

# Appendix B: Changes to be made to the Horsmonden Neighbourhood Development Plan as requested by the Independent Examiner's Report 28 November 2022.

The independent examiner has concluded that the Horsmonden 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 (IE) Report: main recommended amendments	Commentary
<p><b>Policy 2.1: Walkable village Recommendations</b>  <i>Remove the 400m and 800m circles from Figure 5.</i>  <i>Amend the text in paragraph 72 second sentence to read "Also development should be within easy walking distance of the village services such as the shop, pub, chemist, primary academy, health, business centre and social club."</i>  <i>Replace Policy 2.1 with "Development proposals for new housing that are situated within the limits to development shown on Figure 5 and which are located within safe walkable distances of village services and facilities, will be supported."</i></p>	<p>The IE considers that the overarching objective of the walkability policy can be achieved by a less prescriptive approach which would better refer to "safe walkable distances from the village services and facilities".</p>
<p><b>Policy 2.2: Minimising traffic speeds Recommendation</b>  <i>Add at the end of the policy "within new residential development".</i></p>	<p>The IE agrees with the representation that advises there is a need to differentiate between designing out speeding within new developments and the issue of reducing speeds on existing roads.</p> <p>The proposed modification seeks to clarify that it is through the design of the highway network within any new development that should seek to minimise the speed of vehicles.</p>
<p><b>Policy 2.3 Enhancing Public Rights of Way Recommendations</b>  <i>Insert "new residential" before "development", after "enhanced" insert "where appropriate" and add at the end "including through the making of financial contributions".</i></p>	<p>The amendment will clarify that the policy should refer to "new residential development" and also include the caveat "where appropriate".</p>

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<p><b>Policy 2.4: Adequate Pavements</b> Recommendations <i>Replace the policy with "New residential development will be expected to provide safe pedestrian facilities, having regard to guidance in the Manual for Streets and the Kent Design Guide or as superseded by other documents. Where it is practical and feasible to improve off site pedestrian links between the development and the village centre, such enhancements will be welcomed."</i></p>	<p>The proposed modifications will clarify where new pavements will be sought. The IE believes that this should not become a mechanism to prevent new development from taking place, by placing unreasonable expectations on developers or creating ransom situations, yet equally where improvements can be made and there is the land available to provide the new or improved pavement then the opportunity to improve facilities for pedestrians should be taken.</p>
<p><b>Policy 2.5: School Access Crossing</b> Recommendation <i>That the policy be deleted.</i></p>	<p>The Parish Council has clarified that its intention from this policy is to be able to seek funding from the developer of the AL/ HO2 site (in the Submission Local Plan) towards the provision of a new pedestrian crossing, across Maidstone Road, opposite Back Lane.</p> <p>The IE states that he would have accepted the neighbourhood plan adding an additional requirement, beyond those spelt out in the draft local plan, if the Parish Council had been able to demonstrate the need for the crossing, by evidence, but none has been provided, beyond the statement in paragraph 87.</p> <p>If a Transport Assessment prepared in relation to the development of the AL/HO2 site, demonstrates that such a crossing is required, a contribution could then be sought, as part of the measures expected from the developer, as a means of meeting the local plan's expectations for improvements to the pedestrian facilities associated with that site.</p>
<p><b>Policy 2.6 Public Parking</b> Recommendation <i>That the policy be deleted.</i></p>	<p>The IE proposes that the neighbourhood plan should adopt the same parking standards as are being proposed by the Borough Council in the TWBC Submission Local Plan, which covers both visitor parking and residents parking. The requirements for visitor parking are covered by this policy and Policy 2.7.</p>
<p><b>Policy 2.7: New Parking</b> Recommendation</p>	<p>The reference to the TWBC residential parking standards can be removed. The IE is satisfied</p>

