

# Horsmonden Neighbourhood Development Plan 2022-2038

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## Submission Version

A Report to Tunbridge Wells Borough Council on the Examination of  
the Horsmonden Neighbourhood Plan

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## Executive Summary

My examination has concluded that the Horsmonden Neighbourhood Area Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Removing reference to the 400m and 800m distance from the supporting text in terms of walkability and referring to the presumption in favour of residential development within the Horsmonden Limits to Development as set out in Figure 5.
- Restricting the speed reduction policy so that it applies only to the design of new housing developments.
- Making clear that enhancements required to public rights of way will only be imposed where it is relevant to the development and also to allow applicants to make financial contributions towards enhancements.
- Referencing the Kent Design Guide in terms of the guidance relating to pavements and changing the emphasis to the provision of safe pedestrian facilities.
- Deleting the policy on the school crossing.
- Deleting the public parking policy.
- Changing the parking standards policy so that it adopts the same parking standards as proposed by TWBC but within the neighbourhood plan itself.
- Removing requirements for charging points for electric bicycles.
- Restricting the need to provide broadband infrastructure to new residential and commercial development.
- Widening the uses allowed in converted farm buildings to include all Class E uses as well as appropriate sui generis uses.
- Making the allotments policy specific to the Bassets Farm site.
- Clarifying that sheltered housing should be restricted to sites within the Limits to Development.
- Reducing the extent of the Sprivers LGS designation to exclude Sprivers house and garden and the land to the south
- Clarifying the ancient woodland and veteran trees are allowed to be removed, where exceptional circumstances exist.
- Including within the AONB policy wording which management objectives need to be considered, where appropriate.
- Deleting the flooding policy.

The referendum area does not need to be extended beyond the Plan area.

## Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities an opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan provides the community with the ability to allocate land for particular purposes and to prepare the policies that will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the saved policies of the Tunbridge Wells Borough Council Local Plan, adopted in March 2006, and the Tunbridge Wells Core Strategy, adopted in June 2010. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Horsmonden Parish Council. A Steering Group was appointed to undertake the Plan's preparations made up of two parish councillors and local residents.
3. This report is the outcome of my examination of the Submission Version of the Horsmonden Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Tunbridge Wells Borough Council.

## The Examiner's Role

4. I was appointed by Tunbridge Wells Borough Council in September 2022, with the agreement of Horsmonden Parish Council, to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 44 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Tunbridge Wells Borough Council and Horsmonden Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
  - That the Plan should proceed to referendum, if modified.
  - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Horsmonden Neighbourhood Plan area.
  8. In examining the Plan, the Independent Examiner is expected to address the following questions
    - Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
    - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
    - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and been developed and submitted by a qualifying body?
  9. I am able to confirm that the Plan, if modified by my recommendations, only relates to the development and use of land, covering the area designated by Tunbridge Wells Borough Council, for the Horsmonden Neighbourhood Development Plan, on 24<sup>th</sup> November 2017.
  10. I can also confirm that it does specify the period over which the Plan has effect, namely the period from 2022 up to 2038 which coincides with the end date of the emerging version of the Tunbridge Wells Borough Local Plan.
  11. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
  12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
  13. I am satisfied that Horsmonden Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

### **The Examination Process**

14. The presumption is that the neighbourhood plan examination will proceed by way of the consideration of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put forward a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

16. I am satisfied that I can properly examine the Plan without the need for a hearing.
17. I carried out an unaccompanied visit to Horsmonden on 5<sup>th</sup> October 2022. Upon arrival, I orientated myself within the village and noted the village shop, pub, chemist and the primary school and the early years centre. I visited each of the 3 local plan allocation sites, one of which, at Furnace Lane, is nearing completion. I was able to appreciate that some roads around the village are without pavements. I visited each of the local green spaces both around the village and those outside in the surrounding countryside. I also, on my drive around the parish, was able to appreciate for myself the important viewpoints set out in Figure 35. I was also able to appreciate the difference in the landscape inside and outside of the High Weald AONB.
18. Following my site visit, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Tunbridge Wells Borough Council, entitled Initial Comments of the Independent Examiner, dated 17<sup>th</sup> October 2022. I received responses from both the Parish Council and Tunbridge Wells Borough Council on 4<sup>th</sup> October 2022. The responses have been placed on the respective websites.

## **The Consultation Process**

19. Once the neighbourhood area had been formally designated, the first public meeting was a village visioning event held in April 2018, attended by residents, local groups and businesses. This identified the challenges facing the parish and set out a vision for the Plan.
20. The Steering Group had a presence at the summer festival event held on the 9<sup>th</sup> June 2018. A neighbourhood plan website was launched that September. An exhibition was held in the autumn 2018, followed up by a household questionnaire attracting 206 responses, which were used to identify the key themes for the plan.
21. The work on producing the neighbourhood plan was given to 6 themed working groups, each of which held community workshops during 2019.
22. AECOM were appointed to masterplan the Bassetts Farm site and prepare design guidelines for the parish and their work was informed by a public workshop. A housing needs survey was carried out within the parish with a survey form distributed to every household. 307 survey forms were completed, representing a 29% response rate. Also, meetings were held with developers of the remaining two allocation sites.
23. All this activity culminated with the preparation of the Pre-Submission version of the Neighbourhood Plan which was the subject of a six - week consultation, known as the Regulation 14 consultation, which ran from 13<sup>th</sup> September to 24<sup>th</sup> October 2021. This took the form of a summary leaflet distributed to every house in the parish. In addition, there were two consultation events, one held online and one held in the village hall on the afternoon of 16<sup>th</sup> October 2021. In total 33 representations were received. These are fully set out in Appendix A of the Consultation Statement including the Steering Group's responses to each.

