

# Hawkhurst Neighbourhood Development Plan Decision Statement: 1<sup>st</sup> December 2017

## 1. Introduction

1.1 Under the Town and Country Planning Act 1990 (as amended), Tunbridge Wells Borough Council has a statutory duty to assist communities in the preparation of neighbourhood development plans and orders and to take plans through a process of examination and referendum. The Localism Act 2011 sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.

1.2 This statement confirms that in regard to the Hawkhurst Neighbourhood Development Plan the modifications proposed by the examiner's report have been carefully considered, accepted in part and with additional alternative modifications (the subject of public consultation under Regulation 17A) have been agreed.

## 2. Background

2.1 The Hawkhurst Neighbourhood Development Plan relates to the area that was designated by Tunbridge Wells Borough Council as a neighbourhood area on 10th April 2014. This area corresponds with the Hawkhurst Parish Council boundary that lies within the Tunbridge Wells Borough Council Local Planning Authority Area.

2.2 Following the submission of the Hawkhurst Neighbourhood Development Plan to the Borough Council, the plan was publicised and representations were invited. The publicity period ended on 5th October 2016.

2.3 Mrs Rosemary Kidd MRTPI was appointed by Tunbridge Wells Borough Council, with the agreement of Hawkhurst Parish Council, to undertake the examination of the Hawkhurst Neighbourhood Development Plan and to prepare a report of the independent examination.

2.4 The examiner's report concluded that, subject to making the modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. A copy of the Examiners report is published on the Council's website.

2.5 The Council as Local Planning Authority is responsible for deciding what action to take in response to the Examiner's recommendations. At the Cabinet meeting on 22<sup>nd</sup> June 2017 ( copy of report published on the Council's website) it was agreed:

- That the Examiners report dated January 2017 in respect of the Hawkhurst Neighbourhood Development Plan be noted and published.
- That the Hawkhurst Neighbourhood Development Plan be modified in part according to the Examiner's recommendations but also with alternative and additional modifications recommended by the Council and be published and be subject to a six week

consultation period in line with Regulation 17A of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

- That any consultation responses be reviewed and a decision then made to either submit the Hawkhurst Neighbourhood Development Plan for further independent examination or progress the Plan to Referendum.

### 3. Decision

3.1 Having considered each of the recommendations made by in the examiner's report and the reasons for them, Tunbridge Wells Borough Council, with the consent of Hawkhurst Parish Council has decided to accept most modifications to the draft neighbourhood plan. However, there is disagreement with modifications relating to some of the proposed housing policies in the examiner's recommendations.

3.2 For this reason, alternative modifications are proposed. The table below outlines the alterations made to the draft neighbourhood plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the examiner's recommendations and the justification for this. The table also includes some further modifications agreed by the Tunbridge Wells Borough Council with the consent of the Hawkhurst Parish Council. This decision was agreed by the Borough Council's Cabinet at the meeting held 22nd June 2017.

3.3 The revised Plan was subject to public consultation pursuant to Regulation 17A. The Borough Council has considered all representations made and has concluded that no further changes are required. A copy of the relevant report is published on the Councils website.

3.4 The council is therefore satisfied that the plan, as amended, (i) meets the basic conditions (as set out in Schedule 4B to the Town & Country planning Act 1990); and (ii) is compatible with the Convention rights (within the meaning of the Human Rights act 1998); and (iii) complies with the provision concerning Neighbourhood Development Plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and can now proceed to a referendum.

3.5 Under paragraph 10 of Schedule 4B to the 1990 Act in relation to the Neighbourhood Plan it is recommended that the Hawkhurst Neighbourhood Plan should proceed to referendum based on the neighbourhood plan area defined by the Borough Council. The Council has considered whether to extend the area in which the Referendum is to take place and has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the Referendum. The Referendum area will be the same as the designated Neighbourhood Area covering the entire parish.

