

Pembury Neighbourhood Plan

2020 to 2038



Basic Conditions Statement

November 2022

Prepared by the Pembury Neighbourhood Plan Steering Group
on behalf of Pembury Parish Council

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1. Introduction

- 1.1. This Basic Conditions Statement has been produced to accompany the Pembury Neighbourhood Plan (PNP).
- 1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
 - Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
 - Planning and Compulsory Purchase Act 2004: ss 38A-C
 - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (as amended)
- 1.3. Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five¹ basic conditions before it can proceed to a referendum. These are:
 - i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - ii. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - iii. The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - iv. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, (retained) EU obligations; and
 - v. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).
- 1.4. This document sets out how the PNP meets the Basic Conditions.

¹ There are two further basic conditions which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

Supporting documents and evidence

- 1.5. The Submission Version Neighbourhood Plan, with its policies, is supported by a Consultation Statement, this Basic Conditions Statement and an extensive evidence base. It has also been subject to a Screening, organised by Tunbridge Wells Borough Council (TWBC), to ascertain whether or not it requires a Strategic Environmental Assessment and/or a Habitat Regulations Assessment, and the Determination Statement is included as part of the accompanying documentation.
- 1.6. Alongside the planning policies, the PNP contains both infrastructure priorities and a series of projects which fall outside planning policy. These are intended to contribute towards the achievement of the Plan's vision and form the basis of the principles for the use of any developer funding and other monies arising from other planning obligations. They complement the Neighbourhood Plan document but are not a formal part of the Development Plan.

Key statements

- 1.7. Pembury Parish Council, as the qualifying body, has prepared the Neighbourhood Plan which has the same boundary as the parish area of Pembury, as shown in Figure 1. The Neighbourhood Area was designated by TWBC on 14 July 2020.
- 1.8. The PNP sets out planning policies that relate to the development and use of land within only the Pembury Neighbourhood Area.
- 1.9. The PNP refers only to the administrative boundary of Pembury. There are no other adopted Neighbourhood Plans that cover all or part of the Pembury Neighbourhood Area.
- 1.10. The Neighbourhood Plan Steering Group has prepared the PNP to establish a vision for the future of the parish and a series of objectives to deliver this. It has engaged with the community to set out how the vision will be realised through planning and controlling land use and development change over the plan period 2020 to 2038.
- 1.11. The Plan does not contain any policies which relate to excluded development as defined by section 61K of the Town and Country Planning Act 1990.