24. I am satisfied that the Parish Council has actively sought the views of local residents and other stakeholders and their input has helped shape the Plan.

## **Regulation 16 Consultation**

25. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a six- week period, between 4<sup>th</sup> July 2022 and 29<sup>th</sup> August 2022. This consultation was organised by Tunbridge Wells Borough Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.

26. In total, 14 responses were received, including: Brenchley and Matfield Parish Council, Southern Water, Kent County Council, Tunbridge Wells Borough Council, National Highways, Historic England, National Grid, NHS Kent and Medway, The Coal Authority, Wealden District Council, Persimmon Homes South East, Rosconn Strategic Land and from 2 local residents.

27. I have carefully read all the correspondence and I will refer to the representations where relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

## **The Basic Conditions**

28. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.

29. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -

- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

## Compliance with the Development Plan

30. The development plan currently comprises the saved policies of the 2006 Local Plan and the 2010 Core Strategy. A Borough Site Allocations Plan which was adopted in 2016 does not include any allocation within the parish. In addition, the development plan incorporates the Kent Waste and Minerals Plan 2016 and the Kent Mineral Sites Plan 2020, but these two plans cover matters that cannot be covered by a neighbourhood plan policy.
31. The 2006 local plan has been overtaken by the later adopted plans, but a number of its policies were saved in 2009. One of the saved policies is Policy LBD1 which deals with proposals outside of the limits to development. That local plan also establishes the current limits to development around the main village of Horsmonden.
32. The Core Strategy 2010 - 26, adopted in June 2010, sets out a number of strategic policies which have been identified by Tunbridge Wells Borough Council as being relevant for the purpose of the basic conditions. These include Core Policy 1 – Delivery of Development which relates back to a spatial strategy with seeks to protect the character of the borough’s villages by limiting new development to within the limits of development, unless it is required to meet local needs. It also requires development to provide/contribute to “services, facilities and infrastructure for which they create a need”. Core Policy 3 encourages proposals that reduce reliance on private transport. Core Policy 4 – Environment, seeks to conserve and enhance the High Weald AONB, adopt a hierarchal approach to the protection of nature conservation as well as protecting various heritage interests.
33. Core Strategy 5 deals with sustainable design and construction including taking a sequential approach in areas of risk of flooding.
34. The plan sets a housing requirement in Core Policy 6 of 6,000 dwellings over the period 2006 – 2026, of which 65% should be on previously developed land and requires 35% affordable housing on sites capable of accommodating 10 units or more. It allows for the consideration of exception sites. Employment provision is covered by Core Policy 7 and includes safeguarding existing employment uses and strengthening the rural economy including promoting tourism development. The loss of community facilities is resisted in Core Policy 8. Finally, Core Policy 14 deals with Development in the Villages and Rural Areas. Horsmonden is identified as one of the villages in the plan’s settlement hierarchy. Collectively these are expected to deliver 360 net additional dwellings across all the villages and rural areas. It seeks to protect the countryside for its own sake and maintain the landscape character and quality of the countryside with village centres being the focus for communities.
35. The Site Allocation Local Plan does not make specific proposals for Horsmonden but notes that the 360-unit housing requirement from the villages has been



provided but local needs housing and affordable housing would continue to be supported.

