

Appendix B: Changes to be made to the Brenchley and Matfield Neighbourhood Development Plan as requested by the Independent Examiner's Report 20 June 2022.

The independent examiner has concluded that the Brenchley and Matfield Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with the independent examiner's recommended modifications, which are required to ensure the plan meets the basic conditions. These are set out below.

Independent Examiner's Report: main recommended amendments	Commentary
<p>H1 Scale of housing development</p> <p>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'</p> <p>In both parts of the policy replace 'permitted' with 'supported'</p>	<p>The Examiner recommends 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, for clarity required by the NPPF.</p>
<p>H2 Location of housing development</p> <p>In the first part of the policy replace 'must' with 'should'</p> <p>Delete the final sentence of the second part of the policy.</p>	<p>The Examiner recommended modifications to both the policy and supporting text to ensure the approach does not overlap with development in adjacent parishes.</p>
<p>H3 Housing Density</p> <p>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.'</p>	<p>The recommended modifications ensure that the policy takes account of particular circumstances of development sites, is worded in a more positive fashion setting out the type of development expected and removes unnecessary duplication of other policies which are already factored into the supporting text.</p>
<p>H4 Housing Mix</p> <p>Replace the policy with: 'Residential development proposals should provide an appropriate housing mix which is informed by</p>	<p>The recommendation is made to reflect changes put forward by BMPC in response to the clarification note. The change highlights the expectation that the most up to date</p>

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<p>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.’</p>	<p>information on housing need will be used at the time planning applications are determined, and also acknowledges that requirements may be identified by TWBC on certain sites in the parish in general, and on the allocated sites in the emerging Local Plan.</p>
<p>H5 Housing for older residents and people with disabilities</p> <p>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. ‘</p> <p>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.’</p> <p>Replace the opening element of the third part of the policy with: ‘Housing proposals for older people and disabled people will be supported where:’</p> <p>In the third part of the policy delete criterion d</p>	<p>The Examiner proposed that the policy should be modified to reflect the suggestion of the Parish Council, presented in the clarification note. Other modifications were made to simplify parts of the policy and to remove unnecessary text that is appropriately covered elsewhere in the supporting text or policy.</p>
<p>H6 Affordable housing</p> <p>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’</p> <p>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</p>	<p>As submitted, the policy is complicated and cumulative, and therefore the Examiner recommends that the policy is modified to take on more general nature which takes account of the parish’s identification of a rural area.</p> <p>The second part of the policy requiring a local connection is not considered a land use matter, and therefore it is recommended that the policy is replaced by the more general cascade approach included in the emerging Local Plan.</p>

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through residence or place of work, then households from surrounding parishes in the Borough, and then the wider Borough.'	
<p>H7 Rural exception sites</p> <p>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.'</p>	<p>To prevent the policy having unintended consequences it is recommended that clarity is provided on the potential size of the rural exception sites. The modification takes account of the size applied in other policies in the plan, and will have the clarity required by the NPPF in general and on the viability issue relating to the degree of market housing.</p>
<p>H8 Housing for rural workers</p> <p>Delete the policy.</p>	<p>The Examiner proposed that the policy should be deleted as it does not meet the basic conditions, particularly as wording lacks clarity required by the NPPF to address the function and financial tests for such development.</p>
<p>H9 Residential extensions, alterations, outbuildings, and annexes in the Parish and replacement Buildings outside the LBD</p> <p>Delete the policy.</p>	<p>The examiner proposed that the policy should be deleted as it reads as a catch-all policy and is addressed by other policies in the plan, and is also written in a negative fashion that conflicts with evidence that the majority of residential alterations and extensions will secure planning permission.</p>
<p>H10 Developer Contributions</p> <p>Delete the policy.</p>	<p>The policy is not a land use policy, and is not a specific Community Project in its own right.</p>
<p>H11 Site Specific Policy for AL/BM2</p> <p>Replace the policy with: 'Proposals for the development of the site should meet the following criteria</p> <p>Design requirements</p> <ol style="list-style-type: none"> 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; 	<p>The modifications ensure the policy is consistent with relevant policy in the NP, ensures that the various criteria are of a general rather than prescriptive nature and ensure the general approach taken has the clarity required by the NPPF.</p>