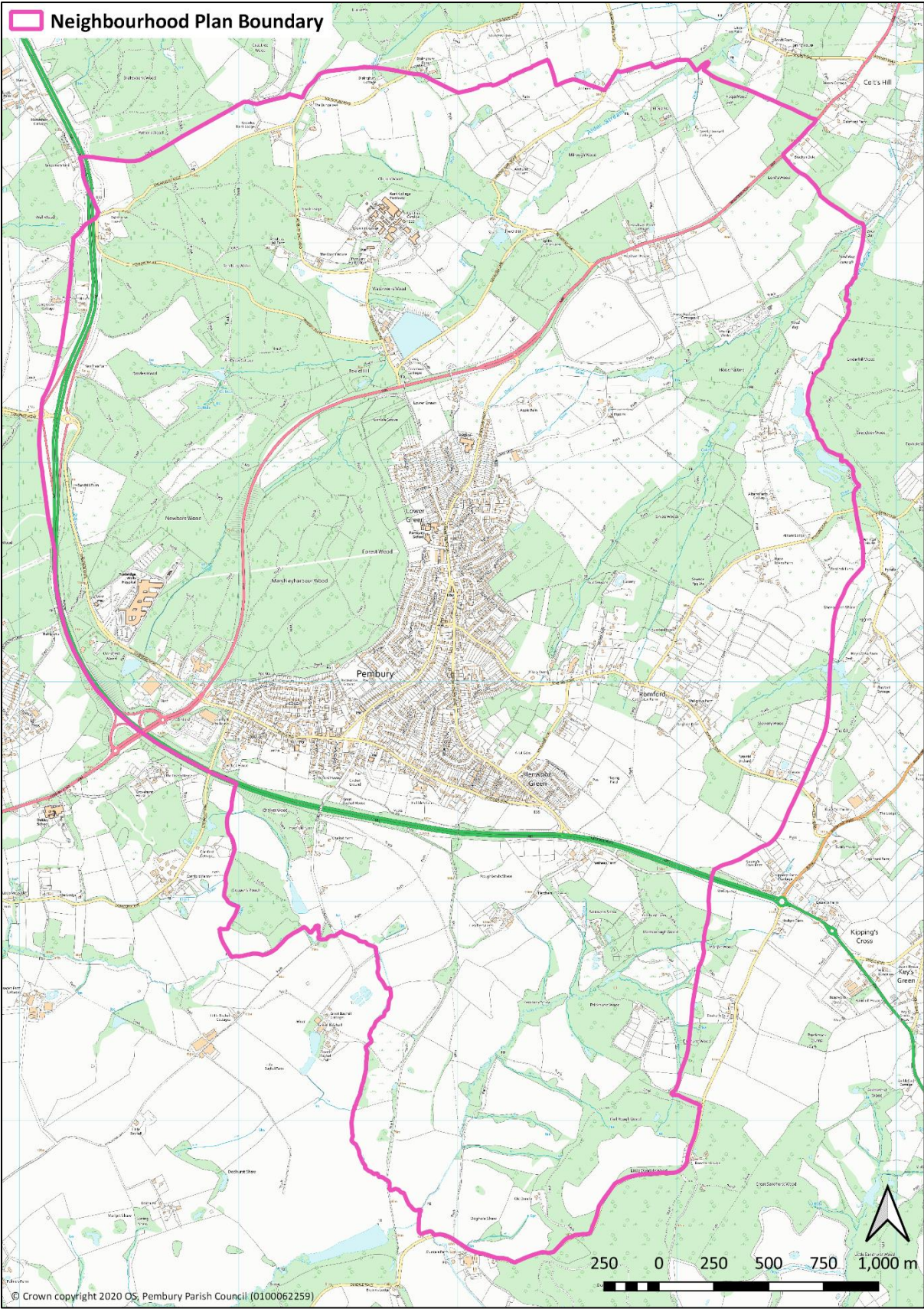


Figure 1: Pembury Neighbourhood Plan designated area

2. Basic condition (i) - conformity with national planning policy

- 2.1. To meet this condition, it is necessary to demonstrate that the PNP has regard to national planning policies and the advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').
- 2.2. It should be noted that the Neighbourhood Plan has been prepared in accordance with the NPPF, most recently revised in July 2021.

National Planning Policy Framework

- 2.3. The NPPF has 13 key objectives which are:
- Delivering a sufficient supply of homes
 - Building a strong, competitive economy
 - Ensuring the vitality of town centres
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Supporting high quality communications
 - Making effective use of land
 - Achieving well-designed places
 - Protecting Green Belt land
 - Meeting the challenge of climate change, flooding and coastal change
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Facilitating the sustainable use of minerals
- 2.4. This basic conditions statement explains how the PNP policies contribute to meeting these objectives, where relevant, and also notes the specific national policies that the Plan is intended to support and supplement.
- 2.5. The PNP has eight objectives, which are shown in Table 2.1 alongside the corresponding NPPF objective or objectives that each one seeks to address.
- 2.6. Table 2.2 then provides further detail by detailing each of the 15 policies of the PNP and which specific paragraphs of the NPPF it has had regard to along with a commentary.

Table 2.1: Assessment of the Pembury Neighbourhood Plan objectives against NPPF goals

PNP objective	Relevant NPPF goal
<p>Objective 1: Pembury as a community that people will feel happy to be part of: retaining the village feel of Pembury, distinct from Royal Tunbridge Wells, and welcoming newcomers (as the village expands) into community life. Within the parish, the smaller ‘hamlets’ to retain their own feel, as well as looking to the village as the focus for community activity and events.</p>	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Making effective use of land • Achieving well-designed places • Protecting Green Belt land
<p>Objective 2: The village green and village centre are at the heart of the village: safeguarding valued facilities and amenities and enabling access to them will mean that everyday needs are catered for locally. There will be a full programme of local events celebrating village life, utilising shared spaces around the parish.</p>	<ul style="list-style-type: none"> • Ensuring the vitality of town centres • Promoting healthy and safe communities
<p>Objective 3: Pembury reflects the beauty and character of the High Weald: both in terms of its landscape – orchards, woodland, agricultural fields, ponds – and its built environment – a mix of styles and materials and colours. New developments are well-designed, high quality and sustainable. Local heritage is conserved and opportunities to celebrate it are sought.</p>	<ul style="list-style-type: none"> • Conserving and enhancing the historic environment • Making effective use of land • Achieving well-designed places • Meeting the challenge of climate change, flooding and coastal change • Conserving and enhancing the natural environment
<p>Objective 4: The parish retains its rural feel: The green infrastructure underpinning the parish plays an integral role in the future of the parish: the contribution, maintenance and expansion of green spaces, wildlife corridors, landscape features, streams and woodlands is central to any development in Pembury.</p>	<ul style="list-style-type: none"> • Achieving well-designed places • Protecting Green Belt land
<p>Objective 5: Pembury as a home for life: new housing meets the needs of local people, meaning that those who live here, or choose to relocate here, can continue to do so for as long as they wish including downsizing in later life.</p>	<ul style="list-style-type: none"> • Delivering a sufficient supply of homes • Promoting healthy and safe communities