36. The Borough Council is preparing a new Tunbridge Wells Borough Local Plan which has been submitted to the Planning Inspectorate and has been through its examination hearings which were held between March and July 2022. Following the hearings, the Inspector requested additional notes and documentation from the Borough Council. The Borough Council has now received the Local Plan Inspector's Initial Findings. None of the findings specifically apply to the parish of Horsmonden and the letter does not affect my consideration of the neighbourhood plan.
37. The status of this plan is that it is still a draft local plan, which is now some way down its road towards adoption, but the policies within it can still change as a result of the publication of the Inspector's recommendations and future consultations on the proposed modifications. As a document, it is material to my consideration of the neighbourhood plan and it is clear that the Parish Council has worked closely with the Borough planners and have taken on board the proposals in the emerging plan as it represents a clear direction of travel and is based on up to date research and evidence. However, for the consideration of the basic conditions, the legislation required that the neighbourhood plan should be in general conformity with the strategic policies in the adopted local plan(s).
38. The submission version of the new Tunbridge Wells Borough Local Plan covers the period 2020 – 2038, which is the same as this neighbourhood plan. The plan proposes that it will deliver a minimum of 12,204 dwellings, including using previously developed land and focussing development within the limits to development of settlements, at the same time as limiting development within the High Weald AONB. The Borough Council's consideration of the Inspector's Initial Findings may mean that some of the strategy for meeting housing needs may need to be reconsidered in the light of some of his conclusions.
39. The plan has a separate section on Horsmonden and it is proposing a new limits to built development map for the village (Map 26) which includes 3 allocation sites, which are expected to deliver between approximately 240 and 320 new dwellings. These sites are AL/HO1, land adjacent to Furnace Lane and Gibbett Lane, which is now virtually completed following the grant of a planning permission, AL/ HO 2 which is land south of Brenchley Road and west of Fromandez Drive, which the submission plan states will deliver between 80 and 100 units and land for a new village hall (other developments at Horsmonden to make contributions towards the costs of delivering a new village hall). I have been advised that at the TWBC Local Plan examination, the proposed yield for this site was changed to approximately 70 units which will be brought forward as a Main Modification. The final site is AL/HO 3 Land east of Horsmonden which is expected to deliver approximately between 115 and 165 dwellings and land for a new doctor's surgery and associated car parking.
40. The new plan also contains a compendium of new development management policies covering a wide range of policy issues.

41. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Tunbridge Wells Core Strategy and the saved policy within the Tunbridge Wells Local Plan 2006.

### **Compliance with European and Human Rights Legislation**

42. Tunbridge Wells Borough Council issued a Screening Opinion, in a report dated June 2021, which concluded, after consulting the 3 statutory bodies, that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required.

43. The Borough Council, as competent authority, in a screening report also dated June 2021, screened the Plan under the Conservation of Habitat and Species Regulations. This concluded that a full Habitat Assessment would not be required as the plan would not be expected to have any significant effect upon European protected site the nearest of which is the Ashdown Forest SPA / SAC.

44. I am satisfied that the basic conditions regarding compliance with European legislation, including the more recent basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the Plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

45. The submission of the neighbourhood plan marks the culmination of a great deal of hard work by the Steering Committee. It is clear that the plan is a bespoke community plan, which is distinctive to the parish, addressing issues which are clearly important to villagers.

46. The plan has been prepared alongside the emerging local plan and that latter document has been the main driver for decisions about how much development should take place within the parish and indeed the Borough Council has taken the lead in identifying the three allocation sites. I understand the Parish Council has sought to test through its consultants whether these are the best sites and has concluded that no better sites are available.

47. There is clear evidence that the neighbourhood plan has sought to put its own stamp on the proposals, particularly the allocations that are emerging in the new local plan. That is quite appropriate, so long as it does not undermine the strategic policies in the local plan. I am generally satisfied that the neighbourhood plan supports the strategic policies emerging in the draft local plan.

48. In a number of instances, the policies require compliance with new local plan policies, but because the new plan is not finalised, that local plan policy could still change and it would be inappropriate to enshrine in a development plan document, policies which are currently only draft. I propose a number of amendments to address that matter.

49. The plan rightly differentiates between matters that can be used to determine planning applications and what are described as “projects”, which are actions the Parish Council intends to take, but which are beyond the remit of a land-use policy. These projects are not subject to examination or referendum and I have not commented on them.
50. One of the basic condition tests is whether the neighbourhood plan will deliver “sustainable development”. On this point I am satisfied that the plan, when read as a whole, will deliver that sustainable development. The plan seeks to ensure that new housing meets the housing requirements of the village. It will help deliver new community facilities, including a doctors surgery, a new village hall and allotments, open space, and children’s play facilities. The policies encourage new economic activities, as well as protecting the existing employment sites and encouraging supporting infrastructure, such as broadband, to enhance the economic viability of the parish. The plan also includes environmental themes, protecting green spaces, important views, trees and hedgerows, the best agricultural land as well as protecting the landscape, especially the High Weald AONB.
51. The Borough Council has, in its submissions, raised a whole range of textual issues which are not directly related to the policies in the plan. In its responses, the Parish Council has asked for my recommendations or advice in preparing the referendum version. I am afraid this goes beyond my remit as an examiner, to have to address such issues as I am required only to deal with the matters set out in legislation which are predominantly basic conditions issues. That is not to say the points being raised are unimportant and offer the opportunity to improve the final version of the plan.
52. I will be therefore leaving it to the Parish Council/ Steering Group to work alongside the Borough Council planners to address these issues, in collating the Referendum Version of the plan, which will have to be prepared alongside the Borough Council’s Decision Statement. There will also be consequential changes to the supporting text which are necessary to reflect the policy changes that I am recommending in my report, so that the neighbourhood plan will read as a coherent document.

## **The Neighbourhood Development Plan Policies**

### **Policy 2.1: Walkable village**

53. Whilst I appreciate the aspiration of the policy is to stress the walkability of the village, the reliance on the 400m and 800 m radius from the village centre, shown as the crossroads, could have some unforeseen consequences. I can understand the choice of the crossroads as being the representative of the village centre, but that may not necessarily reflect the most important walking destinations which people, who may not have an access to a car during the day, may use on a regular basis. I have in mind in particular the village primary academy and the early years centre. If those locations were to be used as the representative destination, then

the walking times would be very different to those from the crossroads and some parts of the village, which currently lie outside the illustrated rings, could then be included.

