

# **Brenchley and Matfield Neighbourhood Development Plan 2020-2038**

**A report to Tunbridge Wells Borough Council  
on the Brenchley and Matfield Neighbourhood  
Development Plan**

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## **Executive Summary**

- 1 I was appointed by Tunbridge Wells Borough Council in January 2022 to carry out the independent examination of the Brenchley and Matfield Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 11 February 2022.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its distinctive rural character. It includes a series of environmental and community policies. In addition, the Plan proposes the designation of a series of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Brenchley and Matfield Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**20 June 2022**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Brenchley and Matfield Neighbourhood Development Plan 2020-2038 ('the Plan').
- 1.2 The Plan has been submitted to Tunbridge Wells Borough Council (TWBC) by Brenchley and Matfield Parish Council (BMPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012. The NPPF continues to be the principal element of national planning policy. It was updated in 2018, 2019 and 2021.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It addresses a range of environmental and community issues and proposes the designation of local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by TWBC, with the consent of BMPC, to conduct the examination of the Plan and to prepare this report. I am independent of both TWBC and BMPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 3 Procedural Matters

3.1 In examining the Plan I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the Consultation Statement Annex 2
- the SEA screening report.
- the HRA screening report.
- the Sustainability Analysis.
- the representations made to the Plan.
- BMPC's responses to the clarification note
- the saved elements of the Tunbridge Wells Borough Local Plan 2006
- the Tunbridge Wells Core Strategy Development Plan Document
- the Tunbridge Wells Site Allocations Local Plan.
- the emerging Tunbridge Wells Borough Local Plan 2020 to 2038.
- The Queen (on behalf of Lochailort Investments Ltd) and Mendip District Council [2020] EWCA Civ 1259.
- the National Planning Policy Framework 2021
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 11 February 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised TWBC of this decision once I had received the responses to the questions in the clarification note.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 BMPC has prepared a Consultation Statement. The Statement reflects the neighbourhood area and its policies. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan between May and June 2021.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. It provides details about the engagement with the statutory bodies and the public consultation events in the area. Specific engagement processes highlighted include:
- the two visioning events (February 2018);
  - the three-day Design Forum (March 2018);
  - the evening meeting (November 2018);
  - the drop-in session (November 2018); and
  - the drop-in events (February/March 2019 and March 2020).
- 4.4 The Statement sets out the extensive range of local and statutory organisations that were advised about the preparation of the Plan in general, and its pre-submission consultation phase in particular.
- 4.5 Sections 5 and 6 of the Statement set out the nature of the consultation process and high-level details of the responses received to the consultation process on the pre-submission version of the Plan. Annex 2 then includes a detailed breakdown of the representations and how BMPC responded to the various comments. The wider exercise has been undertaken in a very thorough fashion. It helps to describe how the Plan has evolved.
- 4.6 From all the evidence available to me as part of the examination, I have concluded that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. TWBC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

### *Representations Received*

- 4.7 Consultation on the submitted plan was undertaken by TWBC for an eight-week period that ended on 24 January 2022. This exercise generated comments from the following statutory and local organisations:
- Southern Water
  - Environment Agency

- National Grid
- Matfield Village Hall Committee
- Tunbridge Wells Borough Council
- Historic England
- Kent County Council

4.8 A representation was also received from a local resident.

4.9 I have taken account of all the representations received as part of the examination of the Plan. Where it is appropriate and relevant to do so, I refer specifically to certain representations on a policy-by-policy basis in this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area covers the parish of Brenchley and Matfield. In 2011 it had a population of 2863 persons living in 1164 households. It was designated as a neighbourhood area on 8 December 2017. The parish lies seven miles north-east of Royal Tunbridge Wells, eight miles south-east of Tonbridge and two miles south of Paddock Wood. The neighbouring parishes are Paddock Wood, Capel, Pembury, Horsmonden and Lamberhurst. The A21 crosses the south-western part of the parish, providing a road link to London, the coast and the national motorway network. The nearest rail station is at Paddock Wood, two miles to the north. That station has direct services to London, Maidstone and Strood and the South-Eastern coast, and connections through Tonbridge to the South coast.
- 5.2 The settlements of Brenchley, Matfield and Castle Hill follow the sandstone ridgelines of the long northern High Weald slope. The land slopes steeply down through a transition zone to the more open Low Weald area, which includes the hamlet of Mile Oak. Other settlements lie in the broad plateau area of the High Weald. The landscape is dominated by orchards and woods, interspersed with arable fields and pastures.
- 5.3 The parish is located in the northern part of the High Weald in gently undulating land, traversed by streams draining north to the River Teise or to the River Medway. Most of its area lies in the High Weald Area of Natural Beauty and all but a small north-eastern area lies in the High Weald National Character Area. This results in a very attractive countryside setting for the various settlements

### *Development Plan Context Done*

- 5.4 The Tunbridge Wells Borough Core Strategy was adopted in June 2010. It covers the period up to 2026. The Core Strategy sets out policies for the use and development of land across the Borough. Core Policy 1 and Boxes 3 (Spatial Strategy) and 4 (Settlement Hierarchy) set out an approach which has an urban focus for development in order to optimise the vitality of the Borough's town centres and to protect the distinctive character of the rural environment. In this context the majority of new development is focussed at Royal Tunbridge Wells and Southborough. The Core Strategy also identifies development at Cranbrook, Hawkhurst and Paddock Wood to support and strengthen them as local service centres for the Borough's rural area. Elsewhere the approach is to protect the character of the Borough's villages by limiting new development to be within the existing limits to built development unless it is specifically required to meet local needs.
- 5.5 Within this approach, both Brenchley and Matfield are identified as two of a series of villages. Core Policy 4 of the Core Strategy sets out a comprehensive approach for development in rural areas which incorporates the following matters:
- the delivery of approximately 360 net additional dwellings in the villages and rural areas;
  - new development will generally be restricted to sites within the limits to built development (LBD) of the villages;

- outside the LBD of the villages, affordable housing to meet an identified local need in perpetuity may be allowed;
- village centres will be enhanced to provide a focus for communities. The loss of local services will be resisted and the development of facilities, including community facilities, to meet local needs will be encouraged;
- designated buildings and areas of historic or environmental importance will be conserved and enhanced to ensure the special character of the villages is maintained;
- the countryside will be protected for its own sake;
- the interrelationship between the natural and built features of the landscape will be preserved, enhanced and, where necessary, restored; and
- non-motorised modes of transport between the rural settlements and within the rural areas will be encouraged by ensuring that the existing network of public footpaths and bridleways are protected, maintained and improved.

The Core Strategy has a range of other policies including:

Core Policy 4 Environment

Core Policy 5 Sustainable Design and Construction

Core Policy 8 Retail, Leisure and Community Facilities Provision

- 5.6 Key elements of the 2006 Local Plan remain as saved policies whilst the Core Strategy review is taking place. They include:

Policy EN5 Development within a conservation area

Policy EN20 Telecommunications

Policy CR13 Retention of community facilities in neighbourhood centres or villages

Policy H5 Residential development inside limits to built development

Policy R1 Retention of existing recreation open space

Policy TP5 Vehicle Parking Standards

Policy TP27 Retention of Public Car Parks in villages.

- 5.7 TWBC has made good progress in its preparation of a new local plan to replace saved policies in the Local Plan 2006, the Core Strategy, and in the Site Allocations Local Plan. It will guide new development in the Borough up to 2038. Consultation on the pre-submission Plan took place between March and June 2021 and the Plan is now at its own examination stage. Policy PSTR/BM1 of the emerging Local Plan sets out a non-strategic spatial strategy for the parish based on the following key principles

*'Set Limits to Built Development for Brenchley village and Matfield village, as defined on the Policies Map (Inset Maps 20 and 21), as a framework for new development over the plan period;*

*Build approximately 56-60 new dwellings, including affordable housing, as allocated under the subsequent site allocation policies;*

*Retain the public car park in High Street, Brenchley, as defined on the Policies Map, in accordance with Policy TP 4: Public Car Parks;*

*Provide information boards (or similar) and installation of public art along the Hop Pickers Line. Other locally significant historical features, events, and personalities could be recognised as part of this approach;*

*Seek developer contributions, either in kind (normally land) and/or financial, from residential schemes to be used towards the provision of:*

- *medical facilities that cover Brenchley and Matfield parish (to be used towards improvements/reconfiguration of existing medical facilities or towards new premises providing medical facilities);*
- *improvements to changing rooms at the Brenchley War Memorial Ground, and/or potentially to new recreation/sports provision at Paddock Wood, as referred to in Policy STR/SS 1;*
- *provision of a range of play facilities, including at Policy AL/BM 1 Land between Brenchley Road, Coppers Lane and Maidstone Road and Policy AL/BM 2 Land at Maidstone Road, suitable for a range of ages including children's and youth provision;*
- *provision of amenity green space and additional allotments;*
- *secondary education provision;*
- *library provision; and*
- *other necessary mitigation measures which are directly related to the development and fairly and reasonably related in scale and kind.'*

5.8 The emerging Local Plan proposes two housing allocations in Matfield as follows:

*Policy AL/BM1 - Land between Brenchley Road, Coppers Lane and Maidstone Road. This site, as defined on the Brenchley and Matfield Policies Map, is allocated for a mixed-use scheme, including approximately 45 dwellings, of which 40 percent shall be affordable housing, and play space. The approved scheme is currently under construction.*

*Policy AL/BM2 - Land at Maidstone Road This site, as defined on the Brenchley and Matfield Policies Map, is allocated for residential development providing approximately 11-15 dwellings, of which 40 percent shall be affordable housing, a fully equipped children's play space, and additional car parking provision for the village hall.*

Whilst the basic conditions assessment of the neighbourhood plan is against the adopted development plan, I have sought to ensure that the submitted Plan has an appropriate relationship with the emerging Local Plan. This reflects national policy as set out in paragraph ID: 41-009-20190509 of Planning Practice Guidance. It also reflects the approach taken by BMPC in assessing the policies in the submitted Plan both against the policies in the adopted development plan and those in the emerging Core Strategy Review.