<p>Objective 6: People will be able to work locally, without the need to commute if they wish: by encouraging new developments to support home-working and providing start-up units and flexible shared space for co-working and other uses.</p>	<ul style="list-style-type: none"> • Building a strong, competitive economy • Ensuring the vitality of town centres
<p>Objective 7: A parish that offers something for everyone: children and teenagers are involved in determining what they want and need for the village as they grow up; workers can access fresh air and leisure facilities while working from home; and older people feel included.</p>	<ul style="list-style-type: none"> • Promoting healthy and safe communities
<p>Objective 8: A walkable and cyclable parish: A cared for and well-promoted network of twittens (a narrow path or passage between two walls or hedges), footpaths, cycle paths, and bridleways, means that local people can get from home to work, to the local facilities and amenities, and to pursue leisure, easily and safely.</p>	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Promoting sustainable transport • Achieving well-designed places • Meeting the challenge of climate change, flooding and coastal change

Table 2.2: Assessment of how each policy in the Pembury Neighbourhood Plan conforms to the NPPF

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
POLICY P1: LOCATION OF DEVELOPMENT	125, 127, 184, 185	<p>A core principle of national policy is the need for the planning system to contribute to sustainable development. The NPPF states that plans should support strategic development needs as set out in the adopted Local Plan and actively manage patterns of growth.</p> <p>Policy P1 supports the development strategy set out in the adopted Core Strategy, while also synchronising with that of the Submission Local Plan (SLP), which is at an advanced stage. Sites within Pembury allocated in both the adopted Core Strategy and the SLP are considered to adequately address housing need both at the local level and contributing to strategic need.</p> <p>The policy seeks to ensure that any development within the High Weald Area of Outstanding Natural Beauty (AONB) is carefully planned, to take account of this special landscape. It also seeks to safeguard Green Belt land. Finally, the policy seeks to minimise coalescence between the individual communities within the Parish, in particular with Royal Tunbridge Wells.</p> <p>This will contribute to sustainable development by ensuring that development takes place in the most appropriate places.</p>
POLICY P2: MEETING LOCAL HOUSING NEEDS	61, 62, 63, 65	<p>The NPPF sets out that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Whilst the PNP does not seek to allocate housing sites, it does seek to influence the sort of housing delivered. The evidence base and local engagement revealed a predominance of larger-sized homes within a price band well above the average for the wider geographic area and largely out of reach financially for individuals and couples on lower quartile or even median local salaries.</p> <p>The policy seeks to redress this balance, setting out a locally-evidenced dwelling mix, which will address local housing need, while continuing to contribute to strategic need. The policy also</p>

		<p>consider affordability of housing.</p> <p>Considering the constraints posed by way of being located within the Green Belt (beyond the footprint of the village itself), the needs of Pembury are considered to be more defined than those set out of the wider local authority area as a whole. Policy P2 therefore seeks to ensure that all residential development proposals are adequately informed by the locally specific housing need study, that drills down to the neighbourhood level as opposed to relying solely on data prepared at the strategic level.</p>
<p>POLICY P3: CHARACTER AND DESIGN OF DEVELOPMENT</p>	<p>126 to 132</p>	<p>National policy encourages neighbourhood plans to develop policies that achieve well-designed places that reflect local aspirations and are grounded in an understanding and evaluation of each area’s defining characteristics. Policy P3 contributes to this aim by ensuring that development in the neighbourhood area is designed to respect the mixed (i.e. non-uniform) character of Pembury.</p> <p>Underpinning the policy is the Pembury Design Guidance and Codes, which draws on strategic (national and regional) design guidance, to provide detailed guidance at the neighbourhood level. It is to be used to inform the development of sites being allocated in the Local Plan and other (windfall) parts of the village and wider parish. They form an integral part of the NDP, part of formal policy.</p>
<p>POLICY P4: ENERGY EFFICIENCY AND DESIGN</p>	<p>127, 129, 152, 153, 154</p>	<p>The policy supports the national objective of designing development to mitigate climate change, a government priority. Notwithstanding the fact that energy efficiency matters are largely controlled by the Building Regulations, the policy (supported by the Pembury Design Guidance and Codes) identifies a series of design features which would be supported where they are incorporated into development. In particular it supports features aimed at reducing carbon emissions, energy consumption and energy loss that should be incorporated into both</p>

