

## **Appendix A: Delegated Portfolio Holder Decision: TWBC Representations to the Regulation 16 consultation on the draft Benenden Neighbourhood Plan**

### **Introduction (Page 9 BNP, penultimate paragraph)**

*'after the Neighbourhood Plan is made and Tunbridge Wells have adopted a CIL Policy (proposed 2021), the Parish Council will receive 25% of CIL contributions by right and may use such funds to complete the projects set out within the BNP'*

TWBC is continuing to use s106 for the time being, but will review whether to introduce a CIL after the Local Plan has progressed. LDS prepared June 2020 provides further background for whether CIL will be introduced [https://www.tunbridgewells.gov.uk/\\_data/assets/pdf\\_file/0005/343715/Local-Development-Scheme\\_June-2020.pdf](https://www.tunbridgewells.gov.uk/_data/assets/pdf_file/0005/343715/Local-Development-Scheme_June-2020.pdf), Page 17 *'Not adopted. No decision has been made on this matter, with the focus being on taking the Local Plan through to its next stage. The matter will be reviewed as the Local Plan moves towards the Pre-Submission version. If a decision is made to move towards CIL, then a timetable for the relevant stages of this will be provided.'*

In undertaking this review, regard will be had to the Government's proposals in Planning for the Future White Paper to remove CIL and Section 106 agreements and instead to introduce an Infrastructure Levy, and further announcements from Government in relation to this.

### **Benenden Limits to Built Development (page 16)**

The proposed LBD (Figure 3, page 16 of the Benenden NDP) reflects the proposed LBD boundaries in the draft Regulation 19 Pre-Submission Version of the TWBC Local Plan with one exception. This exception relates to Feoffee Cottages (AL/BE 2 in the Draft TWBC Local Plan), where the LBD has been amended to reflect the landscape buffer proposed as part of the current planning application 19/00822.

*Note: TWBC Pre-Submission Local Plan - it is not proposed to include a LBD for Iden Green (TWBC Local Plan 2006 LBD boundaries for Iden Green to be deleted)*

### **Policy LE3 Local Green Spaces (LGS) (page 33)**

During the preparation of the TWBC Local Plan, planning officers have on a number of occasions consulted with Benenden Parish Council and the Neighbourhood Plan Group before the Regulation 18 consultation on the Local Plan in September – November 2019.

TWBC has consulting again with these groups at the beginning of December 2020 prior to the publication of the Regulation 19 Pre-Submission Local Plan.

Information sent by TWBC as part of this process:

- extract for the revised Local Green Space Assessment Document (for Regulation 19) and individual site plans for Benenden Parish. This extract includes information on the revised Local Green Space proposals for the parish and the revised TWBC Local Green Space Designation Methodology document

Comments are requested from the Parish Council on the revised proposals for Benenden parish and/or revised methodology.

Attachments to these representations, 2 pdfs:

- 'Benenden – LGS Assessment' – table showing the assessments carried out by TWBC to identify LGS designations proposed to be included in the TWBC Pre-Submission Local Plan
- Plans for each of the LGS designations

It has been requested that responses to the LGS consultation are submitted to TWBC by Wednesday 16th December with any comment on the revised proposals for the parish and/or revised methodology so that officers are able to re-review any proposals. This could include comments on any factual inaccuracies that need to be amended or whether the TWBC assessment of a site is considered to be incorrect.

The outcome of this process for Benenden parish will be provided to the Independent Examiner prior to the examination of the Benenden Neighbourhood Plan.

### **Chapter 2 Housing Supply and Site Allocation** *(page 41 onwards)*

All Site Allocation policies in the Draft TWBC Local Plan are broadly in line with the site allocation policies in the Benenden NP.

#### **SSP1 Land adjacent to Feoffee Cottages, Walkhurst Road** *(page 53)*

Note: the site is subject to a planning application 19/00822 (Resolution to grant permission made by the Planning Committee on 9 September 2020, awaiting completion of a S106 agreement *as at 2<sup>nd</sup> December 2020*).

The application is made on a 'hybrid' basis; part of the application seeks full planning approval for 12 new almshouses, associated access, parking, landscaping and an attenuation basin. The rest is an outline application for 13 new market dwellings with all matters reserved except access. The intention is that the 13 market dwellings would act as a funding mechanism for the 12 new almshouses.

Ref TWBC Draft Local Plan Policy AL/BE 3 (and ref AL/BE 2 in Pre-Submission Local Plan)

#### **Policy SSP2 Uphill, New Pond Road** *(page 57)*

Ref TWBC Draft Local Plan Policy AL/BE 2 (and ref AL/BE 1 in Pre-Submission Local Plan)

#### **Policy SSP3 Land at Benenden Hospital, South Goddards Green Road** *(page 62)*

Ref TWBC Draft Local Plan Policy forms part of AL/BE 4 (and ref AL/BE 3 in Pre-Submission Local Plan)

- Site area in the TWBC Pre-Submission Local Plan is likely to be a smaller area, not including the area of open space within the southern part of the site indicated by the BNP Policy SSP3
- It is likely that the following policy criterion will be included in the TWCP Pre-Submission Local Plan Policy AL/BE 3

*'Proposals to include an assessment of the feasibility for retaining the Garland Wing as part of the redevelopment of the site, that could include refurbishment and conversion of this building to provide separate residential units'*

**Policy SSP4 Land at Benenden Hospital, North Goddards Green Road (page 65)**

Ref TWBC Draft Local Plan Policy forms part of AL/BE 4 (and ref AL/BE 4 in Pre-Submission Local Plan)

- Site area in TWBC Pre-Submission Local Plan is likely to be a smaller area, not including the area of open space within the northern part of the site, east of the garage block included within BNP Policy SSP4.

