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By email to fawkhampc@gmail.com

Dear Fawkham Parish Council

RE: Sevenoaks District Council Response to the Fawkham Neighbourhood Plan Regulation 14 Version Consultation

Sevenoaks District Council (SDC) welcomes the opportunity to comment on the Regulation 14 Version of the Fawkham Neighbourhood Plan (FNP), prepared by the Neighbourhood Plan Steering Group on behalf of Fawkham Parish Council.

Fawkham Parish is entirely washed over by the Metropolitan Green Belt (MGB) and includes the hamlet of Fawkham, as identified in the Sevenoaks District Settlement Hierarchy 2022. The Parish was designated as a Neighbourhood Area on 18 May 2021, following the application by Fawkham Parish Council (FPC).

Contact between SDC and the Fawkham Neighbourhood Plan Steering Group

SDC welcomes the ongoing contact between the Parish Council, Neighbourhood Plan Steering Group and the District Council. To date, we have been in contact informally regarding assistance with the Fawkham Neighbourhood Plan, in particular with mapping requests and technical advice.

SDC also provided informal comments by email, ahead of the Regulation 14 consultation which consisted of non-technical suggestions. These are attached at Appendix A for completeness.

In response to this Regulation 14 consultation, SDC would like to make the following comments:

SDC Planning Policy

The Parish Council are aware that the Neighbourhood Plan is required to be in general conformity with the strategic policies in the existing Local Plan. For Sevenoaks District, this consists of the Core Strategy (2011) and the Allocations and Development Management Plan (ADMP, 2015).

The Regulation 14 version of the FNP broadly conforms with the strategic aims and policies of the District's existing policy framework.

SDC are currently preparing a new Local Plan for Sevenoaks District, to cover the plan period up to 2040. It is suggested that the Neighbourhood Plan steering group are aware of the contents of the emerging Plan, and that the FNP should also reflect the strategic aims and policies included. This will ensure that the FNP avoids becoming outdated at the adoption of the emerging Local Plan.

A second Regulation 18 consultation on the emerging Local Plan is scheduled for Autumn 2023, and a Regulation 19 in Spring 2024. SDC would encourage Fawkham Parish Council and the Neighbourhood Plan Steering Group to continue engaging with the emerging Local Plan process.

General comments:

- It is recommended that the timespan for the FNP is stated, either on the document cover, or as footers at the base of each page.
- Objectives would benefit from their own referencing system.
- It would be useful at the start of each Policy 'section' (i.e. Natural Environment, Housing etc.) that there is an additional box highlighting the relevant supporting evidence for the Chapter, as included in the FNP Evidence Base.
- In some instances, the NPPF is referred to as 'the Framework'. Recommend referencing NPPF throughout document for consistency and to avoid confusion.
- Throughout the document, the heading 'Policy' is used before supporting text. Suggestion to replace this with different headings to avoid confusion between supporting text and policy text.
- It is recommended that it is highlighted which version of the NPPF is being referred to throughout the document, in light of proposed planning reforms.
- Policies tend to refer to all development types – is this the intention? E.g. reading Soil Conservation requirement in Policy FNP8 – to demonstrate sustainable on-site soil management etc. would also apply to householder applications, which seems excessive.
- Need to ensure that all maps are to scale in relation to their scale bar.
- There are a couple of text boxes throughout the document which are in the same colour as the Policies – suggestion to change the colour of these to avoid confusion.

Other comments:

Fawkham Now

- It would be useful to include a Location summary for Fawkham Parish here, including its position in relation to the District boundary, neighbouring authorities and town/parishes and its location in the North-east of the District and in the North-east Placemaking Area.
- Housing (2nd Paragraph) – suggestion to reword to clarify the Monitoring Process: “Since the 2011 Census was undertaken, SDC have undertaken further Monitoring of Housing completions, with the latest figures published by SDC for the 21-22 monitoring year (covering April 2021-March 2022). SDC are currently in the process of carrying out status work on the 22-23 monitoring year”.
- Housing (3rd Paragraph) – small clarification to add “At March 2022, monitoring shows...”

Vision

- As mentioned in our informal comments at Appendix A, suggestion to include the Objectives alongside the Vision for Fawkham Parish, so as to show how the Vision will be met.

Neighbourhood Plan Strategy

- Third paragraph – reword to highlight that the Settlement Hierarchy 2022 “forms part of the evidence base for the emerging Local Plan”, removing “as a basis for”.
- Would be useful throughout this section to refer to specific policies where relevant. I.e. page 15, second paragraph – “affordable housing required to meet local community needs under Policy SP3 of the Core Strategy and emerging Local Plan Policy H3.

Policies

Environment

- Page 17 – noted that the Sevenoaks Countryside Assessment 2011 is referred to here but there does not appear to be any reference to the Sevenoaks Landscape Character Assessment January 2017, which may be worth mentioning.