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<ul style="list-style-type: none"> c. Deliver a site layout which conserves and where practicable enhances the character and distinctness 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. Provide appropriate new planting and landscaping using indigenous species; f. Provide high levels of building efficiency using sustainable approaches wherever practicable; <p>Development contribution priorities</p> <ul style="list-style-type: none"> 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.' 	
<p>H12 Good practice in construction</p> <p>Delete the policy.</p>	<p>The policy reads more as a specific matter which would potentially be addressed by TWBC with applications rather than a land use policy to be included in a neighbourhood plan.</p>
<p>D2 Local architectural style</p> <p>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.'</p> <p>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'</p>	<p>The recommendations are proposed to bring clarity required by the NPPF, to simplify the first sentence and to include the full range of architectural features which characterise development in the parish.</p> <p>The policy is also modified to reflect the language used for conservation areas in national legislation.</p>
<p>D3 Agricultural and rural buildings</p> <p>Replace the policy with: 'As appropriate to their scale, nature and location, development</p>	<p>The Examiner recommended the policy be modified so that it comments about the design</p>

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<p>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.'</p>	<p>and location which is expected for development of this type, allowing the policy to be applied on a proportionate basis which takes account scale, nature and location of the development concerned.</p>
<p>D4 Accessibility and flexibility</p> <p>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.'</p>	<p>The recommended modification has been sought to make the policy more general in nature, ensuring that it is future proof in its approach throughout the plan period. This reflects comments made by BMPC and TWBC.</p>
<p>D5 Providing an inclusive, safe and secure environment</p> <p>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.'</p>	<p>The Examiner recommended that the policy should take a more positive approach, and that a part of it should be deleted, which refers to other policies in the Plan. It is also suggested that the supporting text should highlight the interrelationships between the various policies.</p>
<p>D6 Climate change, environmental sustainability and resilience</p> <p>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:'</p>	<p>The policy's prescriptive approach conflicts with the Written Ministerial Statement of March 2015 which indicates that a neighbourhood plan should not seek to impose specific environmental restrictions on the development of new buildings. As such, it is recommended that the policy is modified to take on a more supportive and less prescriptive nature to emphasis that such matters will be determined by the Building Regulations and the national agenda.</p>
<p>D7 Flood risk management</p> <p>Delete 'a' from the opening element of the policy.</p> <p>Thereafter re-letter the criteria b-e to a-d.</p>	<p>The opening part of the policy reads as a criterion rather than the context, and so it is recommended to remove it from the criteria.</p>

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<p>D8 Surface Water Management</p> <p>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.</p> <p>In the third part of the policy replace 'must' with 'should'</p>	<p>To ensure the policy meets the basic conditions, the Examiner recommended that it is modified to provide the clarity that is required by the NPPF.</p>
<p>D9 Utility Infrastructure</p> <p>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'</p>	<p>The recommended modification will offer support to new and/or improved infrastructure, ensuring the policy is capable of being applied through the development management process.</p>
<p>BE1 Retention or redevelopment of agricultural buildings and commercial sites for residential use</p> <p>In the first part of the policy replace 'will be required to' with 'should'</p> <p>Replace the opening element of the second part of the policy with: 'In particular development proposals should demonstrate that:'</p> <p>Delete the final part of the policy.</p>	<p>The first part of the policy requires the clarity required by the NPPF.</p> <p>The second part is recommended to be modified so that it does not prevent planning applications being considered rather than a series of particular requirements.</p> <p>The third part is considered unnecessary in the context as it is focused on the use of existing buildings.</p>
<p>B2 Additional employment</p> <p>In the opening part of the policy replace 'permitted and encouraged' with 'supported'</p> <p>Delete criterion f.</p>	<p>The modifications recommended include changing the opening element of the policy, deleting unnecessary final criterion and changing the title to refer more generally to 'new employment'.</p>
<p>BE4 Agricultural diversification</p> <p>Replace the opening element of the policy with: 'Developments proposals for the diversification of existing agriculture-based enterprise will be supported provided that:'</p>	<p>As submitted, the opening element of the policy is confusing. The recommended modification simplifies this, and also recommends that the AONB element is repositioned so that it acts as an additional</p>