		new development and to retrofit sensitively historic buildings.
POLICY P5: SEWERAGE AND DRAINAGE INFRASTRUCTURE	20, 167, 169	The NPPF requires policies to make sufficient provision for infrastructure including for water supply, wastewater and flood risk. Flooding is a problem in Pembury and the policy seeks to ensure that new development will not exacerbate this and supports solutions that not only mitigate the new development but that will assist in improving the overall system.
POLICY P6: CONSERVING HERITAGE ASSETS	190, 194, 195, 197, 199-204	The parish has a wealth of heritage assets, some of which are protected and the policy plans positively for the conservation and enjoyment of local heritage. It identifies a series of non-designated heritage assets that are considered of heritage value at the very local level. It also takes a proactive approach to how assets might be brought back into optimal use.
POLICY P7: SUPPORTING FLEXIBLE WORKSPACES AND OPPORTUNITIES FOR HOMEWORKING	82 - 85	The NPPF underlines the importance of sustainable economic growth. Policy P7 applies this to the neighbourhood level, providing support for development that will provide additional employment opportunities within the parish, taking advantage of new ways of working. In doing so, the policy supports the national objectives of creating healthy, inclusive, safe places that allow for new and flexible working practices.
POLICY P8: GREEN AND BLUE INFRASTRUCTURE AND DELIVERING BIODIVERSITY NET GAIN	174, 175, 176, 179, 180	<p>This policy supports the national objective of ensuring that development contributes to and enhances the natural environment and biodiversity. It maps out, at the neighbourhood level, components of wildlife-rich habitats and wider ecological networks, including the hierarchy of national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation through protecting designated and non-designated landscape assets.</p> <p>It recognises the importance of trees and the variety of roles they play, seeking to safeguard them against loss and planting of new ones.</p> <p>In line with the Environment Act, the policy requires developments to deliver a biodiversity</p>

		net gain of at least 10%. Where this cannot be achieved on-site, the locally mapped network of green infrastructure offers locations, including biodiversity opportunity areas, where units can most effectively make a positive contribution to local habitats and landscapes.
POLICY P9: LOCAL GREEN SPACES	101-103, 147-151	The NPPF enables communities to designate spaces that are demonstrably special to them as Local Green Spaces. The policy identifies 14 such spaces in Pembury parish and provides the justification as to how they meet the NPPF criteria. Whilst some of these spaces are located within the Green Belt, planning guidance (Paragraph: 010 Reference ID: 37-010-20140306) does not preclude such sites from being designated as local green space. The benefits of including these spaces in Pembury include the fact that Green Belt designation can change, which could leave these sites vulnerable in the future and as a way of acknowledging the importance of the spaces to the local community.
POLICY P10: MANAGING THE ENVIRONMENTAL IMPACT OF DEVELOPMENT	174, 175, 176, 177, 179, 180	The policy supports the national aims of policies to improve biodiversity. In particular, it identifies, at a local level, the significant landscape features, such as trees, verges, ponds and orchards – that are particularly important within the Pembury context. These features should be retained and, where possible enhanced. The policy also provides guidance to applicants on how they can best incorporate open space within development as well as wildlife-friendly features.
POLICY P11: LOCALLY SIGNIFICANT VIEWS	126, 127, 130	<p>The NPPF states that neighbourhood planning groups can play an important role in identifying the special qualities of their area and explaining how these should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.</p> <p>This policy identifies views and viewpoints that are considered to be locally distinctive – either because they encompass a local landmark or notable landscape. The policy seeks to ensure that any development that takes place within the view ‘arcs’ limits its impact on the view itself and, where possible, enhances it.</p>

POLICY P12: DARK SKIES	185	<p>The NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.</p> <p>One aspect of this is to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Pembury benefits from dark skies, which contribute positively to health, local wildlife and enjoyment of the area. The policy seeks to safeguard this important natural resource.</p>
POLICY P13: IMPROVING WALKING, CYCLING AND EQUESTRIAN OPPORTUNITIES	104, 105, 106, 110, 112	<p>Policy P13 supports the NPPF objective of encouraging sustainable modes of transport by identifying the active movement routes within the neighbourhood area that enable people to access local facilities most easily and directly by foot or by bike, rather than relying on less sustainable modes of transport. Equestrian movement in the parish is fairly high and this is also considered, particularly in terms of access to the wider surrounding countryside. The policy seeks to ensure that all development links up to the movement route network and that the routes are protected, maintained and, where feasible, enhanced, to encourage greater and safer usage.</p>
POLICY P14: PUBLICLY ACCESSIBLE PARKING	112	<p>Whilst the PNP seeks to encourage sustainable modes of transport through Policy P13, continued car usage is inevitable in a largely rural parish such as Pembury. Policy P14 seeks to address concerns related to public car parking, which has been highlighted as a problem, particularly within the village centre. It supports the retention of existing public car parking spaces and, in accordance with the NPPF's call for convenient, safe and secure car parking, supports new provision; as part of this, notably, the policy supports the provision of electric car and bicycle charging points, to encourage a shift towards less polluting vehicles.</p>

