

PEMBURY NEIGHBOURHOOD PLAN REGULATION 16 CONSULTATION

TWBC Officer Comments (30/01/20230)

Policy/Page number	Policy Details	Comments	Proposed changes
General			
All of the plan	Accessibility requirements	The plan meets all accessibility requirements.	No changes proposed.
All of the plan	Map e.g Figure 4.1 and others in the NDP	These show existing and proposed Limits to Built Development – this should be clearly identified as the TWBC adopted/proposed Plan	Consider amending, for clarity.
1. Introduction			
Page 2, 4 th para	Forward	4 th para refers to 'last September'	Add year for clarity
Para 1.5	Introduction	Refers to need to have regard to the NPPF	Suggest regard is also had to current NPPF consultation.
Para 1.7	National Planning Policy	Part about NPPF	Suggest an additional sentence about current NPPF consultation.
Para 1.9 and 1.10	New TWBC Local Plan	Paras 1.9 and 1.10 need reviewing/updating given that TWBC received the initial findings of the EiP Inspector in November 2022	Review and update.
Para 1.9		Refers to LDS adoption date for TWBC Local Plan Jan 2023	Note: the LDS is due to be comprehensively updated – when a date for this is confirmed the LPA will inform the examiner
Para 1.11		States ' <i>The proposed strategy (at 1 April</i>	Note: the TWBC SLP was submitted to the Planning

		2021) for Pembury is to:’	Inspectorate on 1 November 2021
1.15	Community Engagement – Table	2023 is identified for both examination and referendum – it’s possible the referendum may end up early 2024 depending on the examination/timescales for organising referendum	Consider amending date to 2023-2024
2. About Pembury			
		No comments.	
3. A Vision for Pembury			
		No comments.	
4. Spatial Strategy			
Policy P1 Location of development	Criterion (A) Development in the neighbourhood area will be supported within the Limits to Built Development as defined in Figure 4.1. Development proposals on brownfield land will be particularly supported, subject to compliance with other policies in this plan.		Clarification required if this is referring to the adopted LBD boundary, or the proposed SLP LBD boundary See note at end relating to the progress of the TWBC Local Plan. The examiner will be provided with any further updates during the independent examination process.
Policy P1 Location of development	Criterion (B) refers to LBD		Clarification required if this is referring to the adopted LBD boundary, or the proposed SLP LBD boundary

			See note at end relating to the progress of the TWBC Local Plan. The examiner will be provided with any further updates during the independent examination process.
Policy P1 Location of development	Criteria included within (B)	It is unclear whether development should meet some or all of the criteria listed under B. If all criteria are to be met, this would preclude all development proposals	Clarity needs to be provided by inserting 'or' after each individual criterion
5. Housing			
Para 5.6	Typo	"numbers of...."	Amend to number of.....
Para 5.11	Typo	"155 to 156...."	Amend to 155 to 166.....
6. Character, Heritage, and Design			
Page 25 Para 6.8.	The 12 principles that the Pembury Design Codes seek to enable are as follows. New development should: Includes (point 5) Establish a 40m green buffer band parallel to the A21 in order to mitigate visual impact to and from the AONB.	The approach in the TWBC policies is to add in 'approximately'	<i>Adding in approximately</i> would be better way of expressing this policy as policies should not be unnecessarily rigid
Page 28, Policy P3, Criterion B.IV		It is noted that, within point B.IV, that space for off-road parking and cycle parking for residents, visitors and services vehicles is to be in accordance with the SLP parking standards, which is supported. However, the Council notes that	None.