Policy FNP1 – Protection and Enhancement of Landscape Character

- The first sentence is currently confusing as written and suggest this is reworded.
- It is not currently clear how some forms of development e.g. householder applications, could contribute to landscape character, nor how some proposals could enhance features such as hedgerows. This policy could do with a bit more work and perhaps the inclusion of ‘where possible’ and/or ‘where applicable’.

Policy FNP2 – Woodland, trees and hedgerows

- C. relates to protecting important hedgerows. There is a legal definition of important hedgerows under legislation that is very complex, and is unlikely to match the hedgerows identified. We only classify them on an individual basis when we receive an application to remove a hedge. Even though they are defined on a map, to avoid any unintended consequences and confusion, please could these be renamed ‘valued hedgerows’?

Important Public Views

- The Views Evidence Report would benefit from an additional section for each view titled ‘Valued Qualities’, which directly lists the valued attributes which should be protected.

Policy FNP3 – Protect important Public Views

- Could also directly reference the Views Evidence Report. This would ensure that the valuable attributes are clearly identifiable when considering the effect of development.

Policy FNP5 – Conserve and Enhance Biodiversity

- This seems to be a repetition of local and national policy.
- Suggestion to reword c. as it is confusing as is currently written.
- When referring to Biodiversity Net Gain (BNG), the policy talks about species – however, BNG is based on habitats as a proxy for species.
- Seems to be suggesting that improved management of habitats could count as BNG and this is not the case.
- Should there be a separate requirement/point where it refers to an appropriate depth of buffer. In terms of this, the policy refers to 'protected habitat'? Does this mean 'Local Wildlife Sites'? If so, have KCC's Ecological Services responded to the consultation, and if not suggest their advice is sought here.

Policy FNP6 – Groundwater Source Protection Zone

- This policy does not seem to make sense. Could it read that development will be permitted if there is a risk to contamination, but it cannot be adequately mitigated?
- How will this be assessed? We do not consult based on this constraint and do not require this information to be submitted for all development proposals. Where we do receive comments from water companies / Environment Agency / Environmental Health re water and contamination, we will take these into account.

Policy FNP7 – Surface Water Flooding

- How does this relate to the requirements of the Local Lead Flood Authority (LLFA), KCC? We only consult on major applications and if KCC agreed to engineering solutions for Sustainable Drainage Systems (SuDS), we would have no basis on which to disagree/object.

Policy FNP8 – Soil Conservation

- This is dealt with via the Environment Agency if there are waste/contamination issues. No planning policies would allow us to control this unless related to contamination or ecology requirements. Considered that this goes beyond what can be achieved via the planning process in some cases and beyond the information we can require from applicants.

Character, Heritage and Identity

- To align with the previous section on Natural Environment, the title *Built Environment* instead of *Character, Heritage and Identity* could be a more appropriate title for this section. The landscape character is a large section within the previous Natural Environment section and therefore it would be helpful to be clear that this section is referring to the character of the built environment.
- A subheading of *Character and Identity* after *High Quality Design* could then be beneficial. This section could briefly outline the Built Character Areas across the parish and describe key characteristics of the public realm and buildings. This could refer to valuable attributes and distinctiveness in a similar manner to the landscape character areas.
- A separate policy referring to protecting and enhancing the local character and identity of the area could help to deliver high quality design for areas other than heritage assets, which are covered by Policy FNP9.
- It would be clearer to include a brief explanation in this chapter explaining the difference between Designated and Non-Designated Heritage Assets. At the moment, the explanation/definition of a heritage asset is included under the heading Designated Heritage Asset. The difference between designated and non-designated is set out in the NPPF. This would then be clearer that a Listed Building and Conservation Area are designated.
- Page 41 mention of 'Area of Archaeological Potential' – Is this a reference to the term/constraint which is used by Kent County Council (KCC)? If so, an additional clarification would be useful here.
- The 10 buildings are identified on the Historic Environment Record, which is a form of recognition and therefore have already been 'recognised'.
- We would encourage the Parish Council and Neighbourhood Plan steering group to liaise with SDC Conservation Officers regarding the proposed project for a Local List.

Housing

- As part of the emerging Local Plan evidence base, SDC undertook a 'Targeted Review of Local Housing Needs 2022'. It is recommended that this is reviewed for the placemaking area of 'North-East' (which incorporates Fawkham parish) and reference made to the study in this section.
- It may be useful to incorporate some tables into this section, setting out the housing data in a more accessible format (in particular, the findings from the Local Housing Needs Survey at page 43 paragraph 4).
- There is no Policy here – is this section needed, if there is no Policy requirement?
- Housing Objective – how will the Housing Objective be met without a policy? The objective sets out consideration of windfall sites and the caveat: 'where justified' but there is no policy setting out justifications? If this relates back to local and national policy justifications, then should this be an objective under the Neighbourhood Plan?