*Unaccompanied Visit to the neighbourhood area*

5.9 I visited the neighbourhood area on 11 February 2022. I travelled to the parish along the A21/B2160 from the south. This highlighted the way in which the parish was positioned in the wider countryside in general, and within the High Weald Area of Outstanding Natural Beauty (AONB) in particular.

- 5.10 I looked initially at Matfield. I saw its isolated position in the AONB and the way in which it featured several green spaces in the heart of the village. I saw the Village Hall, the attractive Village Green and then parked by Matfield House. I walked along Maycotts Lane and saw the attractive Maycotts itself and its equally-attractive Lodge. Walking into the village centre I saw the Old Fire Station and the very attractive group of cottages to its immediate east. On the Maidstone Road I saw The Star PH, Ebenezer Chapel and The Poet at Matfield PH.
- 5.11 I then drove to Brenchley. I appreciated the attractive range of buildings in the village centre including The Old Palace, The Rose and Crown PH, The Bull and the White House (as restored by the former Rural District of Tonbridge in 1970). I also saw the overall significance of the Wealden-type building partially occupied by Terry's Butchers. The overall effect of the triangular format of the village centre based on All Saints Church and the junction of High Street and Windmill Hill was very impressive.
- 5.12 I then looked in detail at All Saints Church. I saw its attractive tower. I saw the well-maintained church yard and its relationship with the countryside to the south and to the rear of the buildings which front onto High Street. I appreciated the attractively-clipped yew trees and the lych gates erected in memory of Queen Victoria's longevity. To the left of the lych gates I saw the plaque commemorating the 'undying fame of the gallant lads who fought the Battle of Britain over this corner of England in August -September 1940'
- 5.13 I then took the opportunity to look at the design and appearance of the various houses in Windmill Hill, Broad Oak and Church Close.
- 5.14 I then drove to Castle Hill. I saw its rather remote location in the countryside. I saw the role of the Castle Hill PH itself.
- 5.15 I then retraced my route back to Brenchley. In doing so I stopped at the proposed local green space at The Viewpoint, Crook Road and saw the extensive viewpoint to the north.
- 5.16 Throughout the visit I looked at the other proposed local green spaces. I paid particular attention to those which were in addition to those already proposed to be designated in the emerging Local Plan

## 6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan in the area;
  - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
  - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under the following headings:
- National planning policies;
  - Sustainable development;
  - General conformity with the strategic policies in the development plan;
  - Strategic Environmental Assessment;
  - Habitats Regulations Assessment; and
  - Human Rights Act.

### *National Planning Policies and Guidance*

- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Brenchley and Matfield Neighbourhood Plan:
- a plan led system – in this case the relationship between the neighbourhood plan, the saved policies in the Local Plan, the policies in the Core Strategy and the policies in the Site Allocations Local Plan;
  - delivering a sufficient supply of homes;
  - building a strong, competitive economy;
  - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
  - taking account of the different roles and characters of different areas;

- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area based on its relationship with the High Weald AONB. In particular, it includes policies to stimulate rural employment and diversification and to safeguard the natural environment of the parish. It also proposes the designation of a package of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced in Planning Practice Guidance (paragraph ID:41-041-20140306) which indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

*Contributing to sustainable development*

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies on housing development (Policies H1-H8) and to stimulate rural employment and diversification (Policies BE1-BE5). In the social role, it includes policies on community facilities (Policies CLR1-5) and on local green spaces (Policy LE5). In the environmental dimension, the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy D1 and D2), the High Weald AONB (Policies LE1-2) and on a series of landscape and environmental matters. BMPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in Tunbridge Wells Borough in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*Strategic Environmental Assessment*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement, TWBC produced a screening report in January 2021. It concludes that as a result of the assessment it is unlikely there will be any significant environmental effects arising from the draft Plan. As such, it does not require a full SEA to be undertaken.
- 6.16 BMPC decided separately to produce a sustainability analysis. The starting point for the framework for this assessment was the 19-point set of sustainability issues and objectives used by TWBC in the preparation of the Tunbridge Wells Local Plan. The nineteen TWBC objectives were consolidated into thirteen objectives. These were grouped under the three sustainability headings of economic, environmental and social sustainability. Criteria for assessing the sustainability of policies against the 13-point framework were developed by reviewing the decision-aiding questions in Annex 2 to the TWBC Sustainability Appraisal along with several other Sustainability Appraisals available on-line. Each policy in the submitted Plan was assessed against the 19-point framework of TWBC. The sustainability analysis is thorough and well-constructed.

*Habitats Regulations Assessment*

- 6.17 In order to comply with legislative requirements, TWBC published a separate Habitats Regulations Assessment (HRA) of the Plan in December 2020. It takes account of the likely effects of development in the neighbourhood area on the Ashdown Forest SPA and SAC site. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on this or another other European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with HRA obligations.

*Human Rights Act*

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

*Summary*

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and BMPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a series of non-land use Community Action Projects which are separately listed in Section 7 of the Plan.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The community actions are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-5)

- 7.8 These elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the neighbourhood area and the Plan's policies. A key feature of the Plan is the way in which it has embedded a series of links to detailed documents in its general text.
- 7.9 The Introduction is both helpful and informative. It identifies the broader context to the Plan and how it was prepared. The 'What you will find in the Neighbourhood Plan' is particularly appealing to the casual reader. Paragraph 1.10 refers the reader to Figure 1 for a definition of the neighbourhood area. It also describes when the neighbourhood area was designated. Whilst the Plan period is included on the front cover, I recommend that it is included in this part of the Plan for completeness.

*At the end of paragraph 1.10 add: 'The Plan period is 2020 to 2038'*

- 7.10 Section 2 describes the key characteristics of the parish. It comments in particular on:
- the landscape context;
  - the historical context;
  - existing services and facilities; and
  - the economy.

- 7.11 Section 3 comments about the strategic context within which the Plan has been prepared. Section 3.1 sets out the national policy context and the documents which make up the development plan locally. The remainder of the section comments about a series of broader strategic challenges (such as global warming) which the Plan has sought to address.
- 7.12 Section 4 sets out the Vision and the strategic objectives for the Plan. Figure 12 helpfully sets out the way in which the strategic policies are linked to the objectives.
- 7.13 Section 5 continues this approach. In this case, it links the objectives to the policies in the Plan. This is helpfully done in a colour-coded way. This approach is then worked through into the wider structure of the Plan and its policies. This makes the Plan both visually interesting and simple to navigate.
- 7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

#### General comments on the policies

- 7.15 Several of the policies comment that the types of development concerned should accord with other policies in the submitted Plan. This approach is understandable given the overall integrity of the Plan and the extensive nature of its policies. However, there is no need for this or any other neighbourhood plan to comment in this way. A neighbourhood plan is designed to become part of the development plan. The development plan is designed to be read as a whole. This allows the local planning authority (here TWBC) to give appropriate weight to the various policies which affect any development proposal together with any other material planning considerations. As such, I recommend the deletion of any such references on a policy-by-policy basis. In doing so I rely on this general explanation.
- 7.16 In other cases, the policies in the submitted Plan seek either to follow the approach in the emerging Local Plan or to depart from that approach based on BMPC's interpretation of local circumstances or evidence. This has generated representations from TWBC. In addressing such matters, I have followed the approach in Planning Practice Guidance (ID: 41-009-20190509) about the ways in which an emerging neighbourhood plan should seek to relate to the policies in an emerging Plan. This will be helpful both in its own right and in particular to avoid the need for wholesale changes to the Plan (if eventually 'made') once the emerging Local Plan is adopted. However, for clarity the basic conditions test remains against the adopted development plan rather than against the emerging Local Plan which, by its very nature is undergoing its own examination and may be the subject of separate modifications in due course.

#### H1 Scale of housing development

- 7.17 This policy sets out to identify the scale and nature of new housing development which will be supported in the parish. It has two related parts. The first comments that housing developments of ten or more dwellings will only be permitted within the AONB and

High Weald National Character Area if they are consistent with other policies in the Plan and it can be demonstrated that there are exceptional circumstances as set out in the NPPF

- 7.18 The second comments that small-scale infill sites will be permitted within the Limits to Built Development (LBD) if the site fills in a gap in an otherwise developed frontage or is closely surrounded by buildings, provided that infill development does not compromise the character of the area where gaps between the buildings are important.
- 7.19 In general terms I am satisfied that the policy takes an appropriate approach to this important matter. The neighbourhood area is characterised by its relationship with the High Weald AONB. The policy has regard to national policy (as helpfully set out in the supporting text). The second part of the policy will have a positive effect in terms of concentrating new development on the two villages which have the greatest access to retail, educational and community facilities. It also relates to the approach taken in the emerging Local Plan. Nevertheless, in order to bring the clarity required by the NPPF, I recommend that the figures in the first part of the policy are modified so that they capture circumstances where a smaller number of houses is proposed to be replaced by a larger number. I also recommend detailed modifications to the wording used in the policy to bring the clarity required by the NPPF.