		the standards set out within the SLP are yet to be adopted.	
Policy P3 (C)	Requirement for lower density development at rural boundary		Will this affect delivery of allocated policies in the TWBC SLP, all of which include a rural boundary
Policy P4 Energy Efficiency and Design	Criterion A	Consider switching emphasis to carbon emission reduction instead of energy to encourage transition away from fossil fuels	
Policy P4 Energy Efficiency and Design	Criterion vi	Instead of the phrase 'a combination of', this criterion should prioritise energy demand reduction over energy consumption to encourage to fabric first approach. Reference to the energy hierarchy would be helpful.	
Policy P4 Energy Efficiency and Design	Criterion beginning "Where development cannot achieve..."	Consider whether this criterion is necessary. Criterion B already includes the caveat "as appropriate to scale, nature and location". We should expect very high standards in all development as we move towards the Government's Future Homes Standard which will be introduced in 2025.	
Policy P5: Sewage and Drainage Infrastructure	B: has a requirement for "rigorous analysis".	The plan should clearly set out what is meant by this/what the plan expects developers to do.	
Policy P6 Conserving Heritage Assets	(A) Refers to 14 buildings/structures set out in para 6.30/mapped on Fig 6.2		These buildings/structures are the Parish Council's own list of NDHAs,

			following an audit. It would be helpful to know if there were any selection criteria for the audit, as the PPG gives greater weight to that process; but otherwise the PPG also the LPA the ability to give weight to those identified in NDPs.
7. Employment in Pembury			
Para 7.6		Reference to turnover in Euros	To be replaced by a '£' sign
Para 7.3		Final sentence doesn't read right - needs addressing	
8. Environment and Green Space			
Pages 48-50; Policy P9: Local Green Spaces		<p>TWBC supports the approach of NDP in seeking to designate sites proposed for LGS in the SLP given that the SLP is yet to be adopted.</p> <p>As per the Council's Reg.14 comments, it is noted that TWBC and Pembury NDP Group agree on the sites proposed in the SLP: sites 186, 187, 188, 189, AS_4, AS_9, AS_13 (i.e., Pembury sites 1, 2, 3, 4, 5, 6, 7). The Pembury NDP seeks to propose additional sites (i.e., Pembury sites 8, 9, 10, 11, 12, 13, 14), 5 of which TWBC has assessed and</p>	None.

		<p>considered to not have met the designation criteria. Sites 8, 12, and 13 are assessed as one site in the SLP; the TWBC LGS Assessment states that the site is already sufficiently protected. Site 9 was not considered suitable for designation as it is considered to be an incidental green space with similar characteristics with many local sites not proposed for designation and therefore not 'demonstrably special'. Site 10 (which is a smaller area within the SLP) was not considered suitable as it was also considered to be already sufficiently protected. Pembury NDP sites 11 and 14 have not been assessed previously by TWBC.</p> <p>The Council notes that supporting justification for the proposed LGS sites in the Pembury NDP are provided in Appendix D of the NDP.</p>	
Page 57 Policy P11:	Policy requires that 'Proposals for development should be supported by a landscape/visual impact assessment which clearly demonstrates the potential impacts that such a proposal would have on significant views where		It is noted that supporting text at para 8.37 recognises the conflict with VPs 2 and 3 and proposed allocations in the TWBC SLP:

	<p>relevant and how these impacts will be mitigated.'</p>		<p>V2 appears to be situated on PE2 and clearly looks across where development will be provided by the SLP. However the description in Appendix E acknowledges this and the limitations of what might be retained:</p> <p><i>“ The field directly in front of the footpath is included as a site allocation in the SLP. Whilst views may not be wholly safeguarded, glimpses of the panorama should be, where possible, retained. This could include from the existing footpath and also from the cycle paths to be incorporated as part of the proposal”.</i></p> <p>For VP 3 the description appears to assume that that development will not interfere with the view which is unlikely to be the case:</p> <p>“The view is taken from the top right corner (north-east) of the field allocated as part of Site AL/PE4. It is this corner that is</p>
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		<p>likely to remain undeveloped due to the proximity to ancient woodland and the topography of the site. From this high spot, views are afforded north towards Matfield and the North Downs beyond. At the junction with the ancient coach road, the footpath here would have historically presented travellers with a view over the village, announcing their impending arrival”.</p> <p>Whilst consideration of these views within the design is appropriate and the layout may be able to retain elements of these views the policy goes further than this and requires that the views are “safeguarded” which is higher bar which the proposed development is unlikely to reach:</p> <p><i>“POLICY P11: PROTECTION OF LOCALLY SIGNIFICANT VIEWS The Plan identifies nine locally significant views in paragraph</i></p>
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		<p><i>8.33 and in Figure 8.5, with descriptions in Appendix E. As appropriate to their scale and nature, development proposals within the shaded arcs of the various views as shown on Figure 8.5 should be designed in a way that safeguards the <u>locally significant view</u> or views concerned. Proposals for development should be supported by a landscape/visual impact assessment which clearly demonstrates the potential impacts that such a proposal would have on significant views where relevant and how these impacts will be mitigated”.</i></p> <p>Whilst the limitations are in part recognised the view descriptions, supporting text and policy are considered to lack clarity for view points 2 and 3 and what might be expected from a development and are at present in conflict with the proposed allocations in that</p>
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			<p>if treated as a “safeguarded” view this would significantly restrict development.</p> <p>In addition views 2 and 3 and will inevitably change if these applications proceed as both Parish and Borough policy would require a 40m landscape buffer of trees in the area where these views are located.</p> <p>There is no difficulty if the policy seeks these views to be noted and retained where possible acknowledging that the proposed development will significantly alter the available views in these locations but as the policy is currently framed and the views currently described there is a conflict between the allocations PE2 and PE3 in the SLP and Policy P11/Views 2 and 3 in the neighbourhood Plan.</p>
9. Transport and Movement			
			No comments
10. Community Facilities			

Policy P15		Policy P15 – the wording at criteria ‘C’ doesn’t seem right and should be considered and checked with Sport England to ensure consistency with their policy approach.	
Infrastructure Improvements and Provision	Para 12.3	Reference to strategic policy for Pembury, PSTR/PE1	Add text to clarify that this is as per the emerging TWBC Local Plan.
Glossary	Limits to Built Development	Reference to TWBC proposed LBDs	It should be noted that the TWBC Local Plan remains at examination and that there is potential for LBDs to change through the modifications process if the Inspector considers this necessary.
Appendix B: Design Guidance and Codes			
2.2.3, page 18	Edge Lanes, point no.3.	It is not quite clear what sort of access this refers to – pedestrians? Is this safe? The plan drawing doesn’t quite fit the Romford Road example as it appears there is an internal road parallel with the main road.	
3.3 Design guidance for codes	General coding/guidance.	It looks like the only thing that is actually coded are the street typologies. It would be difficult to code	

		anything else unless it's specific to a site, however, we would say these are more guidelines than codes.	
Page 70	Reference to the High Weald AONB Guidance	For ease to assist users of the document, this could be hyperlinked.	

Update on TWBC Submission Local Plan

2A new Local Plan for the borough is currently being prepared. The TWBC Local Plan was submitted to the Secretary of State on 1 November 2021, and an Examination in Public (EiP) took place from March to July 2022. The Inspector's initial findings were received in November 2022, and the Council is required to consider the issues raised and the suggested ways forward.

The Inspector's initial findings deal particularly with the proposals for the two strategic sites, Policy STR1 The Development Strategy, and Policy STR/SS3 The Strategy for Tudeley Village. Specifically concerning Pembury, the initial findings refer to Policy AL/PE4 Land at Downingbury Farm, Maidstone Road that allocates land at Downingbury Farm for 25 dwellings. The allocation also includes an area of safeguarded land for expansion of the Hospice in the Weald.

The inspector advises that there is no justification for the inclusion of criterion (5) of Policy AL/PE4, that requires the two sites to be tied together through a legal agreement, because the two uses are different and could come forward independently from one another. The inspector therefore advises that the TWBC Local Plan should allocate each site separately.

The inspector also advises that part of the land included within Policy AL/PE4 is currently located within the Green Belt, the submitted TWBC Local Plan did not seek to remove it from the Green Belt. In order to be effective, the Borough Council has suggested that a further change would be necessary to the Green Belt boundary around Pembury, the necessary justification provided in Examination Document TWLP/044 (note, the Inspector's initial findings letter incorrectly refers to 'TWLP/095'). This will need to be consulted on alongside other recommended changes to the Plan in due course.