

Appendix B: Changes to be made to the Cranbrook & Sissinghurst Neighbourhood Development Plan as requested by the Independent Examiner's Report 25 May 2023.

The independent examiner has concluded that the Cranbrook & Sissinghurst 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>Policy LN3.1 - Special Sites for Nature Conservation</p> <p>Delete the policy</p>	<p>Protection for nature conservation: sites are already provided within local and national planning policies, guidance, and legislation. The policy gives equal importance to all nature conservation sites rather than distinguishing a hierarchy of sites as required by the NPPF.</p> <p>The requirement of a 25 m buffer strip in the second part of the policy to all nature conservation sites goes beyond what is required by local and national policies and guidance. There is no justification for such an approach included in the Plan.</p> <p>Biodiversity net gain is addressed in national and local policies. The requirement for on-going management of biodiversity within development sites by way of planning conditions and obligations is impracticable.</p>
<p>Policies LN3.2 - Biodiversity & Ecological Connectivity: Protection & Enhancement, LN3.3 - Protection & Enhancement of Priority Habitats, and LN3.4 - Protection of Species and Habitats of Principal Importance</p> <p>Recommend that the three policies are combined into a single and simplified policy</p>	<p>The recommended single policy applies the approach taken in national policy to the local circumstances.</p>
<p>Policy LN3.5 - Local Protection & Enhancement of the Crane Valley</p> <p>Delete the policy</p>	<p>The policy seeks to protect a very important component of the natural environment of the parish. Its approach, to restrict proposals for major development in parts of the Crane Valley</p>

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	<p>beyond the footprint of existing historic farmsteads or previously developed land the policy, is considered to be in direct conflict with the adopted Site Allocations Local Plan (SALP) and the submitted Local Plan (which is now at examination and the preliminary findings of the inspector have now been received).</p> <p>As submitted, the Examiner is not satisfied that the policy is in general conformity with the strategic policies in the development plan. In addition, he is also not satisfied that it would contribute towards the delivery of sustainable development.</p>
<p>Policy LN3.6 - Protection of Geodiversity</p> <p>Recommend that the policy is modified so that it acknowledges that such an approach will not always be practicable. Also recommend that the process elements in the policy are repositioned into the supporting text.</p>	<p>The policy as submitted is considered to be too onerous.</p>
<p>Policy LN3.7 - Protecting the Historic Landscape Character</p> <p>Recommend that the second part of the policy is incorporated into the first part of the policy to ensure a more natural flow of the policy.</p>	<p>For clarity.</p>
<p>Policy LN3.9 - Protection of the High Weald AONB and its Setting</p> <p>Recommended modifications to the relevant parts of the policy</p>	<p>The policy as submitted seeks to apply AONB principles to that part of the parish which is not within the AONB.</p>
<p>Policy LN3.10 - Protection & Enhancement of Sissinghurst Castle Garden</p> <p>Recommend that the policy is modified to bring the clarity required by the NPPF.</p>	<p>Modifications will bring the clarity required by the NPPF.</p>
<p>Policy LN3.11 - Local Green Space Designations</p> <p>Recommend a modification to the boundary of proposed LGS1 (Allotments at the Frythe Estate) to exclude the southern parcel of the proposed green space and to consolidate its northern boundary.</p> <p>Recommend a modification to the boundary of proposed LGS14 (King George V Field,</p>	<p>The examiner considered carefully the proposed LGSs in the submitted Plan which do not feature in the emerging Local Plan (LGSs 4/8/11/12/15/17/20/21/24). On the balance of the evidence, the examiner is satisfied that they meet the criteria in the NPPF.</p> <p>If proposals come forward on the proposed LGSs they can be assessed on a case-by-case basis by TWBC. In doing so, it will be able to</p>

