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## Growth and Communities

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### BY EMAIL ONLY

16 October 2023

Dear Sir / Madam

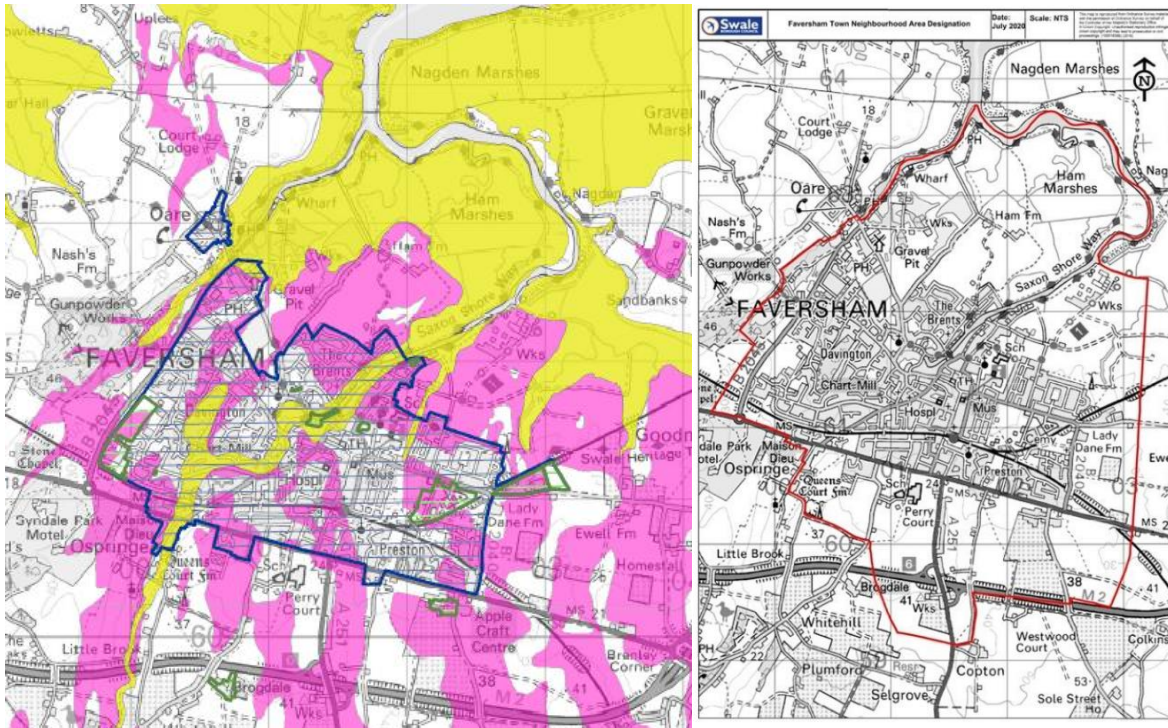
### Re: Faversham Neighbourhood Plan - Regulation 16 Consultation

Thank you for consulting Kent County Council (the County Council) on the Faversham Neighbourhood Plan, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The County Council has reviewed the Neighbourhood Plan and following on from general comments and for ease of reference, has provided comments structured under the chapter headings and policies used within the Neighbourhood Plan.

### General Comments

Minerals and Waste: The County Council, as Minerals and Waste Planning Authority, notes that the Neighbourhood Plan area does not have any safeguarded waste management and/or mineral processing facilities of any significance. There are safeguarded land-won minerals in the Neighbourhood Plan area as indicated on the extract below from the Mineral Safeguarding Area proposals map for the Swale Borough Council area in the Kent Minerals and Waste Local Plan 2013-30 [early Partial Review 2020] (KMWLP) – this demonstrates that there are two safeguarded minerals in the area.



Sub - Alluvial River Terrace Deposits  
 Brickearth (Faversham - Sittingbourne Area)

It is noted that the Neighbourhood Plan does not propose any development allocations outside the main urban area - therefore there is no direct conflict with land-won mineral safeguarding policy. However, reference is recommended to the KMWLP within the Neighbourhood Plan to ensure it is comprehensive in its understanding of all the policy constraints that exist within its boundaries.