**In the first part of the policy replace ‘Housing developments of ten or more dwellings’ with ‘Housing developments which would have a net increase of ten or more dwellings’**

**In both parts of the policy replace ‘permitted’ with ‘supported’**

H2 Location of housing development

- 7.20 This policy complements the approach taken in Policy H1. In this case, it comments about the location of new housing development. It has two related parts. The first part comments that housing proposals will only be supported for developments which are within the LBD as defined by the maps in Figure 14, except as set out in Policies H6, H7, H9, D3 and BE1. It also comments that proposals must demonstrate how they would conform with the settlement pattern adjacent to the site and have regard to the High Weald AONB Design Guide.
- 7.21 The second part comments that the character and separate identity of the existing villages, hamlets and farmsteads should be maintained. It highlights that development proposals that would result in the merging of settlements (Brenchley, Matfield, Castle Hill, Chantlers Hill, Keys Green, Kippings Cross, Market Heath, Mile Oak, Petteridge, Tibbs Court and Walnut Tree) will not be supported.
- 7.22 As with Policy H1, the policy’s approach reflects essential characteristics of the neighbourhood area.
- 7.23 In the first part of the policy I recommend the deletion of the unnecessary use of the word ‘only’. This will ensure that the policy has a positive context. I also recommend that the word ‘must’ is replaced with ‘should’. This will ensure that the policy takes a non-prescriptive approach and allows TWBC to apply other policies in the development plan.

- 7.24 The approach to the separation of settlements (as set out in the second part of the policy) also captures the character of the neighbourhood area. Nevertheless, I recommend modifications to the final sentence of the policy which relates to the separation of settlements insofar as the approach would overlap with development in adjacent parishes. Whilst I readily acknowledge that the policy does not seek directly to influence development in such parishes, its approach goes beyond the remit of a neighbourhood plan which is entirely restricted to the neighbourhood area/parish concerned. I also recommend consequential modifications to the supporting text.

**In the first part of the policy replace ‘must’ with ‘should’**

**Delete the final sentence of the second part of the policy.**

*In paragraph 6.14 replace the two uses of the word ‘were’ with ‘are’*

*In paragraph 6.17 delete the final two sentences.*

H3 Density of housing

- 7.25 This policy concentrates on the density of new housing. It comments that proposals for new development will only be permitted if the density of development is in character with the immediate surrounding area and makes efficient use of land. It also reinforces the need for proposals to meet the requirements of other policies in the Plan on design and the AONB.

- 7.26 I recommend a series of related recommended modifications as follows:

- that the policy takes account of the particular circumstances of potential development sites;
- that the policy is reworded in a positive fashion to the extent that it sets out the type of development expected; and
- that the elements about other policies in the Plan are deleted. In any event, the supporting text already sets out the overlaps and connections.

**Replace the policy with: ‘As appropriate to their scale, nature and location, new housing development should be of a density which respects the character of the immediate surrounding area, whilst making efficient use of land.’**

H4 Housing mix

- 7.27 This policy comments about the mix of new housing developments. It includes a specific commentary that residential proposals should maintain an appropriate housing mix. In detail, it comments that on sites of six or more dwellings developments should provide 1 bed, 2 bed or 3 bed units in at least 70% of the new homes.
- 7.28 The policy is underpinned by excellent supporting text in general, and by the findings of the TWBC Housing Needs Study (2018) and the Brenchley and Matfield Housing Needs Survey (2020) in particular.
- 7.29 I recommend that the policy is modified to reflect the suggested changes put forward by BMPC in its response to the clarification note. The recommended modification highlights the expectation that the most up to date information on housing need will be used at the time that planning applications are determined. It also acknowledges that housing mix requirements may be identified by TWBC on certain sites in the parish in general, and on the allocated sites in the emerging Local Plan in particular.

**Replace the policy with: ‘Residential development proposals should provide an appropriate housing mix which is informed by the most up-to-date local evidence of need for the parish. Unless otherwise specified by the Borough Council in an allocated site-specific policy, and until the present evidence changes, proposals on sites providing a net increase of six or more dwellings should provide 1 bedroom, 2 bedroom or 3-bedroom units in at least 70% of the new homes.’**

H5 Housing for older residents and people with disabilities

- 7.30 This policy seeks to respond to the ageing demographic profile of the neighbourhood area. It has a general and a more specific part. The general element comments that permission will be given to new developments or alterations to existing buildings within the LBD, which provide types of accommodation that are adapted or have the scope to be adapted for older residents (over 55) and people with disabilities.
- 7.31 The specific element comments that on new build housing developments of 20 or more homes, at least 10 percent of homes must be suitable for older people (over 55), in that they are bungalows or one or two bed flats/houses, and at least five percent should be suitable for adaptation to support people requiring a wheelchair (M4(3) adaptable).
- 7.32 The policy takes a positive response to the changing demographic situation in the parish. In particular it takes account of the information collected during the preparation of the Plan that older persons have both the willingness and the financial resources to downsize.
- 7.33 I have taken account of BMPC’s responses to the questions in the clarification note about the potential viability implications of the implementation of the policy and the evidence underpinning its formulation. I have also taken account of TWBC’s comments on these matters.
- 7.34 In these circumstances, I recommend the following package of modifications to the policy:
- the use of a common local definition for older persons (55 years and above);
  - the simplification of the first part of the policy;
  - the reformulation of the second part of the policy so that it reads as a supporting policy rather than one with a prescriptive nature;
  - the removal of the supporting text from the beginning of the third part of the policy; and
  - the removal of the unnecessary final criterion from the third part of the policy.

**Replace the first part of the policy with:**

**‘Proposals for new housing development or alterations to existing buildings within the limits to built development of Brenchley and Matfield which provide accommodation for persons 55 years old and over and/or for people with disabilities will be supported. ‘**

**Replace the second part of the policy with: ‘Proposals for housing development which incorporate bungalows and/or which are designed to Building Control Part M4(3) (wheel chair users) standards will be particularly supported.’**

**Replace the opening element of the third part of the policy with: ‘Housing proposals for older people and disabled people will be supported where:’**

**In the third part of the policy delete criterion d**

H6 Affordable housing

- 7.35 This policy comments about the delivery of affordable housing. The very comprehensive supporting text sets out the gap between local house prices and average incomes. The wider combination of the policy and the text also draws attention to the nature of the parish which naturally results in the development of smaller housing schemes which do not trigger the need for affordable housing.
- 7.36 The policy comments that housing developments should satisfy the following requirements:
- a minimum of 40% of the gross number of residential units in a new development of more than 9 units will be affordable housing and a minimum of 30% on brownfield sites; and
  - sites delivering a net increase of 4 - 9 units, within the AONB, will provide a financial contribution towards provision of off-site affordable housing (land and build costs), within the designated rural area of the Parish of Brenchley and Matfield in the first instance, in line with TWBC rates. This contribution will be payable upon the commencement of the development; and
  - the mix and tenure of affordable accommodation reflects the needs identified in a Parish Housing Needs Survey. Within such developments, 25% of the affordable accommodation will be First Homes subject to a discount of 50%; and
  - where a need has been identified, at least 5% of affordable accommodation will be required to meet the M4(3) accessible standard;
- 7.37 The policy also sets out a local occupancy requirement for affordable housing.
- 7.38 I sought clarification from BMPC on the potential implications of the application of the policy on the viability of development proposals and the rationale for its approach to size thresholds. I have taken account of its response in relation to TWBC’s approach to the First Homes agenda, to viability and to the ability of the parish, as a designated rural area, to apply a lower threshold for affordable housing.
- 7.39 Having considered all the evidence, I recommend that the policy is modified so that it takes on a more general nature. As submitted, the policy is both complicated and cumulative. The effect of the latter is likely to be punitive to developers and the wider effect of the policy has not been tested by BMPC. Within this context, I recommend that the modified policy takes account of the parish’s identification of a rural area (as permitted by paragraph 64 of the NPPF).
- 7.40 The second part of the policy sets out a local connections approach towards the allocation of delivered affordable housing. Its approach is that the allocation of affordable housing should be subject to a strong local connection requirement and an

agreement which will ensure that it remains as affordable housing for people with a strong local connection in perpetuity. The policy sets out a series of requirements for a local connection.

- 7.41 This approach is understandable. However, such an approach is not a land use matter. Whilst the delivery of affordable housing is a land use matter its eventual detailed allocation is not directly a land use matter. In these circumstances I recommend that this part of the policy is replaced by the more general cascade policy approach as included in the emerging Local Plan.

**Replace the first part of the policy with: ‘Proposed housing developments should deliver affordable housing to the most up-to-date standards operated by Tunbridge Wells Borough Council’**

**Replace the second part of the policy with: ‘The details of this cascade will be determined on a case-by-case basis, but will follow the general approach of prioritising households with an established local connection (and, for social and affordable rent, in housing need) to the parish through residence or place of work, then households from surrounding parishes in the Borough, and then the wider Borough.’**

*At the end of paragraph 6.27 add: ‘The delivery of affordable housing in the parish is influenced by its rural nature. The majority of infill and redevelopment schemes in recent years have come forward at a scale which does not naturally trigger the need for the delivery of affordable housing. The majority of the neighbourhood area is within the High Weald AONB. This brings lower thresholds for the delivery of affordable housing. In addition, the wider parish is a designated rural area for the purposes of section 157(1) of the Housing Act 1985 which also has a bearing on the thresholds for the delivery of affordable housing.’*

#### H7 Rural exception sites

- 7.42 The policy comments that rural exception sites for affordable homes will be supported where they are close to an LBD or contiguous to a small settlement. It also comments that a small proportion of market housing on a rural exceptions site will be supported where it would help to facilitate the provision of mainly affordable homes.
- 7.43 The policy takes a balanced approach to this matter. In particular, it acknowledges that in some circumstances a degree of open market housing may be required to bring forward the predominant development of affordable housing. This has regard to the importance of viability considerations in the NPPF.
- 7.44 I recommend modifications to the wording of the policy so that it clarifies the potential size of rural exception sites. This will prevent the policy having unintended consequences. The recommend modification takes account of the size threshold applied in other policies in the Plan. I also recommend modifications to the wording used more generally so that the policy will have the clarity required by the NPPF in general, and on the viability issue in relation to a degree of market housing in particular.