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<p>Sissinghurst) to exclude the western strip of the proposed green space</p> <p>Recommend that the policy is modified so that it takes the matter-of-fact approach in paragraph 103 of the NPPF.</p>	<p>make its own assessment on whether the proposal meets the 'very special circumstances' required by the policy.</p>
<p>Policy HD4.1 - Protect, Conserve & Enhance the Conservation Areas</p> <p>Delete the policy</p>	<p>As submitted the examiner comments that the policy has a very broad effect and does not bring any added value beyond national and local policies on the historic built environment. In addition, the policy does not have the clarity required by the NPPF.</p> <p>Deletion of the policy will have no specific harm on the assets as they are already safeguarded by other policies.</p>
<p>Policy HD4.2 - Protect, Conserve & Enhance the Historic Public Realm</p> <p>Recommend that the third part of the policy is modified.</p>	<p>To bring the clarity required by the NPPF and better to express its intentions.</p>
<p>Policy HD4.3 - Protect & Enhance Shopfronts</p> <p>Recommend that the first part of the policy acknowledges that not all proposals to maintain shopfronts will be development and therefore need the submission of planning applications.</p> <p>Recommend that the third part of the policy is recast</p>	<p>To bring the clarity required by the NPPF.</p>
<p>Policy HD4.4 - Protection of Key Views</p> <p>Delete the policy</p>	<p>The views have been identified with little evidence of a detailed analysis of their importance in the landscape. In many cases the views are typical views which can be enjoyed in the wider parish rather than of a significance which needs specific protection.</p> <p>In several cases the views take no account of sites designated for development in the adopted development plan or the emerging Local Plan. The policy is very prescriptive and restrictive.</p> <p>The examiner further comments that the protection of important views will be a material consideration in the determination of planning</p>

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	applications in the Plan period both generally and within the High Weald AONB in particular.
<p>Policy HD4.5 - Protection, Conservation & Enhancement of Heritage Assets Outside the Conservation Areas</p> <p>Recommend that the second part of the policy is modified.</p>	So that the policy applies within that part of the parish within the High Weald AONB.
<p>HD4.6 - Protection, Conservation and Enhancement of Agricultural Heritage Assets</p> <p>Recommend that the commentary about the diminishing number of agricultural buildings in part e) of the policy is deleted</p>	Considered to be unnecessary detail.
<p>Policy HD4.8 - Retention & Restoration of The Providence Chapel</p> <p>Recommend detailed modifications to the policy</p>	To ensure that it has the clarity required by the NPPF whilst retaining its purpose and ambition.
<p>Policy HD4.9a - Preference for Small Scale Sustainable Development Sites & Design Criteria</p> <p>Recommend that criterion (b) of the policy is deleted.</p>	<p>Whilst the redevelopment of brownfield sites is desirable, the wording of this part of the policy is incapable of being applied through the development management process for two related reasons.</p> <p>The first is that TWBC must determine each application on its merits.</p> <p>The second is that the policy offers no guidance about the outcome of a planning application for development on a greenfield site which would otherwise be acceptable.</p>
<p>Policy HD4.9b - Exceptions for Large Scale Developments & Community Involvement</p> <p>Revision to the wording of part a) of the policy – 'may be considered' in the submitted Plan will provide little guidance to TWBC in its application of the development management process. To read 'will be supported'</p> <p>Revision to the wording in part b) of the policy so that it more naturally follows on from part a); and</p> <p>The deletion of parts d) and e) on community engagement – they comment on process matters rather than policy issues and are already fully</p>	To bring the clarification required by the NPPF.

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addressed in paragraphs 4.37 and 4.38 of the Plan.	
<p>Policy HD4.10 - The Design of New Buildings Within or Within the Setting of Conservation Areas</p> <p>Recommend two modifications to the policy.</p> <p>The first acknowledges that the use of vernacular materials (as specified in the first part) will not always be practicable. The second recommends a detailed change to the wording used in part b) of the policy.</p>	For clarity.
<p>Policy HD4.12 - Avoidance of Light Pollution</p> <p>Recommend that the policy is modified</p>	To bring the clarity required by the NPPF and to remove unnecessary supporting text.
<p>Policy AM5.1 - The Pedestrian Environment</p> <p>Recommend modifications to the second part of the policy so that it has the clarity required by the NPPF and can be applied through the development management process.</p> <p>Recommend the deletion of the final sentence which comments about dropped kerbs given that these are matters which are determined under the Highways Acts.</p>	To provide the clarity required by the NPPF and so the policy can be applied through the development management process.
<p>Policy AM5.2 - Pedestrian Priority & Public Rights of Way</p> <p>Recommend that the specific list of priority areas is repositioned into the supporting text. This will allow the policy to be applied in a general and non-prescriptive (and indeed inclusive) way.</p>	To bring the clarity required by the NPPF.
<p>Policy AM5.3 - Public Transport & Access to Amenities</p> <p>Recommend that the policy is recast so that it sets out general requirements for new development.</p>	As submitted, the policy is incapable of being delivered through the development management process.
<p>Policy AM5.4 - Cycle Storage & Cycle Parking</p> <p>Delete part b) of the policy</p>	The approach taken in the policy is prescriptive. In addition, it is not supported by any evidence. TWBC and the County Council will be able to determine planning applications which propose to use Frythe Way as an access on their merits.
<p>Policy AM5.6 - Rural Lanes</p> <p>Recommend modifications to its wording.</p>	To bring the clarity required by the NPPF.