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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'	criterion, ensuring the policy can be applied throughout the neighbourhood area.
<p>BE5 Small-scale tourism</p> <p>Replace the policy with: 'Insofar as planning permission is required, development that would help promote small-scale tourism and businesses will be supported'</p>	<p>The Examiner recommends that the policy is modified so that it is both simplified and acknowledges that some development which is anticipated may not need planning permission. This ensures the policy meets the basic conditions.</p>
<p>BE6 Energy efficiency in non-residential buildings</p> <p>Replace 'must be demonstrably.... including by:' with 'which are designed to maximise energy efficiency will be supported, including those which:'</p>	<p>The policy's prescriptive approach conflicts with the Written Ministerial Statement of March 2015 which indicates that a neighbourhood plan should not seek to impose specific environmental restrictions on the development of new buildings. As such, it is recommended that the policy is modified to take on a more supportive and less prescriptive nature to emphasize that such matters will be determined by the Building Regulations and the national agenda.</p>
<p>BE7 Renewable energy generation</p> <p>Replace 'permitted' with 'supported'</p> <p>After the second criterion add 'and'</p>	<p>The modifications are recommended to bring the clarity required by the NPPF, whilst ensuring that a developer would need to comply with each of the three criteria.</p>
<p>LE1 Conserving and enhancing the AONB</p> <p>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.'</p>	<p>The Examiner recommended the modification to ensure the policy could be applied on a proportionate basis. It also reflects comments made by TWBC which state that no development proposal would be able to meet all of the objectives in the AONB Management Plan.</p>

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<p>LE2 Development affecting the AONB and its setting</p> <p>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.'</p>	<p>The modifications to the second sentence ensure that it can be applied in a proportionate way through the development management process, bringing the clarity required by the NPPF which is not effectively captured in the submitted policy's reference to 'where necessary'.</p>
<p>LE3 Historic landscapes and heritage assets</p> <p>Delete the second sentence</p>	<p>It is recommended to be deleted as it is already comprehensively addressed in paragraph 6.107 in the Plan and is considered unnecessary.</p>
<p>LE4 Valued views</p> <p>'The Plan identifies a series of nineteen Valued Views as identified in Appendix 4 and shown on Figures 24 and 25</p> <p>Development proposals should respect and take account of the identified Valued Views.</p> <p>Development proposals which would have an unacceptable impact on a Valued View will not be supported.'</p>	<p>The Examiner proposes the policy be modified to set out non-prescriptive requirements for new development and the consequence for not following the approach. The process element in the policy is also proposed to be relocated to the supporting text.</p>
<p>LE5 Local green spaces</p> <p>'The Plan designates the following local green spaces (as shown on Figure 27)</p> <p>[List the LGSs as set out in Figure 26 (with the exception of proposed LGS 7)]</p> <p>'Development proposals within the designated local green spaces will only be supported in very special circumstances.'</p>	<p>The policy uses different language to that in the NPPF and does not directly link to the approach LGSs as detailed in the supporting text and on the relevant map and table. It is therefore recommended that the policy directly relates to the identified LGSs and takes the matter-of-fact approach in the NPPF. The text will also clarify that the BC will be able to make an informed judgement on proposals that demonstrate 'very special circumstances' required by the policy.</p>
<p>LE6 Biodiversity</p> <p>In the first sentence replace 'Proposals for new development must, as necessary' with 'As appropriate to their scale, nature and location, development proposals should'</p> <p>In the third sentence replace 'must' with 'should'</p>	<p>The Examiner recommends that the policy should be modified to apply on a proportionate basis, making it more appropriate to be used through the development management system. The final sentence is recommended to be deleted as it is a process and not a policy</p>

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Delete the final sentence.	matter, which fits better into the supporting text.
<p>LE7 Trees and hedges</p> <p>In the first part of the policy delete the first sentence.</p> <p>In the first part of the policy replace 'will be required to' with 'should'</p> <p>In the first part of the policy delete the final sentence.</p> <p>In the second part of the policy replace 'will be required to' with 'should'.</p>	<p>To provide the policy with the required clarity in the NPPF, it is recommended that the references to 'expectations' are modified. The first and final sentences are recommended for relocation to supporting text, as they are processes rather than policy matters.</p>
<p>LE8 Dark Skies</p> <p>In the opening part of the policy replace 'All development proposals will be required to' with 'Development proposals which included external lighting should'</p> <p>In the second part of the policy replace a with 'Any external lighting associated with new development should be designed to ensure that:'</p> <p>Replace the lettering of criteria b-e with a-d.</p>	<p>The Examiner recommends a series of modifications to bring the clarity required by the NPPF. These will ensure the policy only applies to proposals which include external lighting; bring a positive approach to the second part of the policy; and remedy an inconsistency in the use of lettering in the policy.</p>
<p>LE9 Advertising</p> <p>Replace 'will be required to demonstrate that they will' with 'should'</p>	<p>The Examiner's recommendation will simplify the policy wording to bring the clarity required by the NPPF to meet the basic conditions.</p>
<p>AM1 Sustainable and active travel</p> <p>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'</p>	<p>This modification to the opening element of the policy will enable it to be applied on a proportionate basis, which is also more specific about its requirements than simply setting out an expectation.</p>
<p>AM2 A non-motorised route between Brenchley and Matfield</p> <p>Replace the policy with: 'As appropriate to their scale, nature and location development proposals should provide safe and convenient facilities for walking and cycling'</p>	<p>The modifications have been proposed to offer guidance on the delivery of the route, the types of proposals which would be expected to contribute and/or the scale of the</p>