**Replace the policy with: ‘Where there is no alternative site to meet a clearly identified local need for affordable housing within the Limits to Built Development, rural exception sites for affordable homes for up to ten homes will be supported where they are adjacent to a Limit to Built Development or they are contiguous to a small settlement. The incorporation of a small proportion of market housing within a rural exception site will be supported where it can be demonstrated that such development is necessary to allow the affordable homes to come forward.’**

H8 Housing for rural workers

- 7.45 The policy comments about proposals for houses for rural workers. It identifies a series of factors which will be used to determine such applications. It reflects the continued importance of agricultural businesses in the parish.
- 7.46 TWBC makes a series of comments on the details of the policy and to which BMPC has helpfully responded.
- 7.47 On the balance of the evidence, I am not satisfied that the policy meets the basic conditions. In particular its wording lacks the clarity required by the NPPF and fails to address the function and financial tests for such development. These matters are properly incorporated in Policy H8 of the saved Local Plan (2006).
- 7.48 In these circumstances, I recommend that the policy is deleted. I am satisfied that the supporting text can remain as it describes an important local matter. Nevertheless, I recommend that the supporting text makes reference to saved policy H8 of the Local Plan (2006).

**Delete the policy.**

*In paragraph 6.38 replace ‘This policy’ with ‘Policy H8 of the saved Local Plan (2006)’*

H9 Residential extensions, alterations, outbuildings and annexes in the Parish and replacement Buildings outside the LBD

- 7.49 This policy comments that residential extensions, alterations, outbuildings and annexes in the parish and replacement buildings outside the LBD will only be supported where they comply with design, landscape and environment, and access and movement policies in the Plan and with the size limits in the Local Plan.
- 7.50 The policy reads as a catch-all policy. In most cases, other policies in the Plan address in detail the issues which are mentioned in this policy. In addition, the policy is written in a negative fashion. This approach conflicts with historical evidence that the majority of residential alterations and extensions will secure planning permission. As such, I recommend the deletion of the policy and the associated supporting text.

**Delete the policy**

*Delete paragraph 6.39*

H10 Developer contributions

- 7.51 This policy addresses developer contributions. It comments that where financial contributions under Section 106 or Section 278 agreements, or from other sources,

are being negotiated by TWBC, regard should be given to the priorities for community improvements identified in Section 7 of the Plan.

- 7.52 As submitted the policy is not a land use policy. In its response to the clarification note BMPC commented that its primary purpose is to highlight the importance of the Community Action Projects in Section 7 of the Plan and the potential for new development to contribute to such projects. I sought advice from BMPC on the implications of the relocation of the policy into Section 7 of the Plan. It commented that:
- 'The policy was developed in response to strong local concern that TWBC and KCC sometimes direct developer contributions to facilities outside the parish. These are likely to be of little, if any, benefit to the new residents of the parish, while failing to provide contributions to facilities needed within the parish, and that the SLP also does this in some respects. We question whether repositioning this policy as an additional Community Action Project (CAP) would achieve the desired result of directing contributions to the Community Action Projects that have been identified within the NP. The Parish Council notes that H10 could not be a Community Action Project as it is not a specific project. It would presumably have to be part of the preamble to the list of CAPs.'*
- 7.53 On the balance of the evidence I recommend that the policy is deleted from the Plan. I also recommend consequential modifications to the supporting text. I also recommend that it is repositioned as a general comment in Section 7 of the Plan. As BMPC comment, it is not a specific Community Project in its own right.

**Delete the policy.**

*Delete paragraphs 6.40 and 6.41.*

*At the end of paragraph 7.3 add 'Where financial contributions under Section 106 or Section 278 agreements, or from other sources, are being negotiated by the Borough Council, regard should be given to the priorities for community improvements identified below which will benefit the residents of the development directly or indirectly'*

**H11 Site specific policy for AL/BM2**

- 7.54 This policy sets out detailed design standards for the proposed allocated site (BM2) off Maidstone Road, Matfield in the emerging Local Plan. The second part of the policy comments about the expected development contribution priorities for the site.
- 7.55 TWBC comment that a site allocation policy was not included within earlier versions of the Plan and that the pre-submission Plan was used as the basis for both the SEA and the HRA screening reports (as detailed in Section 6 of this report). As such, it comments that it is inappropriate for the Plan to address such matters. As an alternative it suggests that the policy could be translated into a generic design policy for any other windfall sites which may come forward in the Plan period.

- 7.56 In its response to the clarification note, BMPC commented that it has specific concerns about TWBC's ability to deliver the type of development which the local community would wish to see come forward on the site. In addition, it is also keen to secure appropriate improvement to the Matfield Village Hall which is within close proximity to the site. I have also taken account of the representation from the Village Hall Committee which demonstrates its support for such works and provides an illustrative indication of the way in which they could be achieved. TWBC also provided detailed clarity about the way in which the emerging neighbourhood plan had been screened on SEA and HRA matters and the overlaps with the screening process associated with the emerging Local Plan.
- 7.57 I have considered these issues very carefully. On the balance of the evidence, I recommend that the policy is modified to ensure that it meets the basic conditions. The recommended modifications address the following matters:
- to ensure the policy is consistent with the relevant policy in the neighbourhood plan and does not seek explicitly to allocate the site for development;
  - to ensure that the various criteria associated with the policy are of a general rather than a prescriptive nature – this will allow development proposals to emerge based on evidence, information and site-specific considerations at the relevant time;
  - to reposition elements of supporting text captured within the policy into the supporting text itself; and
  - to ensure that the general approach taken has the clarity required by the NPPF.
- 7.58 I have taken account of the ongoing discussions between BMPC and the Village Hall Committee as set out in the latter's representation to the Plan as part of recommending modifications to the policy. I have not included the addition level of detail and potential requirements as set out in that representation in the modified policy for two reasons. The first is that it has simply been proposed in principle. The second is that it will ultimately be a matter for future local consideration and discussion rather than one to be captured in a development plan policy.

**Replace the policy with:**

**'Proposals for the development of the site should meet the following criteria**

**Design requirements**

- a. **Provide a new access point off Maidstone Road;**
- b. **Deliver a site layout which responds positively to the Matfield Conservation Area and the listed buildings on Matfield Green;**
- c. **Deliver a site layout which conserves and where practicable enhances the character and distinctiveness of the village;**
- d. **Safeguards existing trees and hedges other than where their removal is required to deliver a new vehicular access and associated visibility splays;**
- e. **Provides appropriate new planting and landscaping using indigenous species;**
- f. **Provide high levels of building efficiency using sustainable approaches wherever practicable;**

## Development contribution priorities

- g. As 2a in the submitted policy
- h. **Provide contributions towards any improvements to the safe and free flow of traffic on Maidstone Road which may be required to ensure that the development can be satisfactorily accommodated in the local highway network.'**

Replace paragraphs 6.45 to 6.48 with:

*6.45 TWBC's remaining allocated site is identified in the TWBC PSLP as a site for a residential development of 11-15 dwellings. The site boundaries are wooded although they do not include any designated ancient woodland. The site is within the High Weald AONB and outside the current LBD, although most of the site is included in the proposed new LBD in the TWBC PSLP. The site is partially within the Matfield Conservation Area on its eastern border with Maidstone Road and is adjacent to the Conservation Area on its northern border. Parts of the site are subject to legal covenants restricting development and others to affordable housing. Agricultural land is situated to the west and south of the site, with Court Farm House on the southwest border. Policy H11 seeks to add distinctive local value to the relevant policy in the emerging Local Plan which proposes the allocation of the site.*

*6.46 The site map in the TWBC PSLP about this site is indicative in its nature. It has been designed to allow an easier understanding of the approach taken and the location of the various features addresses in that policy. For ease of reference, it is reproduced in this Plan as Figure 20. It shows landscape buffers, residential and community areas, with an access to the south-east on Maidstone Road. An ecological buffer round the perimeter of the site provides a barrier for animals and plants to be sheltered from the development. The access is close to the bend on the Maidstone Road, where traffic either approaches from the A21 or accelerates as it leaves the village centre. Criterion h of Policy H11 addresses this important matter. The development of the site provides an opportunity to increase the number of affordable homes in the parish. A build to the highest energy efficiency standards would contribute to mitigating the effects of climate change. Proposals which incorporate high energy efficiency and renewable energy sources, electric vehicle charging facilities and cycle storage will be particularly supported. In addition, the new homes should be designed to reduce water usage and to incorporate sustainable drainage measures.*

*6.47 It is good practice in a sensitive character area such as the High Weald AONB to assess the effect of developments on the local landscape. As this can vary depending on the seasons, a summer and winter visual impact assessment should accompany planning applications for the development of the site. In a similar way, the Parish Council would expect an agreement to be reached before the development proceeds as to how existing hedges and trees will be maintained in the long-term. Criterion e of the policy requires that a landscape scheme is prepared for the site. This will be a detailed matter for a potential developer and the Borough Council to discuss as part of the development management process. However, as a general guide, at least two native trees or fruit trees should be planted for every house to be delivered on the site.*

*6.48 The lack of a children's playground in Matfield has been recognised by the community and was highlighted in the 2006 Local Plan. The area designated for*