Examiner Reference	Requested Change	Action Taken	Justification for Action Taken
01	<p>Include the boundary of the neighbourhood plan area on the key to the Local Context Map of the plan. Revise the final sentence of paragraph 1.13 to read “The boundary of the Plan area is shown on the Local Context Map and the Map in Appendix 1.</p>	<p>Boundary added to key on diagram on page 13.</p> <p>Sentence revised. New paragraph reference for this is 1.14 on page 8.</p>	<p>Changed as recommended.</p>
02	<p>Include the lifespan of the plan 2016 – 2033 on the front cover of the plan.</p>	<p>Date has been added.</p>	<p>Changed as recommended.</p>
03	<p>Include a paragraph in the introductory section of the Neighbourhood Plan and in the Basic Conditions Statement on how the plan will deliver sustainable development in terms of the enhancement of social, economic, and environmental matters.</p>	<p>Added to the plan on page 6, paragraph reference 1.3.</p> <p>Basic Conditions Statement updated</p>	<p>Changed as recommended to demonstrate stronger support for sustainable development.</p>
04	<p>Improve the contextual material on Hawkhurst Today by including a summary of the population, housing, and employment data for the plan</p>	<p>Summary of population, housing and employment data added to the plan, paragraph reference 2.5 on page 10.</p>	<p>Changed as recommended.</p>

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	<p>area; describe the location and importance of the SSSI; and include a summary of the strategic planning context for the plan area from the Core Strategy.</p>	<p>Description and location of SSSI added to the plan, pages 22 and 23.</p> <p>Added strategic planning context to the plan on page 12 , paragraph references 2.10 to 2.13</p>	
05	<p>Revise paragraph 4.2 to read “The planning policies are written to help the plan deliver these objectives.”</p>	<p>Paragraph 4.2 amended as requested.</p>	<p>Changed as recommended.</p>
06	<p>Revise paragraph 7.2 to 7.3 to read:</p> <p>“The Tunbridge Wells Core Strategy requires that approximately 240 net additional dwellings be developed in Hawkhurst during the period 2006 – 2026. At (date) xx dwellings have been completed, xx are commitments with planning permission and the following sites are allocated for development in the Tunbridge Wells Site Allocation Plan 2016:</p> <ul style="list-style-type: none"> <li>— Former Springfield Garden Centre (40)</li> <li>— Land at Woodham Hall (12-15)</li> <li>— Hawkhurst Castle (30)</li> </ul>	<p>New paragraphs 7.3 and 7.4 on page 37 now read as follows:</p> <p>“7.3 The Tunbridge Wells Core Strategy requires that approximately 240 net additional dwellings be developed in Hawkhurst during the period 2006 – 2026.</p> <p>At February 2017, 225 dwellings have been completed/started, 62 are commitments with planning permission. The following sites are allocated for development in the Tunbridge Wells Site Allocation Plan 2016:</p> <ul style="list-style-type: none"> <li>— Former Springfield Garden Centre.</li> </ul>	<p>Changed as recommended and the housing numbers context and situation brought up to date.</p>

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	<p>— Birchfield Rye Road (26)</p> <p>This totals 267 net additional dwellings (check figure) which is sufficient to deliver the Core Strategy’s housing requirement to 2026 with a degree of flexibility.</p> <p>The housing requirement to 2033 and site allocations to deliver this will be determined by Tunbridge Wells Borough Council through the Local Plan review taking account of the policies in the Neighbourhood Plan.”</p>	<p>This site is being developed incrementally. First 9 of 40 dwellings seeking planning approval.</p> <p>— Land at Woodham Hall for 16 dwellings received planning approval.</p> <p>— Hawkhurst Castle. This site has been developed as a nursing home with 92 beds and is no longer available for housing.</p> <p>— Birchfield Rye Road with 26 dwellings already received planning approval.</p> <p>This total of 296 net additional dwellings is sufficient to over deliver the Core Strategy’s housing requirement to 2026 by 23%”</p> <p>“7.4 The housing requirement to 2033 and site allocations to deliver this will be determined by Tunbridge Wells Borough Council through the Local Plan review taking account of the policies in the neighbourhood plan.”</p>	
07	Delete Policy HD1 and the policy	Significant revisions to Policy HD1	The Borough Council, and the

