration of protected/priority species in new developments and create a requirement to include habitat features such as bat/bird boxes, hedgehog highways and insect hotels, as appropriate.

Policy BNE1 – Public realm enhancement

Heritage Conservation: The County Council welcomes the objective of enhancing connectivity with the surrounding area. The Arches area does not have a strong historic environment of its own but is well placed to take advantage of very significant historic areas around it, and managing connectivity will be central to achieving this. The County Council's comments made under 'Chapter 1 Foreword Introduction' are also applicable here.

Policy BNE2 - Local Green Space and Policy BNE3 - Public Open Spaces

Biodiversity: The County Council requests that the following sentence in Policy BNE3 is reworded to provide clarification: *"The retention of existing open spaces is required and the location of new open spaces should ensure that it meets local needs"*. This sentence contradicts with the following phrases in Policies BNE2 and BNE3: *"Inappropriate development will not be permitted unless very special circumstances arise"*, and *"Developments which remove public open spaces must replace them with increased biodiversity net gain and replacement of the function of the open space, elsewhere within the Neighbourhood Area"*, as they suggest that development/removal of open spaces will be permitted in some instances. It is therefore recommended that these policies are reviewed and amended accordingly.

In Policy BNE3, the County Council would recommend that the following sentence is amended to: *'Developments which remove public open spaces must replace them ~~with increased biodiversity net gain and replacement of the function of the open space, elsewhere within the Neighbourhood Area,~~ matching the function of the open space, and providing a Biodiversity Net Gain'.*

The Neighbourhood Plan is also advised to consider the mandatory 10% Biodiversity Net Gain expected in November 2023 through the Environment Act 2021, as there is an opportunity to include a percentage that would be expected for new developments.

Policy BNE3 - Public open spaces

Sport and Recreation: Active Kent and Medway acknowledges the current lack of open space and opportunities for recreation in the area and would welcome the introduction of any new open spaces for informal play and recreation. The opportunity for discussion regarding how this space can benefit the community is also welcomed.

Active Kent and Medway also recognises that a number of empty shop fronts could be utilised better for potential sport and community provision, for example, there have been numerous successes when working with boxing, table tennis, martial arts, yoga, tai chi and dance classes. Further discussion is welcomed on how these spaces can be utilised to best suit the community.

Policy BNE4 - Urban Greening

Biodiversity: The County Council recognises that this policy only addresses trees in urban greening. Biodiversity Net Gain will be implemented through the Environment Act 2021 in November 2023 and the DEFRA biodiversity metric will become increasingly important. The County Council would therefore recommend that the policy focuses on the use of the DEFRA metric in order to achieve greener developments. This would provide more scope to include other habitats as well as trees within designs and make the benefit measurable. The County Council would draw attention to [Government guidance](#) on the biodiversity metric for inclusion within the Neighbourhood Plan.

This approach is in line with the [National Model Design Code Guidance Notes](#), which state: “N.3 Biodiversity 82. All new development needs to use, retain and improve existing habitats or create new habitats to achieve measurable gains for biodiversity. This includes landscaping and tree planting”, and with the biodiversity recommendations in section 5.3 of the Neighbourhood Plan’s Strategic Environmental Assessment.

Policy BNE5 - Protection of Designated Sites

Biodiversity: The County Council acknowledges the reference to designated sites in the title of this policy. However, priority habitats do not always occur within designated sites. It is therefore recommended that this policy is divided into two, or the title is altered, for example, ‘BNE5 – Designated Sites and Priority Habitats’.

It is advised that the following abbreviations are written out in full: Special Protection Area (SPA), Special Areas of Conservation (SAC), Ramsar Wetlands of International Importance, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR).

This policy could also reference priority habitats (Habitats of Principal Importance under section 41 of the NERC Act 2006) in general, as new developments could be encouraged to

create new priority habitats within the Neighbourhood Plan area and avoid impacts upon adjacent priority habitats - for example, coastal priority habitats outside of the Neighbourhood Plan area. The County Council would also recommend the following alteration of wording from: “*They should also promote the conservation, restoration and enhancement of priority habitat deciduous woodlands located within the Neighbourhood Area (See DEFRA Central England Inventory 2022)*” to ‘They should also promote the conservation, enhancement and creation of priority habitats located within (and where appropriate/relevant, adjacent to) the Neighbourhood Area (See Natural England Priority Habitats Inventory (England))’.

Policy BNE5 – Rationale

Biodiversity: The County Council recognises that this rationale only addresses proposals for new dwellings within the zone of influence (6km) of the Swale Special Protection Area / Thames Estuary and Marshes Special Protection Area, Medway Estuary and/or Marshes Special Protection Area and Wetlands of International Importance under the Ramsar Convention (Ramsar Site). It is recommended that this section is revised to provide a broader focus than recreational pressure on birds making use of nearby designated sites, for the following reasons:

- The County Council can identify that the Neighbourhood Plan Habitats Regulation Assessment has screened out effects on internationally important designated sites from impacts other than recreational pressure. However, other impacts will still need to be considered at a project level;
- The rationale does not consider the effects from habitat loss, fragmentation or degradation - for example, priority woodland in the Neighbourhood Plan area;
- The rationale does not consider the possible Biodiversity Net Gains achievable through the creation/enhancement of priority habitats in the Neighbourhood Plan area; and
- The rationale does not reference relevant legislation and policy, for example, the Environment Act 2021, NPPF 2021 and the NERC Act 2006, which places a duty on local authorities to have regard to conserving biodiversity.

Policy BNE6 Non-designated heritage assets

Heritage Conservation: The County Council welcomes this policy but would recommend that the text is more assertive by promoting the protection of non-designated heritage assets. Being identified as a non-designated heritage asset is not merely a means to prevent harm, but it should also seek to ensure development that positively enhances the assets should be encouraged. The text is also recommended to include that further non-designated heritage assets may be identified in the future and that the list of assets presented is not intended to be final.

Policies - Sustainable Transport

Highways and Transportation: The County Council, as Local Highway Authority, notes that any development proposed for Chatham will need to consult the County Council as Local Highway Authority for Kent and National Highways, to specifically assess the impact of trips

generated on Blue Bell Hill junction due to existing traffic delays. The Running Horse Roundabout, M20 Junction, is a safety issue within Kent, and therefore any intensification will also need to be carefully considered here.

Supporting Documents

Appendix A - Design Code

Biodiversity: The County Council recommends that further reference is made to biodiversity in Appendix A and would draw attention to the National Model Design Code which includes the following biodiversity guidance:

- *“Implementation of the government’s Biodiversity Net Gain Policy and the Local Nature Recovery Strategies.*
- *The retention of natural features such as trees, woodlands and hedgerows and other ecological features.*
- *Guidance on design for biodiversity.*
- *The provision of street trees relating to types of streets plus the design, placement and species to be used.”*

The County Council would ask that this guidance be included in the design code for biodiversity, as there is currently no reference in the policies or local design code regarding habitat features for biodiversity. For example, integrated bat/bird boxes, hedgehog highways or features for invertebrates could be required to be incorporated in development proposals as appropriate.

Habitats Regulations Assessment

Biodiversity: There appears to be a formatting issue on page 22 of the document and it is suggested that this is amended accordingly.

Strategic Environmental Assessment

Biodiversity: The County Council notes that suggestions relating to biodiversity in the Strategic Environmental Assessment would benefit from inclusion in the Neighbourhood Plan policies.

The County Council 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