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<p>Replace the policy title with: 'The delivery of safe and convenient facilities for pedestrians and cyclists'</p> <p>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.'</p> <p>Add the proposed non-motorised route between Brenchley and Matfield to Section 7 of the Plan.</p>	<p>contributions. It is recommended that these be repositioned into Section 7 of the Plan.</p> <p>Taking account of BMPC's response to the clarification note regarding the need for safe and convenient facilities for pedestrian and cyclists, a modification is also recommended to amend the policy title and supporting text.</p>
<p>AM3 Enhancing the local highway network</p> <p>Delete the policy.</p>	<p>The deletion of this policy is recommended as the Examiner felt it did not add any distinctive value to the approach already included in national policy and in local policies.</p>
<p>AM4 Parking</p> <p>In the first sentence of the policy replace 'will be required to' with 'should'.</p> <p>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:</p> <p>'As appropriate to their scale, nature and location development proposals should incorporate the following:'</p>	<p>The recommended modifications relate to the wording used in the policy, and additionally to Figure 32 which sets out TWBC's current parking standards in the emerging Local Plan.</p>
<p>CLR1 Education, health and care services</p> <p>Replace 'permitted' with 'supported'</p>	<p>To meet the basic conditions, it is recommended for the detailed word change.</p>
<p>CLR2 Sports and leisure</p> <p>In the first part of the policy delete 'encouraged and'</p> <p>In the first part of the policy replace 'priority' with 'support'</p>	<p>It is recommended that the second part of the policy be deleted, as it reads as a statement of process rather than as a land use policy. The approach and sentiment of the issue would be retained in paragraph 6.151 of the supporting text.</p>

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Delete the second part of the policy.	
<p>CLR3 Natural and amenity greenspaces, play areas and playground facilities</p> <p>In the first sentence replace 'must' with 'should'</p> <p>In the second sentence of the policy replace 'will preferably' with 'should'</p> <p>Replace the third sentence of the policy with: 'The inclusion of natural and amenity green space in smaller developments will be supported'</p> <p>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.'</p>	<p>In order to resolve the differences of opinion with regards to open space standards, the Examiner recommends that the policy is worded in a general sense to ensure that open space is provided by the development to the most up to date Tunbridge Wells Borough standards, thus future-proofing the plan and allowing the issue to be debated at a strategic level.</p>
<p>CLR4 Facilities for young people and teenagers</p> <p>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.'</p>	<p>The policy is unclear on the level of provision expected, and therefore it is recommended that the policy is modified to be more general in nature. This will provide a context for local discussions to take place on these matters, acknowledging a developer's responsibility to address any leisure needs arising directly from development, rather than to remedy existing shortfalls.</p>
<p>CLR5 Open spaces in the Parish</p> <p>Replace the first sentence with: 'The Plan identifies the following land (as shown in Figure 34) as Open Space:'</p> <p>Thereafter list the open spaces (with both their numbers and names as shown in Figure 34)</p> <p>In the second sentence replace 'permitted' with 'supported'</p>	<p>To ensure the policy has the required clarity in the NPPF.</p>

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<p>In the second sentence replace ‘it must be replaced’ with ‘is replaced’</p> <p>Replace the policy title to read: ‘Retention of Open Spaces’</p>	
<p>Other Matters – general</p> <p>Modification of general text (where necessary) to achieve consistency with the modified policies.</p>	<p>Changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies.</p>
<p>Other Matters – specific</p> <p>Throughout the Plan ensure that the references to the emerging Local Plan use the wording submission Local Plan (or SLP).</p> <p>Ensure that all the relevant maps include copyright information.</p> <p>Paragraph 1.9 – update the figures where necessary to refer accurately to the sites assessed during the various iterations of the</p> <p>Call for Sites Page 7 third bullet include ‘2020’ after the dates</p> <p>In paragraph 2.2 add ‘persons’ after ‘2863’</p> <p>In paragraph 2.14 add the correct number before ‘century’</p> <p>In paragraph 3.1 replace ‘(2016)’ with ‘(2020)’</p> <p>In paragraph 6.6 retain the first two sentences and delete the remainder.</p> <p>In paragraph 6.9 add ‘of this Plan’ after ‘Policy H11’</p>	<p>All recommended modifications are necessary to ensure that the Plan meets the basic conditions.</p>