54. It is the relationship of this policy to the limits of development that concerns me. Strategic planning policy supports new housing within the limits to development, even if it falls outside of the 800m circle. That support is found in both the existing adopted plans and the emerging local plan. Similarly, the submission version of the new Tunbridge Wells Local Plan is allocating housing to sites, parts of which lie beyond the 800m circle, which is said to be the maximum walking distance from the village centre.
55. I do appreciate that the wording of the policy does not make specific reference to these distances, but I fear that by including these circles within Figure 5 and the reference to them in paragraph 72, could be interpreted as seeking to exclude new residential development, beyond those distances, yet sites could be falling within the limit to development. Equally, the policy could imply that support will be given for housing, which lies within the walkable distances, yet the site falls beyond the settlement boundary.
56. I do consider the policy can be retained, but the reference to the 400m and 800m radius from the crossroads, should be removed from both the key map in Figure 5 and the supporting text, but also that the policy should go further and explicitly support new housing within limits to development.
57. On that point I understand that the plan is proposing to use the limit to development around the village which is being promoted in the Submission version of the Local Plan, rather than the current boundary from the adopted 2006 Local Plan. However, that new plan has not itself been adopted as it is still at the examination stage. I will therefore be recommending that the neighbourhood plan should actually define the Limit to Development, shown in Figure 5, as its limit of development and if, as expected, the neighbourhood plan is made before the new local plan is adopted, it will become part of the development plan earlier.
58. I consider 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.”

#### ***Recommendations***

***Remove the 400m and 800m circles from Figure 5.***

***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.”***

***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.”***

#### **Policy 2.2: Minimising traffic speeds**

59. As picked up in Rosconn Strategic Land’s Regulation 16 comments, there is a need to differentiate between designing out speeding within new developments

and the issue of reducing speeds on existing roads. I concur with that statement. In my experience, the latter is essentially a matter which falls under the remit of the highway authority rather than a developer. I know that this is recognised by the Parish Council from the response it gave to my Initial Comments question.

60. I will propose a modification which 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.

***Recommendation***

***Add at the end of the policy “within new residential development”.***

**Policy 2.3 Enhancing Public Rights of Way**

61. My only concern with this policy relates to what “*development*” will be expected to comply with a policy. “Development” is an all-encompassing term for works which require planning permission and could, for example include extensions and alterations to domestic properties which are situated adjacent to a public right of way. It would be unreasonable to expect a householder to have to enhance a public right of way. I will clarify that the policy should refer to “new residential development” and also include the caveat “where appropriate”. I will also accept the suggestion from TWBC that this could include making financial contributions.

***Recommendations***

***Insert “new residential” before “development”, after “enhanced” insert “where appropriate” and add at the end “including through the making of financial contributions”.***

**Policy 2.4: Adequate Pavements**

62. I find this policy quite ambiguous. The question it raises in my mind, is whether it is referring to the provision of new pavements within or beyond the application site. The supporting text recognises the practical difficulties in retrofitting pavement improvements beyond the site. I witnessed this for myself during my site visit, particularly where private properties extend to the edge of the carriageway. Where there are opportunities for the creation of new off-road footpath links between new development and the village facilities, then they can, quite rightly, be incorporated as a requirement that can legitimately be imposed on the developer. This would have wider benefits for all residents, not just those who live within the new housing. I note the inclusion of such a requirement within one of the proposed allocation policies in the draft local plan.
63. I will propose modifications to clarify where new pavements will be sought. I believe 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.
64. In terms of the actual design of the new residential developments, there would be an expectation that new pavements would be required, but as written, it could be implied that the policy requires every new road to have to include a pavement.

Some modern design layouts, including those as promoted within Manual for Streets, allows alternative layouts, including, for example, shared surfaces and Homezones.

65. I have been advised by the Borough Council that it understands that the Manual for Streets is shortly to be updated. It has to be pointed out that it is only putting forward guidance, which is not mandatory. Also, Kent County Council as Highway Authority has produced design guidance which is also relevant, which developers will have to have regard to, especially if the roads are to be adopted by the County Council. I therefore propose to refer to that guidance as well in my recommendation.

#### ***Recommendations***

***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 superceded 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.”***

#### **Policy 2.5: School Access Crossing**

66. 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 towards the provision of a new pedestrian crossing, across Maidstone Road, opposite Back Lane. A developer contribution can only be required if it meets all three tests, set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, which includes a requirement that the contribution is necessary to make the development acceptable in planning terms. I note that the site allocation policy in the emerging local plan, does not include the requirement for a new crossing point across Maidstone Road, and neither is it listed in the facilities to be sought from development in the parish, as set out in Policy PSTR/ HO1.
67. I could 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. Indeed, there is some uncertainty as to what is actually being sought by the Parish Council, as the map on Figure 5 refers to the provision of a “school crossing patrol”, which I believe would be what is known colloquially, as a “lolly pop person”, whilst the policy refers to the “provision of facilities”- which I envisage would be a permanent crossing facility, rather than something just provided at the start and finish of school. I also note that there is currently no designed or costed scheme for a new crossing, towards which a developer could be asked to contribute.
68. However, 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.