Heritage Conservation: Overall, the County Council recommends that the Neighbourhood Plan should have a greater consideration of Faversham’s heritage. 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 the County Council considers that at the outset, a more detailed review of heritage matters in Faversham should be included so that 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). At present, a simple review of the history and heritage of Faversham has been omitted from the Neighbourhood Plan and the County Council would ask that this is included within future drafting as it is considered that to gather support for design and heritage policies – justification as to why they are important must also be included.

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 NP 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. As 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. Post-medieval buildings and industries are already more prominent in the text. The County Council would ask that the Neighbourhood Plan text highlights 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.

Sports and Recreation: The Neighbourhood Plan should demonstrate how proposals within the Neighbourhood Plan link into the Playing Pitch Strategy which is understood to be under development.

## **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 PRoW in the county (PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic). The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council [Rights of Way Improvement Plan](#) (ROWIP) and the County Council [Framing Kent's Future](#) 2022-2026. The County Council 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. These commitments have influenced the commentary raised in respect of this Neighbourhood Plan.

With reference to green spaces within this section, the County Council would recommend inclusion of the PRoW network asset, 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.

## 2.3 Aims

PRoW: The County Council, in respect of PRoW, supports the Aims set out within the Neighbourhood Plan. However, point 4, regarding walking and cycling, should include specific reference to the PRoW Network as a significant element of sustainable transport. This point was previously raised within the County Council's previous response to the Regulation 14 consultation.

## 2.4 Overall Planning Strategy

PRoW: In respect of PRoW, the County Council is generally supportive of the strategy but would recommend that FAV4 and FAV6 reference to "*Footpaths, Bridleways and Cycleways*" be amended to "***the PRoW network, National Trails, promoted routes and Cycleways***".

## 3. Policies

### 3.1 Overview

PRoW: The County Council would recommend amending FAV6 to ***the PRoW network, National Trails, promoted routes and Cycleways***.

### 3.2 Faversham Town Centre

#### FAV1 – Faversham Town Centre

PRoW: The County Council recommends that the text within this policy includes consideration of how to ensure pedestrian and cycle connectivity for any proposed centre development, particularly in light of increase in tourism to the area.

### 3.3 Residential Development

PRoW: With reference to the 'Key Issues for Policies to Address', the County Council considers that the lack of consideration to Active Travel connectivity opportunities, giving priority to walking and cycling, is a serious omission from the Neighbourhood Plan. Links to amenities and public transport, as well as leisure and green space, should be encouraged within the Neighbourhood Plan and specific mention should be made of improving and enhancing the PRoW network to enable safe and attractive walking and cycling connections and links from new developments to community facilities. It is critical therefore that wording is included within this section to optimise opportunities to secure funding to ensure these highly regarded links are not degraded. Developer contributions could be used to upgrade existing routes or create new path links, which would benefit the community.

#### FAV2 – Housing Development

PRoW: The County Council would encourage this policy to include consideration of encouraging development that is not reliant on cars for short journeys.

### 3.4 Movement and Sustainable Transport

PRoW: The County Council welcomes the inclusion of the KCC ROWIP, a statutory policy document for KCC but would refer to early commentary and recommend that reference to “*Footpath and cycle network*” should be amended to “**PRoW network**”. The County Council does welcome the reference to investment in the PRoW network.

#### FAV4 – Mobility and Sustainable Transport

Highways and Transportation: It is noted that the reference to scooters has been removed from bullet point 4 and replaced with “*other personal vehicles*”. The County Council, as Local Highway Authority, considers that this alternative wording is acceptable.

PRoW: The County Council would recommend that this policy includes specific reference to PRoW in relation to need to prioritise, protect and enhance PRoW on site considering the importance of this access resource. The County Council would also ask that connectivity to the offsite network is considered within this policy.

