

## Capel Parish Neighbourhood Development Plan

### Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification.

For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

#### Initial Comments

The Plan provides a clear vision for the neighbourhood area. It addresses a range of issues which relate closely to its character and appearance. The presentation and layout of the Plan is very good. The Plan is supported by excellent photographs and maps.

Chapters 1-4 provide a very clear framework for the Plan. The relationship between the vision and the objectives is very impressive and Chapters 3 and 4 provide a very clear spatial context for the detailed policies in the Plan.

#### Points for Clarification and observations

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification with the Parish Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications to the Plan to ensure that it meets the basic conditions. I set out specific clarification points and observations for the Parish Council below in the order in which the policies concerned appear in the submitted Plan.

#### *Relationship of the emerging Neighbourhood Plan with the emerging Local Plan*

The Plan has been prepared and submitted in challenging circumstances whilst a Local Plan with significant growth requirements is being prepared. Several policies in the Plan have sought to add value to policies in the emerging Local Plan.

As the Parish Council will be aware, the Borough Council is now consulting on proposed modifications to the Local Plan following the examination of that Plan and its consideration of the Planning Inspector's Initial findings. The Parish Council will be able to respond separately to that consultation process. In this context I have suggested that the Parish Council responds to the questions in this Note within the same timetable as that for the Borough Council's consultation process.

As submitted, Policy C1 of the Plan took a very pragmatic and measured approach to the nature and scale of new development in the parish and carefully sought to add value to the approach being taken in the emerging Local Plan. In December 2023 the Borough Council decided to delete the Tudeley Village allocation from the submitted Plan. It also concluded that the Local Plan should be pursued on the basis that it will meet housing needs for the next 10 years and will therefore need to be subject to an early review. If eventually incorporated into the adopted Local Plan these matters have the potential to have significant effects on the relationship between the emerging Neighbourhood Plan and the emerging Local Plan.

Does the Parish Council have any comments on the implications of the Borough Council's recent decision on the Local Plan on Policies C1/C2 of the Neighbourhood Plan?

Does the Parish Council wish to address these matters itself and revise the two policies or does it want me to recommend modifications to the policies?

#### *Policy C3*

In the round this is a good policy. It makes effective use of existing documents. It has also been carefully drafted so that it can be applied proportionately. It is a very good local response to Section 12 of the NPPF.

#### *Policy C5*

The policy has attracted contrasting representations from the Environment Agency and from the development industry. In this context, it would be helpful if the Parish Council would expand on the approach that it has taken on this matter and respond to the suggested changes proposed by the development industry.

#### *Policy C6*

The policy draws on a range of published information. Such an approach is reasonable in general terms. However, the information in Appendix B is presented in differing levels of detail. Has any local work been undertaken on the farmsteads (as identified by Kent County Council) on a case-by-case basis to assess if the buildings concerned meet the necessary tests to be identified as a non-designated heritage asset?

Does Part B of the policy have regard to paragraph 209 of the NPPF (December 2023) on non-designated heritage assets?

#### *Policy C10*

In general terms this is a good policy which is underpinned by the details in Appendix C.

It would be very helpful if the Parish Council commented on the site-specific representation from The Hadlow Estate and on the Borough Council's comments on the overlapping nature of some of the proposed designations.

#### *Policy C11*

In general terms this is a good policy underpinned by the details in Appendix D.

#### *Policy C12*

Is Part B of the policy supporting text rather than a land use policy?

#### *Policy C13*

Should Part A of the policy acknowledge that some proposed uses may be ancillary to the principal uses and therefore not need planning permission?

Is the second sentence of Part B of the policy supporting text (setting out the information needed) rather than a land use policy?

As submitted, Part C of the policy is a process matter setting out the information that will be required for planning applications. Am I correct in concluding that the intention of the policy is that planning applications which would result in the loss of a community facility will only be supported where they can demonstrate that they comply with the listed matters/criteria?

### *Policy C15*

I looked carefully at a selection of the identified key junctions during the visit. Whilst I understand the local sensitivity on this matter, to what extent does the policy bring any added value beyond the way in which the Borough Council (supported by the County Council as the highway authority) would assess the impact of new development on the capacity and safety of these junctions?

Paragraph 9.22 suggests that the policy has been influenced by the level of growth anticipated in the parish (at the time the Plan was submitted). Please can the Parish Council advise about its thinking on this matter. Would that approach be necessary if modifications were made to Policies C1 and C2 of the Plan?

### *Implementation and Plan Review*

Section 10 of the Plan addresses these matters in a very positive fashion.

Plainly the Local Plan may now be different to that which was anticipated at the time the Plan was submitted. Nevertheless, I am satisfied that Section 10 is written in a sufficiently general way to accommodate the current circumstances of the Local Plan and its revised adoption timescale.

### *Non-Policy Actions*

The identified projects in Section 12 of the Plan are commendably distinctive to the parish. In several cases they will complement the land use policies and the wider approach in the Plan.

This aspect of the Plan takes account of national policy that Non-Policy Actions should be included in a separate part of the Plan to distinguish them from the land use policies.

## **Representations**

Does the Parish Council wish to comment on any of the representations made to the Plan?

It would be helpful if the Parish Council would respond to the comments from:

- Leander Homes
- Dandara South East
- The Hadlow Estate
- Rydon Homes
- Crest Nicholson
- Kember Loudon Williams (obo parishioners)
- Kent County Council

The Borough Council makes a series of comments and suggested revisions to the Plan. It would be helpful if the Parish Council would respond to those comments.

**Protocol for responses**

I would be grateful for responses to the matters raised in this Note by 26 February 2024.

Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from Borough Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Capel Neighbourhood Development Plan.

15 January 2024