### ***Recommendation***

***That the policy be deleted.***

### **Policy 2.6 Public Parking**

69. At the present time, Tunbridge Wells Borough Council's latest parking standards have not been adopted as they will form part of the new local plan. Existing adopted local plan policies on parking are expressed as maximum provision. I am therefore proposing that the neighbourhood plan should adopt the same parking standards as are being proposed by the Borough Council, which covers both visitor parking and residents parking. The requirements for visitor parking are covered by this policy and Policy 2.7, which is unnecessary duplication and I will be proposing that this policy be deleted. The management of the visitor spaces is not a matter that can really be covered by planning policy, which covers the provision of the spaces, not how they are managed eg limits of stay etc and who makes use of them. The Parish Council's aspirations covering these matters could be set out in the supporting text.

### ***Recommendation***

***That the policy be deleted.***

### **Policy 2.7: New Parking**

70. Again, the reference to the TWBC residential parking standards can be removed. However, I am satisfied that the neighbourhood plan can propose the same parking standards as set out in Figure 15 and I will recommend accordingly.

### ***Recommendation***

***Replace "with due regard to the TWBC Residential Parking Standards contained" with "in accordance with the standards set out"***

### **Policy 2.8: Charging Points**

71. The proposal to support electric charge charging points for vehicles in new developments is consistent with up-to-date national planning guidance in the latest version of the NPPF. I recognise that there is some duplication with the new Part S of the Building Regulations but that document has some flexibility in terms of actual provisions if average costs per space go beyond a specific figure, which is not present if required under a planning policy.

72. I am not convinced that electric bicycles need any external charging infrastructure and the bicycle's battery would normally be charged from within a domestic supply.

### ***Recommendation***

***Delete "and cycle"***

### **Policy 3.1: Retain and Intensify the use of existing employment sites**

73. I have no comments to make on this policy which is supportive of new development related to existing employment sites within the parish. I appreciate that the emerging local plan policy provides criteria to be satisfied if proposals for

new uses in employment sites come forward, but this policy does not undermine that approach once it is adopted, as it is merely supportive of proposals which retain and intensify such existing business uses.

### **Policy 3.2: Broadband**

74. My only concern is that this policy relates to all “development”. There will be some development where the provision of instruction for broadband would not be necessary, such as a new agricultural storage building, for example. I consider that the policy should be a requirement only for new residential or commercial development.

#### ***Recommendation***

***After “new” insert “residential and commercial”***

### **Policy 3.3: Conversion of farm buildings**

75. 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 and I will refer to uses falling within Use Classes B1, B8 and E plus appropriate sui generis uses, being supported.

#### ***Recommendations***

***Replace “Class B” with “Class B2”, after “distribution uses” insert “Class B8” and change “serviced offices and services” to “commercial, business and services uses” and after “(Class E)” insert “and appropriate sui generis uses”***

### **Policy 3.4: Business associated with vineyards and fruit growing**

76. I find this to be a locally distinctive policy which reflects the predominant agricultural practices in the parish and seeks to maintain their viability. I consider that this is entirely appropriate for the neighbourhood plan to seek to encourage the diversification of such enterprises. I do accept that the proposed amendment put forward by the Borough Council could prevent inappropriate uses being introduced under the auspices of this policy.

#### ***Recommendation***

***At the end of the policy insert “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”***

### **Policy 3.5: Mobile Phones and data transmission**

77. I have no comments to make on this policy.

### **Policy 4.1: New Medical Facilities**

78. I have no comments to make on this policy.



## Policy 4.2: Allotments

79. The policy refers to the provision of allotments within *larger developments* yet in the brackets specifically refers to the Bassets Farm allocation site (AL/HO3). By quoting the location criteria, it could be interpreted as supporting an alternative site elsewhere and the Parish Council has clarified a response to my Initial Comments document that this was not the intention.
80. In view of this clarification, I will be recommending that the policy should be made specific in terms of identifying the allocation site.
81. Their response did make clear that the Parish Council was not just looking for the delivery of the allotment site, but also the necessary infrastructure such as car parking and water supplies. This needs to be clarified in the policy.

### *Recommendations*

**Replace “larger developments (AL/HO3)” with the “the Bassets Farm / Land east of Horsmonden Development (AL/ HO3)”**  
**In the second sentence replace “site” with “allotments” and after “holders” insert “and” and delete the rest of the policy after “water”**

## Policy 4.3: Facilities for children and young people

82. It is appropriate for the neighbourhood plan to be setting out the community’s expectations for infrastructure, especially those aimed at the needs of the younger population. Any development contributions will have to meet the legal requirements set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.
83. 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+.