#### FAV5 – Critical Road Junctions

Highways and Transportation: The County Council, as part of its response to the previous Regulation 14 consultation, raised comments in relation to the Critical Road Junctions and these do not appear to have been actioned. If this policy is to remain, the Local Highway Authority considers that it should be less onerous and made clear that the identification of the junctions is based on the [LTN1/20 cycling assessment](#) of their current layouts. The Junction Assessment Tool (JAT) score given to the junctions in the associated Critical Junction Report May 22 document is, in part subjective, and the full works to calculate the final value are not provided. It is also noted that the propensity to cycle calculations have used very ambitious E-bike trip rates of 22% for commuting trips and “Go Dutch” scenario for school trips, which will have influenced the score. No explanation is apparent within the report to determine what score threshold has been used to identify a junction as critical, and it is not considered that this would necessarily relate to the NPPF test of severity when it comes to assessing development proposals and the impact that they would have on the highway network.

As described previously, any development that is likely to generate significant traffic impacts on the identified junctions will need to be supported by a Transport Assessment and mitigation required if needed. The proposed interpretation drafted for FAV5 is too presumptuous in defining that modest increases in traffic are likely to have a severe impact on these junctions. The County Council would ask that this is revised to remove this presumption, focusing more on the reliance of Transport Assessments to consider the impact and to determine whether mitigation can be provided. Only where the impact is deemed severe and cannot be mitigated would development be resisted.

#### FAV6 – Footpaths Bridleways and Cycleways

Highways and Transportation: The additional wording used in the Interpretation text includes provisions for the diversion of footways and bridleways is noted and considered appropriate by the Local Highways Authority.



PRoW: The County Council is supportive of this policy, however, would recommend that the title is amended to “**Public Rights of Way Network, National Trails, Promoted routes and Cycleways**”.

### 3.5 Environment

#### FAV7 – Natural Environment and Landscape

Highways and Transportation: As previously requested by the County Council, reference is now made to the provision of trees within the street layout of new development. This will be subject to technical assessment as part of the Section 38 adoption process so consideration will have to be given to their placement that may influence the position of other street furniture or utility services. This should be considered as part of this policy.

PRoW: The County Council is disappointed that the policy does not include the Landscape and Views impact on PRoW network and National Trail ECP and Cycle routes. This impact is always part of any development Landscape and Visual Effects Assessment. It is recommended that this is amended accordingly.

Biodiversity: The County Council has reviewed the policy wording relevant to ecology and biodiversity and advises that amendments are made as indicated below:

*“2. Major development proposals should include positive features in its design and landscaping to create net gain in biodiversity, as follows:*

*a. for brownfield sites, 10% net gain;*

*b. for greenfield sites, 20% net gain;*

*c. for householder sites, 10% net gain.*

*5. Where loss of trees, woodland or hedges is unavoidable, replacements should be provided nearby, using native species, to create a similar level of amenity **and ecological functionality. Loss of priority and ancient woodland habitats will be avoided unless a suitable compensation strategy can be designed and approved.***

*7. Landscaping and planting should use native species or other species with high value for wildlife.*

*Landscaping and planting should comprise native species. **Where non-native species are proposed a clear justification of biodiversity benefit will be required. Where sites lie adjacent to / within close vicinity of designated sites, ancient woodland and priority habitats, only native species will be planted.***”

#### Interpretation wording

Biodiversity: The County Council would recommend the following amendments:

*“The documents submitted as part of the planning application ~~could~~ **should** be used to demonstrate compliance with clause 3, including the Ecological Impact Assessment, Landscaping plans and the Biodiversity Net Gain assessment. **Applicants will also be required to demonstrate how impacts from any proposed artificial lighting on biodiversity will be avoided or mitigated.***

*Developers should demonstrate no adverse effects on the integrity of designated sites and this ~~could~~ should be demonstrated through project specific HRAs and contributions to the Bird Wise North Kent Mitigation Strategy **as required**.*