*community use in the allocation in the PSLP provides the opportunity to create an open green space and an equipped playground with associated parking. The details of how this will be achieved will be a matter of future discussion between the Parish Council, the Matfield Village Hall Committee, the Borough Council and the developer concerned.'*

#### H12 Good practice in construction

- 7.59 This policy comments that development proposals should comply with any construction management conditions required by TWBC, in order manage and mitigate the impacts of construction activity to an acceptable level. In detail it comments that any public rights of way on or adjacent to the site must remain open and unobstructed during construction unless a temporary closure order has first been obtained.
- 7.60 As submitted, the policy reads more as a very specific matter which would be potentially be addressed by TWBC with applicants rather than a land use policy to be included in a neighbourhood plan. In the clarification note I suggested to BMPC that the matter could be addressed in Section 7 of the Plan. In its response it commented:
- 'Current housing developments in the parish and in nearby Paddock Wood have created many of the problems listed in this policy. The 'Conditions, Working Hours and Site Related Cleansing of Vehicles and Roads' are in operation in many boroughs in the UK so until TWBC adopts the same approach we believe the policy should stand. It is important that the developer remains liable even though they would normally pass this condition on in the Building Contract. Many contractors sign up to the 'Considerate Constructor Scheme' so that these matters become the norm. We suggest that TWBC should be showing leadership in this area rather than objecting to our desire to avoid conflict with neighbours as well as avoid road safety issues with muddy roads'.*
- 7.61 Taking account of all the available information, I recommend that the policy is deleted from the Plan. I also recommend consequential modifications to the supporting text.

#### **Delete the policy**

*Replace paragraph 6.49 with: 'Development proposals should comply with any construction management conditions required by the Borough Council. This will help to manage and mitigate the impacts of construction activity to an acceptable level. Any public rights of way on or adjacent to the site should remain open and unobstructed during construction unless a temporary closure order has first been obtained. Registration with the Considerate Constructors Scheme, or an equivalent scheme, is strongly encouraged for all development within the parish. Depending on the circumstances of the site concerned possible components of a management plan could include:*

- *restricting site working hours to normal working hours during the working week and Saturday mornings;*
- *minimising the risk of flooding of nearby properties caused by the construction process;*
- *mitigating the spread of mud, dust and other debris;*

- *minimising construction noise;*
- *avoiding deliveries in peak traffic periods;*
- *minimising waste production and pollution, with every effort being made to recycle and bonfires being avoided;*
- *avoiding parking that inconveniences local residents;*
- *timing of the construction to minimise disturbance of wildlife at critical times in their reproductive cycle.'*

#### D1 High Weald AONB and design standards

7.62 This policy has a focus on design and character. It comments that any development should be of a high design standard. In detail it comments that residential development within the AONB will only be supported where it has demonstrable and satisfactory regard to the High Weald AONB design guidance.

7.63 The policy has been well-developed. It has regard to national policy in general, and to Section 15 of the NPPF in particular. It meets the basic conditions.

#### D2 Local architectural style

7.64 The policy continues the approach taken in Policy D1. In this case, it focuses on local architectural styles. It comments that new builds, alterations and extensions (housing, community resources or places of employment) will be required to respect local architecture in style, height, mass and materials. It also comments that imaginative contemporary architecture that respects these criteria will be supported. It then comments that undue uniformity in house design and plot size should be avoided. Finally, it comments that development in the conservation areas must be of the highest quality in terms of design and materials and must conserve and enhance the character of the conservation area.

7.65 The general approach in the policy is appropriate. However, to bring the clarity required by the NPPF, I recommend that the first sentence is both simplified and to include the full range of architectural features which characterise development in the parish. The addition features were proposed by TWBC, and agreed by BMPC in its response to the clarification note.

7.66 I also recommend that the final sentence of the policy is modified so that it reflects the language used for conservations areas in national legislation and ensures that the approach can be applied directly to the conservation area concerned.

**Replace the first sentence with: 'New development proposals, and alterations or extensions to existing buildings should respect local architecture in siting, style, layout, density, height, mass and materials.'**

**In the final sentence replace the first 'must' with 'should' and replace 'must conserve and enhance the character of the Conservation Area' with 'should conserve or enhance the character or appearance of the Conservation Area concerned'**

### D3 Agricultural and rural buildings

- 7.67 This policy reflects the rural backcloth of the neighbourhood area. It comments that proposals for new agricultural and rural buildings should detail the siting, height, design and external appearance, including colour, of the proposed development. It also comments that proposals must demonstrate how the development will be satisfactorily located in the landscape.
- 7.68 I recommend that the policy is recast so that it comments about the design and the locations which is expected for development of this type. In doing so, I recommend that the wording is designed to allow the policy to be applied on a proportionate basis which takes account of the scale, nature and location of the development concerned. I also recommend that the process-related elements of the policy are repositioned to the supporting text.

**Replace the policy with: ‘As appropriate to their scale, nature and location, development proposals for new agricultural and rural buildings should be designed to reflect the scale, massing and materials of traditional rural buildings and be located in a way which allows them to be sensitively accommodated in the landscape.’**

*At the end of paragraph 6.60 add: ‘Applications for new agricultural and rural buildings within the parish are expected to detail the siting, height, design and external appearance, including colour, of the proposed development. In some circumstances, a visual impact assessment of the development may be required.’*

### D4 Accessibility and flexibility

- 7.69 This policy comments that new dwellings, including affordable homes, residential extensions and alterations should be designed to be sufficiently flexible to cater for the changing needs of their occupants throughout their lives, in particular in relation to ageing and mobility. In this context, it comments that they should comply as a minimum with Building Regulation Standard Part M4(2).
- 7.70 The policy takes an appropriate approach to this important matter. In addition, it is supported by the evidence in the Plan about the demography of the parish in general, and its ageing nature in particular.
- 7.71 The policy makes reference to Building Regulation standards for the design and flexibility of houses. TWBC highlights technical changes which have come forward since the Plan was prepared and submitted. BMPC proposes modification to the policy to address this matter. In doing so, it highlights that the policy will be susceptible to changes in other legislation within the Plan period. In these circumstances I recommend that it is modified so that it takes on a more general nature. This will future proof its approach throughout the Plan period. In any event, paragraph 6.62 of the Plan already fully identifies the technical standards to which the Plan aspires.

**Replace the policy with: ‘Proposals for new dwellings, including affordable homes, residential extensions and alterations, should be designed and arranged in a flexible way to cater for the changing needs of their occupants throughout**

**their lives, and in particular in relation to ageing and the related reduction in mobility.'**

D5 Providing an inclusive, safe and secure environment

7.72 This policy has a focus on providing an inclusive, safe and secure environment. It comments that developments will only be permitted if they are designed to provide an inclusive, safe and secure environment and also, where applicable, respect the High Weald AONB Design Guide and Dark Skies policies elsewhere in the Plan.

7.73 The approach taken is entirely appropriate. Nevertheless, I recommend that the policy takes on a positive rather than a negative approach. In addition, I recommend the deletion of the part of the policy which refer to other policies in the Plan. A plan is intended to be read as a whole and as such there is no need to highlight other policies with which any development proposal would need to comply. Nonetheless, I recommend that the supporting text highlights the interrelationships between the various policies.

**Replace the policy with: 'As appropriate to their scale, nature and location, development proposals should be designed to provide an inclusive, safe and secure environment.'**

*At the end of paragraph 6.63 add: 'Policy D5 has natural overlaps with Policy D1 (AONB Design Guide) and Policy LE8 (Dark Skies) of the Plan.'*

D6 Climate change, environmental sustainability and resilience

7.74 This policy seeks to take a positive approach to the issue of resilience against climate change. It comments that all developments must demonstrate how climate change and other environmental challenges will be addressed and mitigated, including:

- maximising the use of renewable and sustainable energy, designed to fit in with the AONB, Heritage Assets, Conservation Areas and the rural environment;
- designing and building to a high standard of energy efficiency, to reach a Home Quality Mark of at least 4-Star or the BREEAM rating in the range of Very Good to Excellent;
- maximising sustainability through building orientation, water and recycling efficiency and sound waste management; and
- ensuring that buildings will have good ventilation and will not overheat in Summer.

7.75 The policy takes a very positive approach to this important matter. However, its prescriptive approach conflicts with the approach of the Written Ministerial Statement of March 2015 which indicates that a neighbourhood plan should not seek to impose specific environmental or sustainability restrictions on the development of new buildings.

7.76 I recommend that the emphasis of the policy is modified so that it takes on a supportive rather than a prescriptive nature. This approach also acknowledges that ultimately such matters will be determined by the Building Regulations and the national agenda on this important matter. I also recommend a detailed modification to the very thorough supporting text to take account of this change in the emphasis of the policy. Otherwise, its general nature does not generate the need for any consequential changes.

**Replace the opening part of the policy with: ‘Development proposals which respond positively to mitigating climate change and address environmental sustainability will be supported. Particular support will be offered to proposals which address any or all of the following matters:’**

*In paragraph 6.72 replace ‘will seek’ with ‘will encourage’*

#### D7 Flood risk management

7.77 This policy seeks to manage flood risk. It comments that development will be required to be located and designed so as to reduce, manage and mitigate flood risk, both to itself and to other land and properties, by:

- being located as far as possible in areas of low flood risk (Flood Zone 1) and avoiding areas of higher flood risk (Flood Zones 2 and 3), utilising information from the Environment Agency and TWBC Strategic Flood Risk Assessment (2019);
- in cases where either the location is in Flood Zones 2 and 3 or the scale of development warrants it, providing site-specific flood risk assessments with the planning application, assessing the risk in detail through the application of the sequential test and exception test where necessary, in line with national guidance;
- identifying appropriate flood reduction, protection, resilience, resistance or mitigation measures, based on the above assessment; and
- using any opportunities arising from flood risk management to improve water quality

7.78 The policy takes a very positive and well researched approach to this matter. It is comprehensively underpinned by the supporting text.