POLICY P15: IMPROVING OPPORTUNITIES FOR COMMUNITY AND CULTURAL FACILITIES, SPORT AND RECREATION	92, 93	The NPPF encourages policies that contribute to healthy, inclusive communities. Pembury has a range of local facilities for the community and this policy seeks to safeguard these. In addition, it sets out new or improved facilities that would be supported, as evidenced by the community engagement and discussions with facility owners.
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3. Basic condition (iv) - contribution to sustainable development

- 3.1. The NPPF states in paragraph 7 that *'the purpose of the planning system is to contribute to the achievement of sustainable development.'*
- 3.2. For the PNP, sustainable development has provided the fundamental basis of each of its policies. The National Planning Practice Guidance advises that *'sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions'².*
- 3.3. Table 3.1 below summarises how the objectives and policies in the PNP contribute towards economic, social and environmental sustainable development, as defined in the NPPF. Many of the objectives of the PNP overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

Table 3.1: Assessment of the Pembury Neighbourhood Plan objectives and policies against sustainable development

Deliver economic sustainability
NPPF definition – <i>'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.'</i>
<p>NP Objectives:</p> <p>Objective 6: People will be able to work locally, without the need to commute if they wish: by encouraging new developments to support home-working and providing start-up units and flexible shared space for co-working and other uses.</p>
<p>NP Policies:</p> <p>Policy P7 - Supporting flexible workspaces and opportunities for homeworking</p> <p>Policy P14: Publicly accessible parking</p>
<p>Commentary:</p> <p>The policies of the Neighbourhood Plan collectively seek to support the environment required for a vibrant and viable economy, recognising the role of the village centre as the focal point for the community, providing a range of retail, social and other amenities.</p> <p>Opportunities for providing flexible working space and enabling homeworking are supported, which will support local innovation and, in turn, additional employment opportunities within the parish itself.</p> <p>The provision of additional car parking at the village hall will provide access and greater footfall to facilities.</p> <p>In these ways, the Plan seeks to contribute to building a sustainable economy.</p>

² Planning Practice Guidance, Paragraph: 072 Reference ID: 41-072-20140306

Deliver social sustainability

NPPF definition – ‘to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’

NP Objectives:

Objective 1: Pembury as a community that people will feel happy to be part of: retaining the village feel of Pembury, distinct from Royal Tunbridge Wells, and welcoming newcomers (as the village expands) into community life. Within the parish, the smaller ‘hamlets’ to retain their own feel, as well as looking to the village as the focus for community activity and events.

Objective 2: The village green and village centre are at the heart of the village: safeguarding valued facilities and amenities and enabling access to them will mean that everyday needs are catered for locally. There will be a full programme of local events celebrating village life, utilising shared spaces around the parish.

Objective 5: Pembury as a home for life: new housing meets the needs of local people, meaning that those who live here, or choose to relocate here, can continue to do so for as long as they wish including downsizing in later life.

Objective 7: A parish that offers something for everyone: children and teenagers are involved in determining what they want and need for the village as they grow up; workers can access fresh air and leisure facilities while working from home; and older people feel included.

NP Policies:

Policy P1: Location of development

Policy P2: Meeting local housing needs

Policy P15: Improving opportunities for community and cultural facilities, sport and recreation

Commentary:

The NPPF underlines the importance of supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.

The PNP has been developed as a result of extensive local engagement to understand local priorities to contribute to this national objective. The PNP does not seek to allocate homes at this time (as it is considered and agreed with TWBC that this is being adequately addressed through the SLP). The Plan therefore focusses on the type, mix, size, tenure and affordability of housing that should be supported in the parish, based on the findings of the local housing needs assessment, which offers a more nuanced picture compared to the borough as a whole.

The Plan includes a range of policies to provide the social, recreational and cultural facilities and services the community needs. These are based on community engagement and each policy provides locally specific detail on what is required and how this can be supported through planning.

In these ways, the Plan aims to support a strong, vibrant and healthy community.