### *Recommendation*

**Replace “(50-99+homes)” with “(50+homes)”**

## Policy 4.4: New Village Hall

84. Whilst the expectation is that the new village hall will be developed on the Brenchley Road allocation site (AL/HO2), this is a more generic policy which will support an alternative location, if it is shown to be necessary. I will recommend a minor grammatical change as suggested by the Borough Council.

### *Recommendation*

**Replace “a” with “within”**

## Policy 5.1 Design of new development

85. I am pleased that this policy sets out high aspirations to promote good design within the parish. It is based on a strong understanding of the character of the parish I set out in the character analysis. I am satisfied that the policy meets basic conditions.

## Policy 6.1: Meeting housing needs

86. It is entirely appropriate that any housing which takes place in the parish should reflect the needs of the area. The second part of the policy requires affordable

housing to be delivered in accordance with the draft policy as submitted within the emerging local plan. The outcome of that local plan examination is currently awaited and that policy could change, depending on the Inspector's recommendations and public consultation on any Proposed Modifications. I propose to retain the objectives of the policy but instead refer to being provided in accordance with the Borough Council's current affordable housing policy.

#### ***Recommendation***

***In 2. replace "SLP Policy H3" with "the Borough Council's current affordable housing policy"***

### **Policy 6.2: Windfall Residential development**

87. Whilst the policy reflects the community's preference for smaller scale development, of less than 10 dwellings, within the limits of development, there is a presumption in favour of new homes being created. To place an arbitrary limit on the scale of development 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.
88. In any event, it is likely that, by the nature of the sites that can come forward within the village envelope, sites capable of accommodating development of more than 10 units will be the exception rather than the rule. Having regard to my 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
89. I do 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. This will require the policy to be retitled.

#### ***Recommendations***

***Retitle the policy "Windfall residential development outside Limits to Development"***

***Delete the text in the first paragraph after "considered" and also the second paragraph***

***In the second paragraph add after "LBD" insert "as shown in Figure 5".***

### **Policy 6.3: Provision of sheltered housing**

90. My only concern is that the policy, as drafted, offers unqualified support for sheltered housing which could encourage development to take place in the countryside. I consider 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.

### ***Recommendation***

***Insert at the end of the policy “on sites inside the Limits to Development as shown in Figure 5.”***

## **Policy 6.4: Replacing or combining existing dwellings outside of limits of development**

91. I have no comments to make on this policy although the provisions do not actually address the question of “combining” existing dwellings. I propose that the heading be changed to avoid confusion as to the remit of the policy. It could be helpful to qualify that there would remain a presumption against the loss of heritage buildings.

### ***Recommendations***

***Delete “or combining” from the title of the policy***

***Add at the end of the policy “and the existing dwelling is not a heritage asset”***

## **Policy 7.1: Local Green Spaces**

92. This policy is proposing to designate eight local green spaces. I visited each of them and I am satisfied that six of the proposals meet the criteria set out in paragraph 122 of the NPPF. However, I was not initially convinced that two of them meet the strict criteria set out in paragraph c) of the relevant NPPF section which states that local green space status should not be conferred on extensive tracts of land because the supporting documentation had misrepresented the respective site areas by a factor of ten.

93. With regard to Furnace Pond, which I note the Borough Council is also proposing to designate as local green space in the draft Local Plan, there is a mismatch between the boundary shown in the Local Green Space Assessment, which essentially only includes the pond and some of the bank area, the majority of which actually falls within Brenchley and Matfield parish and what is shown in the plan. The boundary, as shown on Figure 33, covers a wider area of woodland, much of which also falls within the adjacent parish. The assessment sheet states that the designation covers approximately 41 ha but I am advised is actually only 4.1 ha. On that basis I am satisfied that it is not an extensive area of land and can now be included as a local green space as designated by this neighbourhood plan.