7.79 The opening part of the policy reads as a criterion rather than the context to the other criteria. I recommend a modification accordingly. Otherwise, it meets the basic conditions.

**Delete ‘a’ from the opening element of the policy.**

**Thereafter re-letter the criteria b-e to a-d.**

#### D8 Surface water management

7.80 This policy takes a similar approach to surface water management as Policy D7 does to flood risks. It is similarly underpinned by comprehensive supporting text. It comments that developments will be required to provide for adequate surface water drainage to manage flood risk, both on the site and within its locality. Finally, it specifies that sustainable drainage systems must be included to manage surface water run-off from the site, unless it can be demonstrated that it is not appropriate.

7.81 I recommend a series of detailed modifications so that the policy has the clarity required by the NPPF. Otherwise, it meets the basic conditions.

**In the first part of the policy replace ‘will be required to’ with ‘should’ in the first sentence and ‘must’ with ‘should’ in the second sentence.**

**In the third part of the policy replace ‘must’ with ‘should’**

#### D9 Utility infrastructure

- 7.82 This policy comments that new and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community.
- 7.83 I recommend a modification to the policy so that it offers support to new and/or improved infrastructure which is necessary to ensure that proposed development is acceptable. This will ensure that the policy is directly capable of being applied through the development management process.

**Replace the policy with: ‘The delivery of new and/or improved utility infrastructure which it is necessary to ensure that development proposals are acceptable will be supported’**

#### BE1 Retention or redevelopment of agricultural buildings and commercial sites for residential use.

- 7.84 This policy seeks to retain agricultural and commercial uses. It comments that proposals for redeveloping agricultural and other sites in commercial and employment uses for residential use, whether within or outside any LBD, will be required to provide independent evidence that there is no market demand for suitable employment uses on the site, either for continuing a similar business or for an alternative commercial use. The second part of the policy sets out a series of specific requirements on this matter.
- 7.85 The third part of the policy sets out a preference for the development of brownfield sites rather than the development of greenfield sites.
- 7.86 I recommend a detailed modification to the first part of the policy so that it has the clarity required by the NPPF. The second part of the policy reads in a way that the policy would prevent planning applications being considered/determined rather than a series of particular requirements. I recommend a modification to remedy this matter.
- 7.87 I recommend that the third part of the policy is deleted. It is unnecessary in the context of this policy as it is focused on the use of existing buildings. Other policies in the Plan address proposals for development on greenfield sites.

**In the first part of the policy replace ‘will be required to’ with ‘should’**

**Replace the opening element of the second part of the policy with: ‘In particular development proposals should demonstrate that:’**

**Delete the final part of the policy.**

#### BE2 Additional employment

- 7.88 The policy comments that developments that provide or encourage local employment opportunities, including small-scale social enterprises, small and medium sized businesses and live/work units will be permitted and encouraged subject to a series of conditions.
- 7.89 The policy takes a positive approach to this matter. It has regard to the NPPF. It is arranged around a series of criteria which are distinctive and appropriate to the neighbourhood area.

7.90 I recommend a series of modifications as follows:

- detailed modifications to the wording used in the opening element of the policy
- the deletion of the unnecessary final criterion; and
- the change of the policy title so that it refers more generally to ‘new employment’

**In the opening part of the policy replace ‘permitted and encouraged’ with ‘supported’**

**Delete criterion f.**

*Replace the policy title with ‘New employment’*

BE3 Infrastructure for business

7.91 This policy comments that developments that help strengthen local businesses through contributing to improvements to infrastructure, such as super-fast broadband, mobile telephony, signage and improved footpaths, cycle paths and bridleways will be supported. The policy meets the basic conditions.

BE4 Agricultural diversification

7.92 This policy offers support to agricultural diversification. It comments that developments resulting from diversification of existing agriculture-based enterprise and which are consistent with the AONB setting will be supported subject to complying with a series of criteria.

7.93 The approach is consistent with the rural character of the parish. However as submitted its opening component is slightly confusing. I recommend that it is simplified. In doing so, I also recommend that the AONB element of the policy is repositioned so that it acts as an additional criterion. This approach will also ensure that the policy can apply throughout the neighbourhood area.

**Replace the opening element of the policy with: ‘Developments proposals for the diversification of existing agriculture-based enterprise will be supported provided that:’**

**Introduce an additional criterion (as the first criterion) to read: ‘Where appropriate, the proposal properly takes account of the High Weald AONB or its setting’**

BE5 Small-scale tourism

7.94 This policy comments that developments that invest in and help promote small-scale tourism and businesses that benefit from it will be supported.

7.95 The supporting text comments that tourism is a small but important part of parish life and measures to improve infrastructure to support this should be encouraged. The attractive nature of the parish and its AONB status attracts visitors from outside the parish. In this context the Plan comments that measures that might help businesses that benefit from visitors and tourists might include funding for better signage, including brown tourist signs, footpath markers and improving the all-weather quality of public footpaths. Information boards and maps could also be provided.

- 7.96 I recommend that the policy is modified so that it is both simplified and acknowledges that some of the development which is anticipated may not need planning permission. Otherwise, it meets the basic conditions.

**Replace the policy with: ‘Insofar as planning permission is required, development that would help promote small-scale tourism and businesses will be supported’**

#### BE6 Energy efficiency in non-residential buildings

- 7.97 This policy sets out to ensure that non-residential buildings are energy-efficient. In detail it comments that development proposals including new build or alterations to existing non-residential buildings must be demonstrably designed to maximise energy efficiency, including by:

- achieving the BREEAM rating in the range Very Good to Excellent Standard for energy efficiency; and
- providing e-charging points in staff and visitor car parks.

- 7.98 The policy raises similar issues to those raised in relation to Policy D6 of the Plan. I recommend a similar package of modifications and for the same reasons.

**Replace ‘must be demonstrably.... including by:’ with ‘which are designed to maximise energy efficiency will be supported, including those which:’**

*At the end of paragraph 6.98 add: ‘Policy BE6 provides a positive context in which such developments can come forward.’*

#### BE7 Renewable energy generation

- 7.99 This policy comments that proposals for small-scale individual and community renewable energy projects will be permitted subject to a series of criteria.
- 7.100 The policy takes an appropriate approach. In addition, the three criteria are distinctive to the parish. I recommend two modifications to bring the clarity required by the NPPF. The first replaces ‘permitted’ with ‘supported’. The second ensures that a developer would need to comply with each of the three criteria (insofar as they apply to the proposal concerned).

**Replace ‘permitted’ with ‘supported’**

**After the second criterion add ‘and’**

#### LE1 Conserving and enhancing the AONB

- 7.101 This policy celebrates the importance of the High Weald AONB to the character of the neighbourhood area. It comments that development within the High Weald AONB will be required to make a positive contribution towards achieving the objectives of the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024 (or successor versions) having regard for its associated guidance.

- 7.102 The policy takes an appropriate and positive approach to this important matter. The character of the High Weald AONB is an overriding part of the character of the wider parish. I recommend that the policy is modified so that its role within the development

management function would be clearer. In particular, I recommend that it is modified so that it can be applied on a proportionate basis. As TWBC comments in its representation, no development proposal would be able to meet all the objectives in the AONB Management Plan.

**Replace the policy with: ‘As appropriate to their scale, nature and location, development proposals within the High Weald AONB should make a positive contribution towards achieving the relevant objectives of the High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024 (or successor versions) and have regard to its associated guidance.’**

LE2 Development affecting the AONB and its setting

7.103 This policy flows on from the previous policy. In this case, it comments about developments outside the AONB but which may affect its wider setting and that any such developments must conserve and enhance the environment, character and landscape setting of the AONB.

7.104 The policy has been carefully-considered. I recommend modifications to the second sentence so that it can be applied in a proportionate fashion through the development management process. This will bring the clarity required by the NPPF which is not effectively captured in the submitted policy’s loose reference to ‘where necessary’

**Replace the second sentence with: ‘As appropriate to their scale, nature and location, development proposals should demonstrate the way in which they have taken account of relevant parts of the High Weald AONB Management Plan and its associated guidance.’**

LE3 Historic landscapes and heritage assets

7.105 This policy has a focus on historic landscapes and heritage assets. It comments that new development proposals should conserve and, where possible, enhance the historic environment and assets of the parish.

7.106 The policy takes an appropriate approach to this important matter. It has regard to Section 16 of the NPPF. Its second sentence comments that development proposals should comply with national and local policy guidance on this matter. Whilst this is entirely appropriate, a neighbourhood plan does not need to repeat or restate other policies. In any event, the matter is already comprehensively addressed in paragraph 6.107 of the Plan. As such, I recommend that it is deleted.

**Delete the second sentence of the policy.**

LE4 Valued Views

7.107 This policy comments that development proposals must respect a series of significant views. They are shown in Appendix 4. It also comments that proposals should be accompanied by a proportionate visual impact statement, including winter and summer views where necessary, to demonstrate that their impact is acceptable.

7.108 The policy properly captures something of the character of the parish in general and its position in the High Weald AONB in particular. I looked at several of the views and immediately recognised the reasons for their selection.

- 7.109 The policy includes an element of policy and of supporting text. I recommend that it is replaced with a policy which sets out non-prescriptive requirements for new development and also the consequences of not following that approach. I also recommend that the process element of the submitted policy is relocated into the supporting text.