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<p>Replace <i>"with due regard to the TWBC Residential Parking Standards contained"</i> with <i>"in accordance with the standards set out"</i></p>	<p>that the neighbourhood plan can propose the same parking standards as set out in Figure 15</p>
<p><b>Policy 2.8: Charging Points</b> Recommendation Delete <i>"and cycle"</i></p>	<p>The IE is not convinced that electric bicycles need any external charging infrastructure and the bicycle's battery would normally be charged from within a domestic supply.</p>
<p><b>Policy 3.2: Broadband</b> Recommendation After <i>"new"</i> insert <i>"residential and commercial"</i></p>	<p>The IE considers that the policy should be a requirement only for new residential or commercial development.</p>
<p><b>Policy 3.3: Conversion of farm buildings</b> Recommendations Replace <i>"Class B"</i> with <i>"Class B2"</i>, after <i>"distribution uses"</i> insert <i>"Class B8"</i> and change <i>"serviced offices and services"</i> to <i>"commercial, business and services uses"</i> and after <i>"(Class E)"</i> insert <i>"and appropriate sui generis uses"</i></p>	<p>The IE states that the restriction for the conversion of farm buildings to only serviced offices and services within Class E would prevent other similar commercial uses, which also fall within Class E of the Use Classes Order, such as light industrial uses, from being considered. Such restrictions would not be justified.</p>
<p><b>Policy 3.4: Business associated with vineyards and fruit growing</b> Recommendation At the end of the policy insert <i>"subject to the proposals demonstrating that they are directly related to the primary business of the vineyard/ fruit growing and that the retail outlets, cafes etc. should be appropriate in scale and format reflecting its rural location"</i></p>	<p>The proposed amendment could prevent inappropriate uses being introduced under the auspices of this policy</p>
<p><b>Policy 4.2: Allotments</b> Recommendations Replace <i>"larger developments (AL/ HO3)"</i> with the <i>"the Bassets Farm / Land east of Horsmonden Development (AL/ HO3)"</i> In the second sentence replace <i>"site"</i> with <i>"allotments"</i> and after <i>"holders"</i> insert <i>"and"</i> and delete the rest of the policy after <i>"water"</i></p>	<p>The IE recommends that the policy should be made specific in terms of identifying the allocation site</p>
<p><b>Policy 4.3: Facilities for children and young people</b> Recommendation Replace <i>"(50-99+homes)"</i> with <i>"(50+homes)"</i></p>	<p>It would also be clearer if the policy requiring on site provision relates to any development over 50 units, rather than reference to 50-99+.</p>
<p><b>Policy 4.4: New Village Hall</b> Recommendation</p>	<p>minor grammatical change</p>

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<i>Replace "a" with "within"</i>	
<p><b>Policy 6.1: Meeting housing needs</b> Recommendation <i>In 2. replace "SLP Policy H3" with "the Borough Council's current affordable housing policy"</i></p>	For clarity
<p><b>Policy 6.2: Windfall Residential development</b> Recommendations <i>Retitle the policy "Windfall residential development outside Limits to Development"</i> <i>Delete the text in the first paragraph after "considered" and also the second paragraph</i> <i>In the second paragraph add after "LBD" insert "as shown in Figure 5".</i></p>	<p>The IE concludes that to place an arbitrary limit on the scale of development within the LBD to no more than nine units, without regard to the size of the development site, could lead to proposals being artificially reduced to keep under that limit which does not make the most efficient use of developable land, which is contrary to the Secretary of State's aspirations as set out in Chapter 11 of the NPPF or it could lead to proposals seeking to construct a lesser number of larger properties, rather than the smaller properties being sought under Policy 6.1.</p> <p>Having regard to the IE's recommendation made in respect of Policy 2.1, it is unnecessary to repeat the presumption in favour of windfall development inside the limits to development. The IE does consider restrictions on the scale of windfall development in the areas outside of the limits of development which relates to the redevelopment of previously developed land and conversion of rural buildings can be justified in terms of delivering sustainable development, as such locations will be at some distance from village facilities and hence more reliant upon the use of the motor car.</p>
<p><b>Policy 6.3: Provision of sheltered housing</b> Recommendation <i>Insert at the end of the policy "on sites inside the Limits to Development as shown in Figure 5."</i></p>	The IE considers the policy should be restricted to sites within the limits of development and this is a proposal that is now supported by the Parish Council
<p><b>Policy 6.4: Replacing or combining existing dwellings outside of limits of development</b> Recommendations <i>Delete "or combining" from the title of the policy</i> <i>Add at the end of the policy "and the existing dwelling is not a heritage asset"</i></p>	For clarity