**Policy BD1 General Design Policy (page 73)**

Suggest that the policy wording expand on different heritage assets, particularly mentioning non-designated, or local heritage assets, and include reference to archaeology.

Suggest that the first bullet point be amended to read 'have regard to local distinctiveness as identified in guidance such as the High Weald Design Guide', and also list the supporting documents in the policy wording itself as well as in **BD2**.

**Policy BD2 General Appearance (page 74)**

Suggest that 'bulk' be replaced with 'massing'.

(f) – this may cause confusion – as long as the chimneys are properly constructed they could house a stove flue rather than actually being a working chimney?

**Policy BD8 Materials and Technology (page 80)**

c) Conservation areas are heritage assets so they don't need to be specifically mentioned unless it's felt it's absolutely needed for clarity. Would it read better to replace the 'to' with 'will'?

**Policy BE1 Rural Industries (page 84)**

Worth explaining what some of these terms mean as they are not explained in the supporting text: 'regenerative agriculture' and 'wilding'?

**Policy BE3 Retaining Existing Commercial Areas (page 88)**

*(for info)* Ref draft Local Plan Policy ED2 Retention of existing employment sites and buildings: includes information about requirements for proactively marketing the site, and the process that needs to be gone through to demonstrate that this has been carried out effectively.

**Policy BE4 Shops and Public Houses (page 90)**

*(for info)* Ref draft Local Plan Policy ED12 Retention of local services and facilities within defined Neighbourhood and Village Centres.

Where wording refers to 'retail or public houses' : this is a bit narrow, could include wider range of commercial uses, and also including restaurants/cafes.

**Policy BE7 Encouraging the Right Future Business** (page 93)

This policy doesn't really reflect the supporting text which talks about supporting sporting and craft business etc. Policy refers to 'designated commercial areas' – this needs to be clarified.

**Policy T3 Community Cohesion and Recreational Facilities** (page 102)

Uncertainty about what this policy is trying to achieve. For some issues it is requiring developers to 'contribute' towards provision and others 'support provision' – further clarity required

**Policy T5 Infrastructure, Broadband and Mobile** (page 103)

Similar to comments to Policy T3 –need to specify what is meant by 'amenities'

**Climate Change**

Benenden Neighbourhood Plan has been prepared with reference to saved policies in the Tunbridge Wells Borough Council Local Plan 2006, the Tunbridge Wells Core Strategy Development Plan Document 2010, the Tunbridge Wells Borough Council Site Allocations Local Plan, and the Draft Local Plan as published for Regulation 18 Consultation September 2019.

The Draft Local Plan did not include a strategic policy for Climate Change. Tunbridge Wells Borough Council declared its recognition of global climate and biodiversity emergencies and its ambition to make the entire borough carbon neutral by 2030 in July 2019 (see Full Council 17 July 2019, Item FC29/19). The Pre-submission Local Plan, that will be available for viewing on the borough Council's website from New Year's Eve 2020 when it will be appended to the report being presented to the Planning and Transportation Cabinet Advisory Board on 11 January 2021 as the Pre-Submission Local Plan enters the Committee cycle ahead of publication in March 2021, includes a strategic policy for Climate Change.

**General Comments**

- All references to 'Local Plan' in the Neighbourhood Plan should clarify that this is the TWBC Local Plan, it's full title, and the date it was prepared
- TWBC Local Plan – during the preparation of the Benenden Neighbourhood Plan, TWBC have been preparing a new Local Plan. The draft Benenden Neighbourhood Plan now being consulted upon under Regulation 16 October/December 2020 has been prepared with reference to the TWBC Local Plan 2006, Core Strategy 2012, Site Allocations Local Plan 2016 and the draft TWBC Local Plan consulted through Regulation 18, September/November 2018. It should be noted that the Pre-Submission Local Plan is due to be consulted upon during March/April 2021, the document becoming available for public inspection on 31<sup>st</sup> December 2020.

The Benenden Neighbourhood Plan Basic Conditions Statement sets out how the draft Benenden Neighbourhood Plan compares with the TWBC Development Plan (the documents listed above up to, and including, the Regulation 18 Draft Local Plan)

- References to Evidence Base in the Benenden Neighbourhood Plan: clarity is required about who has prepared the document – the neighbourhood plan group or TWBC (as part of developing the evidence base to support the preparation of the TWBC Local Plan)
- Clarity about the title of all evidence base documents referred to in the Benenden Neighbourhood Plan: this could be set out in a glossary (to include any shortened title referred to in the text). Titles of evidence base documents prepared by TWBC should be as set out in the relevant TWBC Local Plan webpages

### **Presentation**

- It would be helpful to have a list or table of individual policies at the front of the plan: Policy Number, Policy Name and page number