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	<p>justification in paragraphs 7.4 to 7.13.</p>	<p>(over pages 36 to 42) for it to be retained in the neighbourhood plan. Principal changes made to meet the concerns expressed by the examiner include:</p> <ul style="list-style-type: none"> <li>— New preamble text (paragraphs 7.1 and 7.2) explaining the context to the policy, the parish’s support for sustainable growth and its preferred develop types.</li> <li>— Separation of policy into two sections HD1(a) Preference for Small-Scale Developments and HD1(b) Exceptions for Larger-Scale Developments addressing smaller developments of under 10 units and 10 units or more respectively.</li> </ul> <p>Each of the two new policies HD1 (a) and HD1 (b) now has significant new elements of supporting text.</p>	<p>Parish Council, have carefully considered the Examiner’s comments in regard to Policy HD1 and the related justification as originally prepared.</p> <p>The Examiner’s comments on various aspects of the Policy and Justification as previously written are accepted.</p> <p>However the intention was never to set blanket restrictions rather to influence development to ensure the objectives of sustainable development were met as set out in the NPPF. Rather than remove the Policy the opportunity has been taken to revise it by alternative modification ensuring the plan meets the legal Basic Conditions, supports the delivery of sustainable development, is in compliance with national planning policy (NPPF) regarding development in AONB’s and continues to be responsive to community concerns and aspirations.</p>

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07 (continued)	<p>Paragraph 4.11 (and 4.17 see below) comments that Paragraph 7.13 is considered to be unclear as it does not define poorer quality land.</p> <p>Paragraph 4.17 The wording of Policy HD1 is unclear as it does not define “the existing built area” or “walking distance from shops and amenities” or the “edge of the existing developed parts of the parish”. Paragraph 7.13 refers to “poorer quality land” being preferred but this is not defined.</p>	<p>Clarification of agricultural land classification added to new paragraph 7.9.</p> <p>Clarification of limits to build development shown through new map on page 42.</p> <p>Clarification of walking distance through reference to guidance added to new paragraph 7.17.</p>	<p>Clarifications and supporting references (DEFRA and Institution Highways and Transportation) have been added together with map in response to the Examiner’s comments.</p>
08	<p>Revise point 1 of Policy HD2 to read:</p> <p>“A mix of housing types, sizes and tenures shall be provided on housing developments to support the delivery of housing that meets the local housing needs and demands demonstrated in the most recent Housing Market Assessment and Housing Needs Analysis for the plan area.”</p> <p>Delete point 2 of the Policy HD2</p>	<p>These recommendations have been actioned. Due to paragraph renumbering, it is new paragraph 7.22 that now contains reference to most recent housing market assessment and needs analysis.</p>	<p>Changed as recommended.</p>

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	<p>Replace the word “must” with “should” throughout the justification.</p> <p>Revise the final sentence of paragraph 7.12 to read “...based on <i>the most recent Housing Market Assessment and Housing Needs Analysis</i>..... connection.”</p>		
09	<p>Revise Policy HD3 as follows:</p> <ol style="list-style-type: none"> <li>1. “New housing development shall comprise a variety of housing designs and details to create homes fit for modern living.”</li> <li>2. Delete point 2.</li> <li>3. Accessible homes suitable for the elderly and disabled, in particular bungalows, will be encouraged.</li> <li>4. New housing should be designed to meet Lifetime Homes standards and should encourage the efficient use of water and energy, and locally sourced and recycled materials.”</li> </ol> <p>Replace “must” with “should”</p>	<p>These recommendations have been actioned. Due to paragraph renumbering, it is new paragraph 7.27 that now contains reference to technical standards and new paragraph 7.28 that contains reference to encouragement for bungalows.</p>	<p>Changed as recommended.</p>



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	<p>throughout the justification.</p> <p>Delete paragraph 7.17 and replace with: “New housing development should be built to the space standards set out in the DCLG Technical Housing Standards.”</p> <p>Revise the second sentence of paragraph 7.18 to read: “The development of accessible dwellings, including one storey bungalows will be encouraged.”</p>		
10	<p>Revise the justification to Policy HD4 and the Design Guidance as follows:</p> <p>Replace “must” with “should” throughout the justification.</p> <p>Revise the final sentence of paragraph 7.21 to read: “The inclusion of working chimneys will be encouraged where appropriate to the design of the dwelling.”</p> <p>Delete “but” from the third sentence of paragraph 7.22.</p>	<p>These changes have broadly been actioned as recommended except for the reference to working chimneys. New text now reads:</p> <p>“Paragraph 7.31 As recommended by the AONB Unit through consultation on the draft version of this plan, the inclusion of working chimneys will be encouraged except where it can be demonstrated it is not feasible or practical on smaller properties.”</p> <p>Further adjustment to policy text made to add a third subsection that reads as</p>	<p>Changed as recommended with the exception of working chimneys where the Examiner’s words from Report ref 4.36 are used.</p> <p>To strengthen the design policy</p>