Local Economy

Policy FNP10 – Business Development

- This policy goes beyond Policy EMP5 (ADMP) and appears to be contrary to the NPPF – the plan period is a very long time and unlikely to be able to be demonstrated.
- Point 1: It is unclear how this part of the policy adds to existing local policy in the ADMP. As highlighted in the FNP supporting text above, the ADMP Policy EMP5 goes further than Policy FNP10 in setting parameters for considering the loss of non-allocated business sites, stating:

“The Council will permit the loss of a non-allocated lawful business premises and sites to other uses provided it can be demonstrated, to the satisfaction of the Council, that the site has been unsuccessfully marketed for re-use in employment for a period of at least 6 months and that there is no reasonable prospect of their take up or continued use for business use at the site/premises in the longer term.”

- Point 2: Would suggest some of the requirements under point 2 could be removed and replaced with ‘in line with other relevant local and neighbourhood policies’.
- Item E – contrary to NPPF – harm to highway safety has to be ‘sever’ – perhaps the wording can be about what will be expected rather than required?
- Point 3: This part of the policy goes further than national and local policy and therefore needs to be sufficiently justified by evidence base. At present, there is no mention of tourism in the ‘Local Economy Evidence Report’.
- There is no planning policy to support us giving priority to business or tourist facilities above e.g. housing, noting the housing need.

Leisure and Wellbeing

Policy FNP11 – Protection of Fawkham Village Hall

- It is unclear how this policy adds to existing local policy in the Core Strategy and therefore it is considered that this policy is an unnecessary repeat. Core Strategy Policy LO7 (Development in Rural Settlements) states:

“The loss from rural settlements of services and facilities that serve the local community will be resisted where possible. Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served, or where it is demonstrated, through evidence submitted to the Council that the continued operation of the service or facility is no longer financially viable”.

Policy FNP12 – Protection of Public House

- As above, it is considered that this policy is an unnecessary repeat of Policies LO7 of the Core Strategy and the tests for loss of business uses at ADMP Policy EMP5.

Policy FNP13 – Protection of open space, sport and recreation facilities

- The protection of the identified sites, beyond local policy, needs to be clearly justified through evidence.

- Recommend to maintain flexibility with this policy – consideration to an alternative to re-provision – e.g. where it is demonstrated that there is no reasonable prospect of future take up.
- SDC are currently undertaking a Playing Pitch and Outdoor Sports Strategy and an Indoor Built Facilities Strategy which will look at different types of sports provision across the District.

Policy FNP14 – Protection of existing Public Rights of Way and historic routeways

- If the KCC Public Rights of Way team have not already commented on this policy, advice will need to be sought as to whether this is deliverable.
- If deliverable, this policy will need to be made more flexible to include circumstances where alignment can be modified (e.g. for safety or privacy reasons). At the moment this goes beyond PRow policy in restricting all amendments to routes.

Local Infrastructure

Policy FNP15 – Securing Infrastructure

- Recommended to add the term ‘appropriate infrastructure’ here, as the infrastructure required, if any, will depend on the development type.

Policy FNP16 – Provision of Small Grains Residents Parking

- Has a site assessment been undertaken to demonstrate the need for a car park in this location and to demonstrate site suitability (including an assessment of land use constraints), availability and deliverability. This allocation will need to be fully justified.

Monitoring and Review

- There is currently no mention of frequency of review – it is good practice to write into the Neighbourhood Plan how it will be monitored and reviewed, including the frequency. Preparation of an annual monitoring report may be a useful approach. Suggest the formation of a monitoring group to be established, perhaps involving a few key stakeholders and those involved in the FNP preparation. SDC will be happy to receive updates on this process and to be consulted throughout.
- The NPPF indicates that ‘*spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary*’.
- Suggestion to add: “A monitoring group will be established including key stakeholders and those involved in the Neighbourhood Plan preparation. It is the intention of the Parish Council to review the FNP every 5 years”.

Appendix A – Boundary Treatment Good Practice Guide

- Many of the features included to avoid would be considered permitted development and could not be controlled. Some works such as some CCTV, lighting etc. may not even be considered development.
- Agree with what this is trying to achieve and this could be good guidance for residents, however this is not something to control. For example, of the final two

photos – the image on the left and possibly the one on the right would not require planning permission.

- Recommended to annotate photos to clearly describe what is being shown – are they positive or negative examples?

Conclusion

To conclude, it is considered that the Fawkham Regulation 14 Neighbourhood Plan is in general conformity with adopted and emerging planning policies. Sevenoaks District Council will continue to work with and support Fawkham Parish Council and the Neighbourhood Plan Steering Group in the continued development and adoption of their Neighbourhood Plan.

If you have any queries on the above, please do not hesitate to contact us.

Yours sincerely

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