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<p><b>Policy 7.1: Local Green Spaces</b> Recommendations <i>The extent of Site 6 Sprivers be reduced to exclude Sprivers house and garden and land to the south as marked in blue on the attached drawing</i></p>	<p>The proposed Sprivers designation includes woodland area, a valued green space, However the map in Figure 33 includes the curtilage of the main house of Sprivers, used as a wedding venue, as well as further land to the south. The Parish Council has now confirmed that there is no public access to the house and grounds.</p>
<p><b>Policy 7.2: Protecting important views</b> Recommendation <i>Delete from the policy "from any publicly accessible area."</i></p>	<p>For clarity</p>
<p><b>Policy 7.3: Biodiversity Net Gain</b> Recommendation <i>Change the last word in the policy from "diversity" to "biodiversity"</i></p>	<p>For clarity</p>
<p><b>Policy 7.4: Trees and hedgerows</b> Recommendation <i>Replace the policy after "amenity value" with "unless exceptional circumstances exist and a suitable compensation strategy is in place. There is equally a presumption against the loss of hedgerows as a result of development unless it is necessary to achieve pedestrian or vehicular access to a site. Proposals for the ongoing maintenance of retained hedgerows will be encouraged."</i></p>	<p>The IE states that the policy seems to go further than the Secretary of State intends in terms of providing for an absolute prohibition on the loss of what the Framework describes as "irreplaceable habitats", which does allow the removal of ancient woodland/ ancient trees etc if there are exceptional circumstances and a suitable compensation strategy is in place. The IE also states that the policy does need to allow the loss of hedgerows to allow access to development sites. It is also impractical through planning control to require the continued ongoing maintenance of hedgerows once the development has been completed.</p>
<p><b>Policy 7.5: New Open Space</b> Recommendation <i>At the start of the policy insert "Major new residential"</i></p>	<p>For clarity</p>
<p><b>Policy 7.6: Retaining the best, most versatile and characteristic agricultural land</b> Recommendation <i>Replace "Grade 2" with "Grade 3a)"</i></p>	<p>To reflect national policy</p>
<p><b>Policy 7.8: Development within the AONB</b> Recommendations <i>After "should" insert "where it is relevant"</i> <i>Insert "following" before "objectives"</i></p>	<p>IE considers that it would improve the clarity and utility of the policy if the eight objectives set out in the table were listed on the policy</p>

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<p><i>Insert at the end of the policy:</i>  <i>“Management Plan Objectives: Woodland</i>  <i>W1 Objective: To maintain existing extent of woodland and particularly ancient woodland</i>  <i>W2 Objective: To Enhance the ecological functioning of woodland at a landscape scale.</i>  <i>W3 Objective: To protect the archaeology and historic assets of AONB woodlands.</i>  <i>W4 Objective: to increase the amount of sustainably produced high quality timber and underwood for local markets.</i>  <i>Management Plan Objectives: Field and Heath</i>  <i>FH1 Objective: To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management.</i>  <i>FH2 Objective: To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodland.</i>  <i>FH3 Objective: To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats.</i>  <i>FH4 Objective: To protect the archaeology and historic assets of field and heath.”</i></p>	
<p><b>Policy 7.9: Development adjacent to the AONB</b>  Recommendation  <i>Replace “must not damage or detract from” with “should seek to avoid or minimise damage to”</i></p>	<p>To reflect national policy</p>
<p><b>Policy 7.10 Development adjacent to ancient woodland</b>  Recommendation  <i>After “Ancient Woodland” insert “as shown in Figure 38”</i></p>	<p>To identify where the ancient woodland is within the parish, policy to include a cross reference with Figure 38 which shows the location of ancient woodland in Horsmonden parish.</p>
<p><b>Policy 7.11: Flooding</b>  Recommendation  <i>The policy be deleted.</i></p>	<p>IE recommends the policy be deleted as it does not provide additional guidance from what already exists.</p>