**Replace the policy with:**

**‘The Plan identifies a series of nineteen Valued Views as identified in Appendix 4 and shown on Figures 24 and 25**

**Development proposals should respect and take account of the identified Valued Views.**

**Development proposals which would have an unacceptable impact on a Valued View will not be supported.’**

*At the end of paragraph 6.112 add the final sentence of the submitted policy*

LE5 Local green spaces

- 7.110 This policy identifies a series of proposed Local Green Spaces (LGSs) and applies the policy approach in the NPPF on this matter. The proposed LGSs are set out in Figures 26 and 27. Additional details are provided in Appendix 5 of the Plan.
- 7.111 The proposed LGSs have been assessed against the criteria set out in the NPPF (paragraph 102) in Figure 26.
- 7.112 The policy approach sets out to safeguard the identified LGSs and largely follows the equivalent approach in the NPPF. I looked at the proposed LGS very carefully during my visit. I paid particular attention to the proposed LGSs which are not proposed as LGSs in the emerging Local Plan
- 7.113 In its representation TWBC raises the relationship between the proposed LGSs in the submitted neighbourhood plan and the proposed LGSs identified in the emerging Tunbridge Wells Local Plan 2038. The neighbourhood plan and the emerging Local Plan have been prepared at largely the same time. The emerging Local Plan is underpinned by the LGS Assessment (February 2021). It includes a package of proposed LGSs in Brenchley and Matfield parish. Nevertheless, it does not include the LGSs 4/6/7/9/11/12/14/16 as included in the neighbourhood plan.
- 7.114 On the basis of all the information available to me, including my own observations, I am satisfied that with the exception of proposed LGSs 7 the proposed LGSs comfortably complies with the three tests in the NPPF and therefore meets the basic conditions. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. Keys Green verges and pond (LGS16) and Brenchley Memorial Hall Recreation Ground (LGS2) are particularly good examples of informal and formal LGSs respectively.
- 7.115 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that they are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. There are no proposed

residential developments which would conflict with the proposed LGSs in the emerging Tunbridge Well Borough Local Plan (2038). Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.

- 7.116 I recommend that proposed LGS7 (Mile Oak verge) is deleted from the Plan. Whilst it includes the Millennium Post, it is otherwise little different from other highway verges in the wider parish. In particular, it does not have the degree of footpath use associated with proposed LGS14.
- 7.117 The policy itself sets out the implications for LGS designation. It seeks to follow the approach as set out in paragraph 103 of the NPPF. However, it uses a different language to that in the NPPF. In addition, it does not directly link its approach to the LGSs as detailed in the supporting text and on the relevant map and table in the Plan.
- 7.118 In order to remedy these issues, I recommend modifications so that the policy directly relates to the identified LGSs and takes the matter-of-fact approach in the NPPF. The recommended modification also takes account of the recent case in the Court of Appeal on the designation of local green spaces and the policy relationship with areas designated as Green Belts (2020 EWCA Civ 1259).
- 7.119 In the event that development proposals affecting designated LGSs come forward within the Plan period, they can be assessed on a case-by-case basis by TWBC. In particular the Borough Council will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. I recommend that the supporting text clarifies this matter.

**Replace the policy with:**

**‘The Plan designates the following local green spaces (as shown on Figure 27) [List the LGSs as set out in Figure 26 (with the exception of proposed LGS 7)]**

**‘Development proposals within the designated local green spaces will only be supported in very special circumstances.’**

*Delete LGS 7 from Figures 26 and 27*

*At the end of paragraph 6.115 add: ‘Policy LE5 follows the matter-of-fact approach in the NPPF. In the event that development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the Borough Council. In particular it will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy’*

## LE6 Biodiversity

- 7.120 The policy comments that proposals for new development should demonstrate how they will conserve and enhance biodiversity, including through habitat corridors between habitat areas and along historic routeways where these could be affected by development. A biodiversity net gain of at least 10% should be demonstrated. It also comments that if this cannot be achieved on-site the proposal must demonstrate how it will be appropriately provided off-site, normally within the parish.
- 7.121 The policy takes a positive approach to this important matter. I recommend that the first sentence is modified so that it would apply on a proportionate basis. This will make it more appropriate to be applied through the development management system. I also recommend a detailed modification to the third sentence. Finally, I recommend the deletion of the final sentence of the policy. It is a process rather than a policy matter. In this context I recommend that it is relocated into the supporting text.

**In the first sentence replace ‘Proposals for new development must, as necessary’ with ‘As appropriate to their scale, nature and location, development proposals should’**

**In the third sentence replace ‘must’ with ‘should’**

**Delete the final sentence.**

*Insert the deleted final sentence at the end of paragraph 6.117.*

## LE7 Trees and hedges

- 7.122 This policy addresses trees and hedges. I saw their importance in the wider landscape when I visited the parish. It comments that development proposals will be expected to retain existing mature trees, wherever possible, and incorporate a suitable landscape scheme with additional planting of native species, either in gardens or in a communal area. The policy recommends a minimum of two native species or fruit trees for every new dwelling or building is recommended and that planting of trees along access streets will be supported. The second and third components of the policy provide specific details on protecting existing trees and allowing for the natural growth of trees and hedges.
- 7.123 The policy properly reflects the character of the parish. I recommend that various references to ‘expectations’ in the policy are modified so that the policy will have the clarity required by the NPPF. I also recommend the deletion of the first and the final sentences of the first element of the policy. They are process rather than policy matters. In this context I recommended that they are relocated into the supporting text.

**In the first part of the policy delete the first sentence.**

**In the first part of the policy replace ‘will be required to’ with ‘should’**

**In the first part of the policy delete the final sentence.**

**In the second part of the policy replace ‘will be required to’ with ‘should’**

*At the end of paragraph 6.119 add the two sentences deleted from the policy (and in the order they appeared in the policy).*

## LE8 Dark skies

7.124 The policy seeks to safeguard the dark skies environment in the parish. It is an important element of its wider character and appearance. In detail it comments that development proposals will be required to provide an assessment of how the development may affect dark skies. It also comments that new development should be designed to minimise the effect of light spillage, including from skylights and large windows. The latter part of the policy provides a series of detailed criteria for the incorporation of external lighting into new developments.

7.125 I recommend a series of modifications to bring the clarity required by the NPPF as follows:

- to ensure that the policy only applies to proposals which include external lighting;
- to bring a positive approach to the second part of the policy; and
- to remedy an inconsistency in the use of lettering in the policy.

**In the opening part of the policy replace ‘All development proposals will be required to’ with ‘Development proposals which included external lighting should’**

**In the second part of the policy replace a with ‘Any external lighting associated with new development should be designed to ensure that:’**

**Replace the lettering of criteria b-e with a-d.**

## LE9 Advertising

7.126 This policy comments that advertisements will be required to demonstrate that they will not detract from the character of the village or rural landscape or from road or pedestrian safety. It also comments that visual clutter should be avoided.

7.127 The policy takes a positive approach to this matter. I recommend that the policy wording is simplified to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions

**Replace ‘will be required to demonstrate that they will’ with ‘should’**

## AM1 Sustainable and active Travel

7.128 This policy sets out requirements for developments which generate additional traffic movements. It does so to good effect.

7.129 Plainly individual developments will have different impacts on the network. As such, I recommend that the opening element of the policy is modified so that it will apply on a proportionate basis. I also recommend that the policy should be more explicit about its requirements rather than simply setting out an expectation.

**Replace the opening element of the policy with: ‘As appropriate to their scale, nature and location, development proposals that will generate additional travel movements should’**

### AM2 A non-motorised route between Brenchley and Matfield

- 7.130 This policy comments that developments will be encouraged to provide a financial contribution towards the establishment of an all-weather non-motorised route between Brenchley and Matfield
- 7.131 Plainly the intention of the policy is well-intentioned. However, it offers no guidance on the delivery of a non-motorised route, the types of proposals which would be expected to contribute to such a proposal and/or the scale of contributions which would be expected. In these circumstances, I recommend that it is repositioned into Section 7 of the Plan.
- 7.132 In its response to the clarification note, BMPC suggests that the policy is replaced by one which more generally highlights the need for new development to ensure safe and convenient facilities for pedestrians and cyclists. On the balance of the evidence, I am satisfied that this would be an acceptable way forward particular as this broader ambition is a key element of the policy as submitted. I recommend a consequential modification to the policy title and to the supporting text.

**Replace the policy with: ‘As appropriate to their scale, nature and location development proposals should provide safe and convenient facilities for walking and cycling’**

*Replace the policy title with: ‘The delivery of safe and convenient facilities for pedestrians and cyclists’*

*Replace 6.137 with: ‘Policy AM2 seeks to ensure that new developments properly ensure that they are designed to allow pedestrians and cyclists to use them in a safe fashion. Section 7 of the Plan sets out a series of Community Action Projects. One of these projects is a non-motorised route between Brenchley and Matfield.’*

*Add the proposed non-motorised route between Brenchley and Matfield to Section 7 of the Plan.*

### AM3 Enhancing the local highway network

- 7.133 This policy comments that development proposals must have a demonstrably acceptable effect upon the highway network, using Transport Assessments where necessary. They should include necessary site-specific traffic management and speed calming measures.
- 7.134 In the clarification note, I sought BMPC’s comments on the extent to which the policy added any distinctive value to the approach already included in national policy (NPPF 104-113) and in local policies. Having considered all the information, including BMPC’s response to the specific question, I am not satisfied that the policy adds any distinctive value to national or local policies. As such I recommend the deletion of the policy.

- 7.135 As submitted, the associated supporting text (paragraphs 6.138 and 6.139) is of a general nature. As such, I am satisfied that it can remain in the Plan. It will draw attention of the various capacity and parking in the parish to developers so that they can be considered as development proposals are prepared.