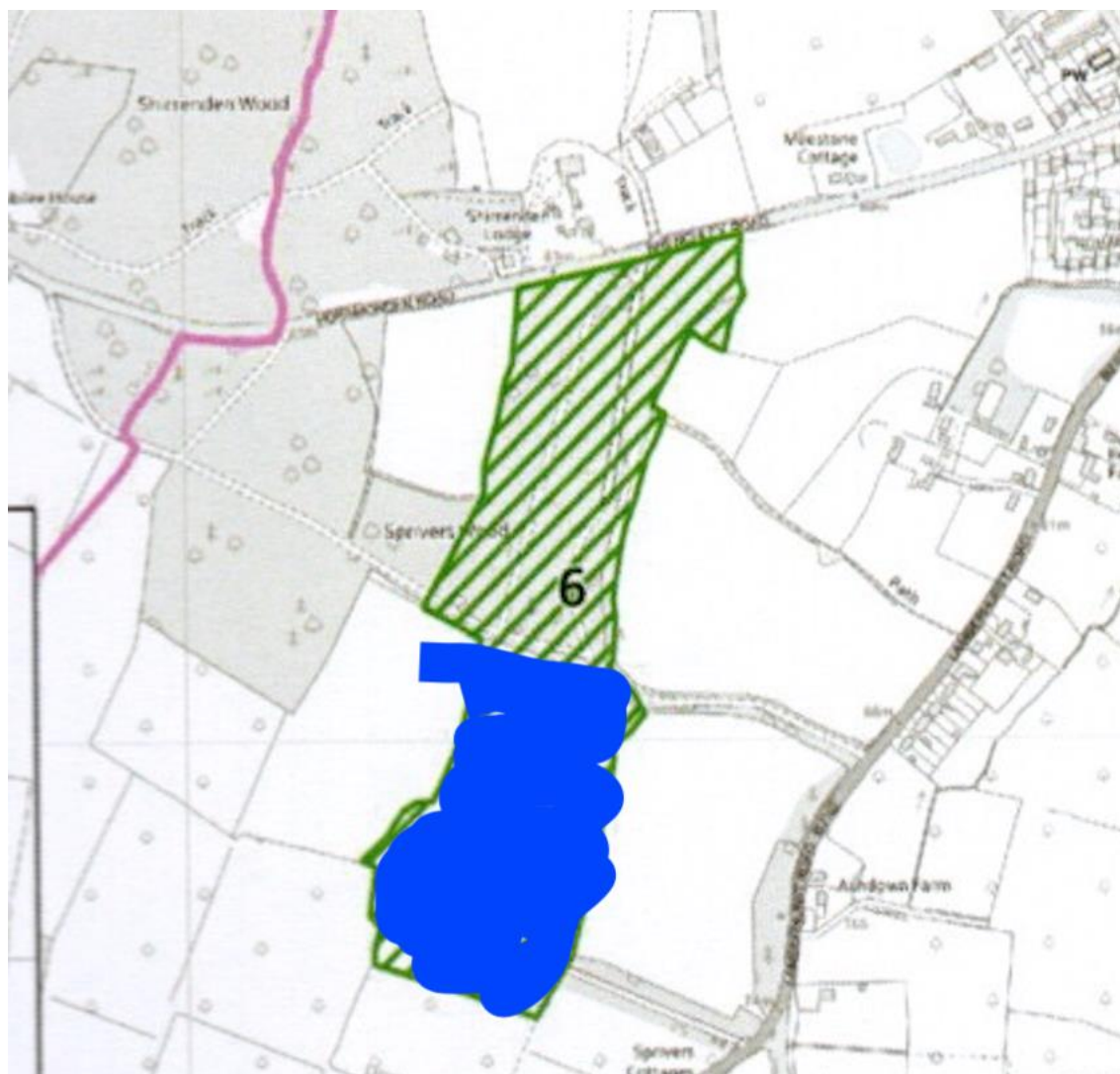
94. Similar issues arose with regard to the proposed Sprivers designation. I was in no doubt that the woodland area is valued green space and I witnessed its use by dog walkers during my site visit, but the area shown on the map in Figure 33 includes the curtilage of the main house of Sprivers, which I understand is 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.

95. The LGS assessment sheet refers to the designation covering some 44 ha, but is now correctly identified as covering 4.4 ha. Whilst not an extensive tract of land, I consider that the part of the site used as a wedding venue does not meet any of the requirements of being a local green space, so I will be recommending that the southern part of the site be deleted from the designation.

96. Apart from the one boundary change, I am now satisfied that the eight sites do meet the Secretary of State's requirements for land to be designated as local green space

### ***Recommendations***

***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.***



### **Policy 7.2: Protecting important views**

97. During my site visit I saw most of the 19 viewpoints identified in Figure 35 and I am satisfied that it is entirely proper for the community to identify specific views which it values. The wording of the policy is somewhat ambiguous, as it refers to the protection of historical or significant views into or out of settlements *from any publicly accessible areas*, but then also refers to the mapped and listed locations.

98. The Parish Council in its response to my Initial Comments question stated that whilst the policy was focused on the 19 viewpoints, it was desirable to protect other views into and out of the settlement. My concern with the proposal as drafted, is that an applicant or decision maker would not know whether a development

proposal being considered affected an unidentified view. That would, in my opinion, run counter to the Secretary of State's requirements set out in the Planning Practise Guidance which states that a policy should be drafted so as to be clear and unambiguous and with sufficient clarity that decision-making can apply it consistently and with confidence when determining planning applications.

99. I will therefore recommend that the remit of the policy be restricted to the protection of the 19 specified viewpoints. I note that the Borough Council does not consider that the development at AL/HO 3 will result in the loss of the views that are identified in the policy.

***Recommendation***

***Delete from the policy "from any publicly accessible area."***

**Policy 7.3: Biodiversity Net Gain**

100. I have no comments to make in terms of the policy which reflects the Secretary of State's approach to biodiversity net gain as set out in the NPPF except to change the last word to "biodiversity" not "diversity".