Deliver environmental sustainability
NPPF definition – ‘to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy,’
<p>NP Objectives:</p> <p>Objective 3: Pembury reflects the beauty and character of the High Weald: both in terms of its landscape – orchards, woodland, agricultural fields, ponds – and its built environment – a mix of styles and materials and colours. New developments are well-designed, high quality and sustainable. Local heritage is conserved and opportunities to celebrate it are sought.</p> <p>Objective 4: The parish retains its rural feel: The green infrastructure underpinning the parish plays an integral role in the future of the parish: the contribution, maintenance and expansion of green spaces, wildlife corridors, landscape features, streams and woodlands is central to any development in Pembury.</p> <p>Objective 8: A walkable and cyclable parish: A cared for and well-promoted network of twittens (a narrow path or passage between two walls or hedges), footpaths, cycle paths, and bridleways, means that local people can get from home to work, to the local facilities and amenities, and to pursue leisure, easily and safely.</p>
<p>NP Policies:</p> <p>Policy P3: Character and Design of development Policy P4: Energy efficiency and design Policy P5: Sewerage and drainage infrastructure Policy P6: Conserving heritage assets Policy P8: Green and blue infrastructure and delivering biodiversity net gain Policy P9: Local Green Spaces Policy P10: Managing the environmental impact of development Policy P11: Locally significant views Policy P12: Dark skies Policy P13: Improving walking, cycling and equestrian opportunities</p>
<p>Commentary:</p> <p>Protecting the natural and built environment of the parish is an extremely important part of the PNP and conforms to the national aims set out in the NPPF.</p> <p>A locally distinctive Design Guidance and Codes has been developed and forms an integral part of the plan’s policies. This sets out expectations in terms of local character, design, biodiversity and environmental considerations. Locally important heritage assets are identified. Natural features and habitats have been mapped so that they can be safeguarded and, where possible, enhanced. This includes the designation of Local Green Spaces, the identification of important local views and viewpoints and the importance of the dark skies that Pembury enjoys.</p> <p>The Plan emphasises the need to promote non-car modes of transport in order to reduce traffic congestion and travel by the private car to reduce carbon emissions. This is particularly important in the context of proposed developments along Hastings Road and the High Street.</p> <p>In these ways, the Plan seeks to contribute to protecting and enhancing the natural, built and historic environment of the neighbourhood area.</p>

- 3.4. As demonstrated in Table 3.1, the strategic objectives of the Plan are considered to comprise a balance of social, economic, and environmental goals. The policies in the Plan demonstrably contribute to sustainable development.

4 Basic condition (v) - general conformity with the strategic policies of the development plan

- 4.1. The current development plan for Tunbridge Wells Borough consists of:
- The saved policies of the Local Plan 2006
 - The Core Strategy (adopted 2010)
 - The Site Allocations Local Plan (adopted 2016)
 - The Kent Minerals and Waste Local Plan (adopted 2016, modified in 2020)
 - 'Made' Neighbourhood Plans across the borough
- 4.2. Whilst the policies of the PNP must be in general conformity with the strategic policies of the adopted development plan documents, an updated Local Plan for the Borough is currently being developed. The emerging policies within it have been carefully considered to ensure that the neighbourhood plan is in synchronicity with these. A commentary of how the PNP policies confirm to both adopted and SLP policies is set out in Table 4.1.
- 4.3. Where a strategic policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.
- 4.4. It is confirmed that there are no policies in the strategic documents relating to minerals and waste that are of relevance to the Neighbourhood Plan.
- 4.5. To note, policies starting with "STR" in the table below are considered to be the strategic policies of the Submission Local Plan. All policies are relevant to the proposed site allocations in the SLP (policies AL/PE1 to 8) and the overarching strategy for Pembury (PSTR/PE1).
- 4.6. Policy STR8 of the SLP states the following: *"Within the area designated as the High Weald Area of Outstanding Natural Beauty, and its setting, development will be managed in a way that seeks to conserve and enhance the natural beauty of the area, commensurate with the "great weight" afforded to Areas of Outstanding Natural Beauty within the NPPF. Applicants will be expected to demonstrate (through relevant documentation submitted as part of a planning application) how proposals have had regard to the objectives of the High Weald AONB Management Plan. Proposals for major development in the High Weald Area of Outstanding Natural Beauty will only be allowed in exceptional circumstances and where it is in the public interest. In such instances, effective mitigation should form an integral part of the development proposal"*. Each policy of the PNP has been carefully considered in the context of the AONB Management Plan and the conformity reference beneath the policies in the PNP document itself.