### **Delete the policy**

#### AM4 Parking

- 7.136 This policy concentrates on parking. It acknowledges the importance of this matter to the well-being of the two villages. It comments that new developments, either residential, business or community, will be required to provide adequate cycle and vehicle parking for residents, visitors, business or community facility users, equipped with e-charging points.
- 7.137 In its response to the clarification note, BMPC highlighted the specific parking issues which arise in the parish. On the balance of the evidence, I am satisfied that the policy adds distinctive value to national and local policies on this matter.
- 7.138 Nevertheless, I recommend detailed modifications to the wording used in the policy. In addition, I recommend factual modifications to Figure 32 which sets out TWBC's current parking standards in the emerging Local Plan.

**In the first sentence of the policy replace 'will be required to' with 'should'.**

**Reposition the second sentence of the policy so that it reads as a free-standing part of the policy. In doing so replace the initial wording of this part of the policy with:**

**'As appropriate to their scale, nature and location development proposals should incorporate the following:'**

*In Figure 32:*

- *delete the second 1 bed house row, and replace with a 2-bed house row with 1.5 spaces;*
- *in the four-bedroom flat replace 2.5 with 2;*
- *insert a new row to read: 4-bedroom house 2.5 spaces; and*
- *in the figure title replace 'PSLP' with 'SLP'*

#### CLR1 Education, health and care services

- 7.139 This policy comments that development proposals that will demonstrably enhance community services in education, health and care will be permitted.
- 7.140 In the round the policy takes a positive approach to this matter. It acknowledges the importance of these strategic community facilities to the well-being of the parish. I recommend a detailed word change to the policy. Otherwise, it meets the basic conditions.

**Replace 'permitted' with 'supported'**

#### CLR2 Sports and leisure

- 7.141 This policy addresses sports and leisure provision. It comments that proposals to provide and enhance social, sports, exercise and leisure activities that help improve Brenchley and Matfield Neighbourhood Plan – Examiner's Report

the health and well-being of the community will be encouraged and supported. It also comments that particular priority will be given to facilities that widen the range of local activities for children, teenagers and older residents.

- 7.142 The second part of the policy comments that Section 106 funding priorities should be directed towards projects within the parish.
- 7.143 With detailed modifications to the wording used, I am satisfied that the first part of the policy meets the basic conditions.
- 7.144 The second part of the policy reads as a statement of process rather than as a land use policy. In its response to the clarification note, BMPC comment about its concerns that Section 106 funding (from projects within the parish) might be directed towards projects elsewhere and which might not be accessible to local residents. This is an understandable concern. Nevertheless, it is a matter for local discussion. In any event, the matter is not directly a land use issue and would therefore be impracticable to be crafted into a neighbourhood plan policy. As such I recommend that the second part of the policy is deleted. The approach and sentiment of this issue would be retained in the Plan as the matter is already captured in paragraph 6.151 of the supporting text.

**In the first part of the policy delete ‘encouraged and’**

**In the first part of the policy replace ‘priority’ with ‘support’**

**Delete the second part of the policy.**

CLR3 Natural and amenity greenspaces, play areas and playground facilities

- 7.145 This policy addresses new amenity and green spaces. It has a particular focus on the limited nature of such provision in the parish and the ways in which new developments might reasonably address this matter. It comments that new residential developments of 20 homes or more must provide natural and amenity green spaces. It also comments that these spaces will preferably be dedicated as village greens and should be accompanied by a landscape and environmental management plan showing how their management and maintenance will be carried out and funded.
- 7.146 The policy addresses an important issue in the parish. It is one which BMPC has raised as part of its representations on the emerging Local Plan. At the heart of the issue is the different approaches which BMPC and TWBC have taken to the delivery of natural greenspace. The former would prefer to see the implementation of the Fields in Trust approach (formerly the NPFA standards). The latter has taken its own approach in the emerging Local Plan, based on the evidence in its Open Space Study.
- 7.147 In general terms, I am satisfied that the policy meets the basic conditions. It applies a proportionate approach towards the delivery of new greenspaces associated with new residential development. I recommend detailed modifications to the initial parts of the policy to bring the clarity required by the NPPF.
- 7.148 In order to attempt to resolve the differences of opinion with regards to open space standards, I recommend that the policy in the submitted Plan is worded in a general sense so that ensures that open space is provided by the development to the most up to date Tunbridge Wells Borough standards. This will both future-proof the submitted Plan and allow the open space issue to be debated at a strategic level as part of the ongoing examination of the Local Plan.

7.149 I also recommend consequential modifications to the supporting text.

**In the first sentence replace ‘must’ with ‘should’**

**In the second sentence of the policy replace ‘will preferably’ with ‘should’**

**Replace the third sentence of the policy with: ‘The inclusion of natural and amenity green space in smaller developments will be supported’**

**Replace the fourth sentence of the policy with: ‘As appropriate to their scale, nature and location, the provision of play areas or contributions towards the development of new play areas and/or the expansion of existing play areas should be provided by the development to the most up-to-date Tunbridge Wells Borough standards.’**

*Delete paragraphs 6.155 to 6.157*

CLR4 Facilities for young people and teenagers

7.150 This policy comments that proposals for new housing developments must consider the needs of future occupants in terms of the existing provision of leisure facilities, including young people and teenagers.

7.151 Paragraph 6.160 sets out a series of priorities which the community has identified on this matter.

7.152 As submitted, the policy is unclear on the level of provision expected either for direct provision on development sites or by way of off-site developer contributions. In its response to the clarification note on this matter BMPC advised about its expectations which largely overlap with the information already within the supporting text.

7.153 The policy is part policy and part an explanation of a process designed to ensure that local facilities are adequate for young people and teenagers. In these circumstances, and in the absence of any detailed costings for the type of projects envisaged, I recommend that the policy is modified so that it takes on a general nature. This will provide a context for local discussions to take place on these matters. In particular the modified policy has been designed to acknowledge that a developer’s responsibility is to address any leisure needs arising directly from the proposed development, rather than to remedy existing shortfalls in the neighbourhood areas.

**Replace the policy with: ‘New housing proposals should address the recreational and leisure needs of future occupants, including the needs of young people and teenagers.’**

CLR5 Open spaces in the Parish

7.154 This policy comments on the range of open spaces in the neighbourhood area. They are open spaces which do not meet the exacting standards for designation as a local green space (as set out in Policy LE5 of the Plan). The policy comments that the open spaces and land in the parish that are currently used for sport and recreation will be designated as Open Spaces and that development proposals which involve the loss of any area of Open Space will not be permitted unless the Open Space can be shown to be surplus to requirements or, if still in use, it must be replaced by the same or better facilities or result in alternative recreational provision whose benefits clearly outweigh the loss of any previous use.

7.155 I looked at some of the proposed open spaces when I visited the neighbourhood area. I saw first-hand their importance to the local community and the local environment.

7.156 The policy is well-considered. I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF as follows:

- that the Plan explicitly identifies that the Open Spaces for such protection;
- that the Open Spaces are directly listed in the policy itself; and
- factual correction to the figure numbering.

7.157 I also recommend that the policy title is replaced by one which more closely reflects the purpose of the policy.

**Replace the first sentence with: ‘The Plan identifies the following land (as shown in Figure 34) as Open Space.’**

**Thereafter list the open spaces (with both their numbers and names as shown in Figure 34)**

**In the second sentence replace ‘permitted’ with ‘supported’**

**In the second sentence replace ‘it must be replaced’ with ‘is replaced’**

*Replace the policy title to read: ‘Retention of Open Spaces’*

Community Action Projects

7.158 Section 7 includes a series of non-land use Community Action Projects. They have naturally arisen during the production of the Plan. Their incorporation in a separate part of the Plan is best practice as advised by national policy. In general terms, the projects are both appropriate and distinctive to the parish. In some cases, they would complement the associated land use policies.

7.159 The Action Projects are as follows:

- Traffic Calming and Road Safety
- Non-Vehicular Access
- Children’s Playgrounds
- Improvements to Bus Services
- A Community Bus
- The environment and climate change
- Allotments
- Sports, Fitness and Leisure Facilities
- Cinderhill Wood

Other Matters - General

7.160 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the

policies. It will be appropriate for TWBC and BMPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

#### Other Matters – Specific

7.161 TWBC has made several general comments on the Plan. I have found them very helpful as part of the examination process. Similarly, BMPC's responses to the comments have also been helpful.

7.162 In several cases, the comments have been incorporated into the relevant policies addressed elsewhere in this report. In addition, I recommend modifications to the following relevant sections of the Plan where they are necessary to ensure that it meets the basic conditions:

*Throughout the Plan ensure that the references to the emerging Local Plan use the wording submission Local Plan (or SLP).*

*Ensure that all the relevant maps include copyright information.*

*Paragraph 1.9 – update the figures where necessary to refer accurately to the sites assessed during the various iterations of the Call for Sites*

*Page 7 third bullet include '2020' after the dates*

*In paragraph 2.2 add 'persons' after '2863'*

*In paragraph 2.14 add the correct number before 'century'*

*In paragraph 3.1 replace '(2016)' with '(2020)'*

*In paragraph 6.6 retain the first two sentences and delete the remainder.*

*In paragraph 6.9 add 'of this Plan' after 'Policy H11'*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Brenchley and Matfield Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

### *Conclusion*

- 8.4 On the basis of the findings in this report, I recommend to Tunbridge Wells Borough Council that subject to the incorporation of the modifications set out in this report that the Brenchley and Matfield Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Borough Council on 8 December 2017.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**20 June 2022**