***Recommendation***

***Change the last word in the policy from "diversity" to "biodiversity"***

**Policy 7.4: Trees and hedgerows**

101. This 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. In order for the policy to be brought into line with the Secretary of State's policy, as required by the basic conditions, I will recommend that the same caveat be inserted.
102. Equally the policy does need to allow the loss of hedgerows in order to allow access to development sites.
103. Furthermore, whilst desirable, it is impractical through planning control to require the continued ongoing maintenance of hedgerows, once the development has been completed. I will propose that the wording be changed to one of encouragement to the ongoing maintenance of these hedgerows.

***Recommendation***

***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."***

**Policy 7.5: New Open Space**

104. This policy applies to all development but I am sure that the aspiration is that the policy is aimed at all new major residential allocations. I will clarify where the policy is to be applied.

***Recommendation***

***At the start of the policy insert “Major new residential”***

**Policy 7.6: Retaining the best, most versatile and characteristic agricultural land**

105. This policy seeks to retain high-quality agricultural land. The glossary to the NPPF defines the best and most versatile agricultural land as those falling within Grades 1, 2 and 3a in the Agricultural Land Classification. I will propose the inclusion of Grade 3a land to bring the policies aspiration into line with national policy.

***Recommendation***

***Replace “Grade 2” with “Grade 3a)”***

**Policy 7.7: Light Pollution**

106. I have no comments to make on this policy which meets basic conditions.

**Policy 7.8: Development within the AONB**

107. There will be some development taking place within the AONB, which by its nature, will not impact on the two management objectives set out in the table in paragraph 214 of the document. That could, for example, cover residential extensions and it will be over onerous for a home owner to have to demonstrate how they make a positive contribution to these objectives, where it is not relevant. I also consider that it would improve the clarity and utility of the policy if the eight objectives set out in the table were actually listed on the policy and I will recommend accordingly.

***Recommendations***

***After “should” insert “where it is relevant”***

***Insert “following” before “objectives”***

***Insert at the end of the policy:***

***“Management Plan Objectives: Woodland***

***W1 Objective: To maintain existing extent of woodland and particularly ancient woodland***

***W2 Objective: To Enhance the ecological functioning of woodland at a landscape scale.***

***W3 Objective: To protect the archaeology and historic assets of AONB woodlands.***

***W4 Objective: to increase the amount of sustainably produced high quality timber and underwood for local markets.***

***Management Plan Objectives: Field and Heath***

***FH1 Objective: To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management.***

***FH2 Objective: To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodland.***

***FH3 Objective: To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats.***

***FH4 Objective: To protect the archaeology and historic assets of field and heath.”***

### **Policy 7.9: Development adjacent to the AONB**

108. I have received a representation which points out that the policy, as drafted, is more prescriptive than the Secretary of State’s requirements, as set out in paragraph 176 of the Framework, which requires that development within the setting of an AONB should be “designed to avoid or minimise adverse impacts on the designated areas”. I will propose an amendment which reflects that slight change in emphasis to bring the policy into line with national policy.

#### ***Recommendation***

***Replace “must not damage or detract from” with “should seek to avoid or minimise damage to”***

### **Policy 7.10 Development adjacent to ancient woodland**

109. In order to identify where the ancient woodland is within the parish, I propose to cross reference this policy with Figure 38 which shows the location of ancient woodland in Horsmonden parish.

110. I have received comments from a landowner and the Borough Council that using a 50m buffer between the development and any ancient woodland is over ambitious. The Woodland Trust guidance does state that “one size does not fit all” but quotes that figure on the basis of the precautionary principle. I am reassured that the policy does allow an applicant to propose a smaller buffer if it can be shown to be sufficient to provide proper protection to the woodland. I am therefore satisfied that the buffer distance quoted does not need to be changed.

#### ***Recommendation***

***After “Ancient Woodland” insert “as shown in Figure 38”***

### **Policy 7.11: Flooding**

111. Issues related to flooding, both surface water and pluvial, are covered in great detail both in existing and proposed local plan as well as national planning policy guidance dealing with flood risk and sustainable drainage. This policy does not add any local dimension to the policy apart from its reference to the Parish Council’s sustainability policy, which it appears does not directly relate to flooding. The Secretary of State advice in paragraph 16 f) of the Framework says that “plans should avoid unnecessary duplication of policies that apply to a particular area, including policies contained within the Framework”. I will therefore be

recommending that the policy be deleted as it does not provide additional guidance from what already exists.

***Recommendation***

***The policy be deleted.***

## **The Referendum Area**

112. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Horsmonden Neighbourhood Plan as designated by Tunbridge Wells Borough Council on 24<sup>th</sup> November 2017 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

## **Summary**

113. I congratulate Horsmonden Parish Council on producing this locally distinctive neighbourhood plan. The plan will sit comfortably alongside the emerging Tunbridge Wells Borough Local Plan and it has allowed the local community to be able to shape the development that will take place in the parish over the next few years.
114. It is clear that a huge amount of hard work has gone into this plan by volunteers on behalf of the local community and I am pleased to recognise their sterling work.
115. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
116. I am therefore delighted to recommend to Tunbridge Wells Borough Council that the Horsmonden Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI  
John Slater Planning Ltd  
28<sup>th</sup> November 2028