Table 4.1: Relevant strategic policies

Policy Title and Reference	Adopted policy	Submission Local Plan to 2038	Commentary
POLICY P1: LOCATION OF DEVELOPMENT	<p>Saved TWBC Local Plan policies: MGB1, LBD1</p> <p>Core Strategy: Core Policy 1, Core Policy 2, Core Policy 14</p>	PSTR/PE1, STR1, STR3, STR9	<p>The strategic planning policies set out the development strategic and level of growth to be accommodated across the Borough, defining the Limits to Built Development for Pembury village.</p> <p>The SLP strategic allocations, combined with windfall allowance, are anticipated to deliver the level of growth required at the local level to meet local housing need, while contributing to the strategic need.</p> <p>Policy P1 provides a spatial strategy for the parish, aligning to the strategic policies in terms of safeguarding Green Belt and controlling development within the High Weald AONB. It adds additional local detail, for instance by seeking to restrict sprawl and coalescence between housing in the parish and nearby settlements, notably Royal Tunbridge Wells.</p>
POLICY P2: MEETING LOCAL HOUSING NEEDS	Core Policy 6	PSTR/PE1, H1, H3, H6, H8	<p>The policy builds on the evidence base that has been compiled at the neighbourhood level (the Local Housing Needs Assessment) to add additional local detail to the strategic policies on housing mix, size, tenure and affordability.</p>
POLICY P3: CHARACTER AND DESIGN OF DEVELOPMENT	<p>Saved TWBC Local Plan policies: EN1, EN5, TP5</p> <p>Core Strategy: Core Policy 4, Core Policy</p>	PSTR/PE1, STR2, STR6	<p>The policy adds additional local detail to the strategic policies, which seek to ensure that development is 'in-keeping' with local character. It does this by defining the character of the area within the Design Guidance and Codes, which form an integral part of the plan policy. These set out neighbourhood level guidance to which new development should adhere.</p>

<p>POLICY P4: ENERGY EFFICIENCY AND DESIGN</p>	<p>Saved TWBC Local Plan policies: EN1 Core Strategy: Core Policy 4, Core Policy 5</p>	<p>PSTR/PE1, STR2, STR7</p>	<p>The policy sets out detail at a neighbourhood level about how development proposals can contribute to mitigating climate change. Sustainable design policy has evolved greatly since the publication of the adopted Core Strategy and, in the absence of a more recently adopted Local Plan, this policy seeks to align itself to the national objectives.</p>
<p>POLICY P5: SEWERAGE AND DRAINAGE INFRASTRUCTRE</p>	<p>Saved TWBC Local Plan policies: EN18 Core Strategy: Core Policy 4, Core Policy 5</p>	<p>PSTR/PE1, STR5, EN26</p>	<p>Flooding is a particular problem in the parish, exacerbated by the antiquated sewerage system, which is shared with the surface water drainage. The policy sees to emphasise this and the importance of ensuring that new development provides adequate drainage that does not worsen the situation.</p>
<p>POLICY P6: CONSERVING HERITAGE ASSETS</p>	<p>Saved TWBC Local Plan policies: EN5, EN10 Core Strategy: Core Policy 4</p>	<p>PSTR/PE1, STR2, STR8</p>	<p>Strategic policy stresses the importance of conserving and enhancing assets of historic value. Policy P6 adds additional detail by identifying a series of non-designated heritage assets that are of local importance.</p>
<p>POLICY P7: SUPPORTING FLEXIBLE WORKSPACES AND OPPORTUNITIES FOR HOMEWORKING</p>	<p>Core Policy 7</p>	<p>PSTR/PE1, STR2, ED2, ED4, ED12</p>	<p>SLP Policy ED2 (Retention of employment sites and buildings) seeks to safeguard existing employment sites where they remain viable and encourage new ones in sustainable locations. SLP Policy ED4 (Rural Diversification) supports development that would maintain the viability of rural buildings, while SLP Policy ED12 (Retention of local services and facilities) seeks to protect services and facilities within village settlements while. Policy P7 of the PNP supports proposals that will help to deliver a flexible working environment, in line with evolving ways of working. This will help to contribute to a more sustainable economy, offering additional employment opportunities within the parish.</p>