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<p>Policy AM5.7 - Car Parking Provision</p> <p>Recommend that the part of the policy referring to a parish-wide parking strategy is deleted.</p>	<p>In the absence of a strategy or any information in the Plan about the way in which CSPC would develop such a strategy.</p>
<p>Policy BE6.1 - Business and Employment Space</p> <p>Recommend modifications to the second part of the policy.</p>	<p>So that it has the clarity required by the NPPF.</p>
<p>Policy BE6.2 - Tourism and Retail</p> <p>Recommend that the second part of the policy is recast</p>	<p>So that both elements of business development are 'supported'.</p>
<p>BE6.3 - Adult Education & Vocational Training</p> <p>Recommend detailed modifications to the wording of the policy</p>	<p>To bring the clarity required by the NPPF.</p>
<p>Policy HO7.1 - Affordable Homes in Sustainable Locations</p> <p>Delete the policy</p>	<p>On the balance of the evidence, the examiner is not satisfied that the policy brings any parish-based value beyond that already provided by national and local planning policies. Within the context of the examiner's reasoning, the deletion of the policy will have no impact on the ability of TWBC to secure affordable homes in the parish.</p>
<p>Policy HO7.2 - Lifetime Homes & Accessible Intergenerational Living</p> <p>Recommend that each element of the policy is modified</p>	<p>so that they better respond to the development management process.</p>
<p>Policy CC8.1 - Community Facilities</p> <p>Recommend a modification to the first part of the policy.</p>	<p>So that the policy relates to the development management process and removes the unnecessary reference to the need for new facilities.</p>
<p>Policy CC8.2 - Provision of Health & Well-Being Facilities</p> <p>Recommend that the second part of the policy focuses simply on planning matters.</p>	<p>For clarity.</p>
<p>Policy CC8.3 - New Community Centre in Cranbrook</p> <p>Recommend the deletion of unnecessary supporting text from part a) of the policy.</p> <p>Recommend that part b) of the policy (which comments about the detailed arrangements for</p>	<p>For clarity.</p>

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the building) are repositioned into the supporting text.	
<p>Policy CC8.5 - New Village Hall for Sissinghurst</p> <p>Recommend the deletion of unnecessary supporting text from part a) of the policy.</p> <p>Recommend that part b) of the policy (which comments about the detailed arrangements for the building) are repositioned into the supporting text.</p>	For clarity.
<p>Policy CC8.6 - Preserve & Enhance Cranbrook Library</p> <p>Recommend modifications to the policy</p>	So that the policy is more closely related to the development management process and to set out the two options more.
<p>Policy CC8.7 - Performing Arts</p> <p>Recommend modifications to the policy</p>	So that the policy is more closely related to the development management process.
<p>Policy CC8.8 - Preserve & Enhance Cranbrook Museum</p> <p>Recommend modifications to the policy.</p>	So that the policy is more closely related to the development management process and to set out the potential for the expansion of the museum more clearly.
<p>Policy IN9.1 - Provision of Enhanced Broadband & Mobile Data</p> <p>Recommend the deletion of parts a) and b) of the policy. Recommend that the supporting text is consolidated to explain these changed circumstances.</p>	At the time that the Plan was submitted the policy element on broadband connections met the basic conditions in general terms. However, since that point, Part R of the Building Regulations now address this matter (in December 2022).
<p>Policy IN9.2 - Provision of Electric Vehicle Charging Points</p> <p>Recommend that the second part of the policy (which encourages developers to support installation of charging points in public car parking spaces) is deleted.</p>	As submitted the policy does not offer either a justification for such an approach or any details about how the proposal would operate.
<p>Policy IN9.5 - Allotment Gardens</p> <p>Delete the policy</p>	<p>As submitted the policy would be unworkable within the development management system for a variety of reasons.</p> <p>It will be for TWBC to determine the scale and nature of community benefits associated with the development of each strategic site. The deletion of this policy would not prevent TWBC from seeking to include allotments within the various packages where there was evidence to support such an approach. In this context the</p>

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	examiner has recommended that the promotion of additional allotments is included in the schedule of non-land use projects within the NDP.