***In addition to measures provided under Biodiversity Net Gain, enhancements will be provided for biodiversity and wildlife. These will include features such native species planting, bird or bat bricks, eel passes, street and garden trees, ponds, and gaps in fences for hedgehogs. Provision of new street and garden trees can enhance street scenes, assist drainage, reduce harmful pollutants, and help mitigate high summer temperatures. Landscaping could include wild verges and wildflower planting areas, rather than over-reliance on grassed areas.***

*Activities to achieve biodiversity net gain and/or balance loss of green landscape could include works outside of the development site, such as rewilding of paths or establishing a habitat banking system. **Retention and management of any off-site land will be legally secured to ensure achievement and conservation of the target habitat types in the long term.***

*Development should demonstrate how it complies with the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations, **as amended**), including consideration of nutrient neutrality.”*

#### FAV8 – Flooding and Surface Water

Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, considers that this policy suitably recognises the risks associated with new developments and the management of surface water.

### **3.6 Design**

#### FAV10 – Sustainable Design and Character

PRoW: The County Council would recommend that reference to “connections to surrounding pathways...” should be amended to “**PROW network and National Trails**”.

### **3.7 Historic Buildings, Places and Landscapes**

Heritage Conservation: The heritage of Faversham goes well beyond the visible historic buildings and Conservation Areas and also includes archaeological sites. 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 the County Council would be happy to discuss this opportunity further.

#### 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 and the County Council would be happy to discuss this opportunity further.

#### FAV11 Heritage

Heritage Conservation: The County Council raises the following comments in respect of this policy:

Clause 1: The County Council welcomes the commitment to heritage-led regeneration and the re-use of historic buildings.

Clause 5: The County Council welcomes the recognition of the importance of the historic landscape and its component features.

Clause 6: The County Council welcomes the recognition of the role of historic industries in Faversham and the commitment to the conservation of relevant heritage assets.

Clause 7: 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.

### **3.11 Faversham Creek**

PRoW: The County Council welcomes the inclusion of Public Footpath ZF39 and the King Charles III England Coast Path National Trail (KC3CP - new title) and advises the addition of ZF32, ZF5 and ZF1 in light of development proposals.

#### FAV15 – Faversham Creek Policy Area

PRoW: In respect of section 3 c), this should include reference to the PRoW Network and KC3CP National Trail specifically. The County Council would encourage the text to include consideration of ensuring that development takes opportunities to improve public access to the waterfront.



### 3.12 Site Allocations

SuDS: The County Council, as Lead Local Flood Authority, notes that a number of the allocated sites (FAV19 through FAV30) are located within Flood Zones 2 and 3 (with FAVs 22 and 25 also showing surface water flooding areas). Whilst the County Council notes specific requirements for these sites to consider the high risk of flooding with regards to providing suitable mitigation, the County Council would advise that it is expected for such mitigation to also include flood risk emergency plans. Specific guidance can be found [online](#) which the Town Council may wish to consider.

PRoW: The County Council welcomes the table of PRoW routes within the Rationale and Evidence. However, it is considered essential that these routes are included in Policy text. The County Council would recommend that the Neighbourhood Plan maximises opportunities to secure improvements to the PRoW network through development in the area. Attention is drawn to the following comments for policies FAV19 - FAV29 which were raised as part of the County Council's Regulation 14 consultation response which do not appear to have had due consideration:

#### 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 is 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 County Council would therefore ask that the rail crossing safety is addressed in the Neighbourhood Plan, and these projects taken into consideration.

#### FAV25 – BMM Weston Ltd Parcel 1b & 1c

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

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.

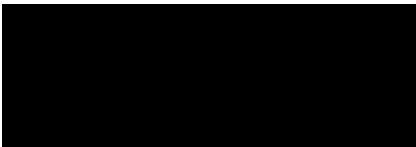
FAV29 – Other Sites – Kiln Court

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

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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,



**Simon Jones**

Corporate Director – Growth Environment and Transport