<p>POLICY P8: GREEN AND BLUE INFRASTRUCTURE AND DELIVERING BIODIVERSITY NET GAIN</p>	<p>Core Policy 7</p>	<p>PSTR/PE1, STR2, STR8</p>	<p>The policy addresses the green and blue infrastructure assets of the Plan area, including their importance in combatting pressure on wildlife, habitats, biodiversity and geodiversity and in offsetting the effects of air pollution. The policy conforms to strategic policies, which seek to safeguard and enhance biodiversity and landscapes across the borough. It provides additional local detail by mapping out, at the local level, the network of green infrastructure. It requires a net gain in biodiversity and the local map identifies areas where this can most helpfully be delivered, should the net gain not be possible wholly on-site.</p>
<p>POLICY P9: LOCAL GREEN SPACES</p>	<p>Saved Policy: EN22 Core Strategy: Core Policy 4</p>	<p>PSTR/PE1, STR2, STR5</p>	<p>The policy identifies 14 Local Green Spaces that are demonstrably special to the community and evidences this in the context of the criteria set out in the NPPF. This adds additional local detail to the Core Strategy and Submission Local Plan policies.</p>
<p>POLICY P10: MANAGING THE ENVIRONMENTAL IMPACT OF DEVELOPMENT</p>	<p>Saved TWBC Local Plan policies: EN13, EN15, EN21, EN22 Core Strategy: Core Policy 4</p>	<p>PSTR/PE1, STR2, STR8</p>	<p>The policy adds additional local detail to strategic policies by identifying the specific features of the landscape (both designated and non-designated) that should be safeguarded. These might also provide inspiration for development proposals seeking to integrate natural features within their schemes.</p>
<p>POLICY P11: LOCALLY SIGNIFICANT VIEWS</p>	<p>Saved TWBC Local Plan policies: EN1 Core Strategy: Core Policy 4, Core Policy 5</p>	<p>PSTR/PE1, STR2, AL/PE1, AL/PE2, AL/PE3</p>	<p>Strategic policy recognises the contribution that views can make to the character of an area, helping to create a ‘sense of place’ and identity for local people. The policy adds additional local detail by identifying nine view corridors and views that are considered to be particularly significant in the parish – because they take in a landscape feature or historic asset – that epitomises the character and place of Pembury.</p>
<p>POLICY P12: DARK SKIES</p>	<p>Saved TWBC Local Plan policy EN4; Core Strategy: Core Policy 4</p>	<p>STR8, EN8</p>	<p>Strategic policy stresses the importance of proposals supporting the delivery of the High Weald AONB management plan. Dark skies are an important element of this and the PNP policies support this. The policy has been developed with support from the AONB Unit.</p>

<p>POLICY P13: IMPROVING WALKING, CYCLING AND EQUESTRIAN OPPORTUNITIES</p>	<p>Saved TWBC Local Plan policies: TP1, TP2, TP3, TP18 Core Strategy: Core Policy 3</p>	<p>PSTR/PE1; STR6</p>	<p>The policy supports the strategic aim of encouraging, as far as possible, sustainable transport modes. It adds additional local detail by identifying the movement routes within the village that offer the most direct and quickest routes between key facilities and residential areas. Opportunities for greater linkages and improvements are described where this would further assist active travel. This links to the proposals for the strategic site allocations.</p>
<p>POLICY P14: PUBLICLY ACCESSIBLE PARKING</p>	<p>Saved TWBC Local Plan policies: TP9 Core Strategy: Core Policy 3</p>	<p>PSTR/PE1, STR6, AL/PE1</p>	<p>Notwithstanding the overarching aim of encouraging sustainable modes of transport, particularly for journeys within the parish, car dependency remains higher than average across the wider area. The policy supports the ongoing provision of car parking, including specific support for the expansion of the village hall car park, which aligns with strategic policy. In parallel, however, it seeks electric charging points and cycle storage.</p>
<p>POLICY P15: IMPROVING OPPORTUNITIES FOR COMMUNITY AND CULTURAL FACILITIES, SPORT AND RECREATION</p>	<p>Saved TWBC Local Plan policies: R1 Core Strategy: Core Policy 8</p>	<p>PSTR/PE1, STR5, STR10</p>	<p>The policy adds additional local detail to the strategic policies, which support the provision and safeguarding of community recreational facilities. In particular, it sets out specific projects that are desired locally, as informed by local engagement.</p>

5 Basic Condition (vi) - conformity with EU obligations

- 5.1 The Plan, and the process under which it was made, conforms to the Strategic Environmental Assessment (SEA) Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
- 5.2 In accordance with Regulation 9 of the SEA Regulations 2004, Tunbridge Wells Borough Council, as the responsible authority, determined in April 2022 that a Strategic Environmental Assessment (SEA) is not required as the Pembury Neighbourhood Plan's policies are unlikely to have significant environmental effects.
- 5.3 A copy of the body of the report of the Screening Statement is contained on the [Pembury Parish Council website](#) and within the evidence base submitted alongside the Submission Version PNP.

6 Basic condition (vii) - conformity with the prescribed conditions

- 6.1 Under Directive 92/43/EEC, also known as the Habitats Directive³, it must be ascertained whether the Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2 Tunbridge Wells Borough Council, as the responsible authority, determined in April 2022 that the Pembury Neighbourhood Plan is unlikely to have significant impact on European sites and therefore does not require a full HRA to be undertaken.
- 6.3 In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.
- 6.4 A copy of the body of the report of the Screening Statement is contained on the [Pembury Parish Council website](#) and within the evidence base submitted alongside the Submission Version PNP.

³ Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>

7 Conclusion

- 7.1. The relevant basic conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Pembury Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Pembury Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.