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	<p>Revise paragraph 7.23 to read: “The following section sets out design guidance to support Policy HD4. All new development proposals will be encouraged to take account of the design guidance.”</p> <p>Revise paragraph 7.24 to read “This design guidance should also be used to inform the selection of sites.”</p> <p>Delete the second sentence from the section on sustainability in the guidance.</p>	<p>follows:</p> <p>3) ALL DEVELOPMENTS SHOULD COMPLY WITH THE DESIGN GUIDANCE NOTES ON PAGES 46 — 49.</p>	<p>and more effectively link the design guidance notes with Policy HD4.</p>
11	<p>Include a description of Robin Woods SSSI with a location map in the Landscape Context section.</p>	<p>This has been added to pages 22 and 23, including a map.</p>	<p>Changed as recommended.</p>
12	<p>Revise Policy LP1 to read:</p> <p>“Developers should demonstrate that their proposals will not have an unacceptable adverse visual impact on the landscape setting of the village or views of key landmarks.”</p> <p>Delete the final sentence of</p>	<p>Recommended changes actioned.</p>	<p>Changed as recommended.</p>

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	paragraph 8.3.	New paragraph 8.3 uses revised text	
12 (continued)	<p>Comments made in the examiner's report include:</p> <p>4.41 The justification recognises that there are various points in and around the village where there are clear sight lines to open countryside and back from the countryside to the village. However, these are not defined on a plan.</p> <p>4.42 The Qualifying Body has explained that a map was included in the Regulation 14 draft of the Neighbourhood Plan and this was subsequently removed in favour of the generic policy.</p> <p>4.43 A representation has been received requesting an additional view to be included. I have concluded that as Policy LP1 is worded in a generic manner and does not refer to specific viewpoints, no change is necessary in response to this representation.</p>	<p>The map-based diagram that was used in the earlier versions of the plan has been reintroduced onto page 52 and now includes the views as mentioned in the representation received.</p> <p>New paragraph 8.5 added to provide explanation for inclusion of map-based diagram to support Policy LP1, the protection of views.</p>	Taking the lead from the Examiner's comments, a view map and explanation have been included.

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	<p>4.44 It is considered that due to the lack of information about key viewpoints, it is unclear how this policy is to be interpreted on a consistent basis.</p>		
13	<p>Revise Policy LP2 as follows:</p> <p>“The management, conservation and enhancement of the High Weald AONB is encouraged making use of the following documents or their replacements: ...points 1 – 3.” Delete final sentence.</p> <p>Delete the final sentence in paragraph 8.8 concerning log burners.</p>	<p>Changes to policy text actioned as recommended, on page 53.</p> <p>Final sentence of new paragraph 8.9 now reads: “To support the local wood fuel industry, new residential development should include a working chimney except where it can be demonstrated it is not feasible or practical on smaller properties”</p>	<p>Changed as recommended with the exception of the deletion of working chimneys and log burners. (See also Recommendation 10 above).</p>
14	<p>Revise Policy LP3 to read:</p> <p>“The areas shown on map XX are designated as Local Green Space. Proposals for development of these areas will only be permitted where it has been demonstrated that there are very special circumstances that justify the need for the development and there are no suitable alternative</p>	<p>Policy LP3 on page 54 now reads:</p> <p>Policy LP3 Designated Green Spaces</p> <p>THE AREAS SHOWN ON THE MAPS ON PAGE 55 ARE DESIGNATED AS LOCAL GREEN SPACE. PROPOSALS FOR DEVELOPMENT OF THESE AREAS WILL ONLY BE</p>	<p>Changed as recommended.</p> <p>Other sites, regarded as important landscape features, have been moved to new section 10 on pages 24-25.</p>

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	<p>sites.”</p> <p>Designate sites 11, 12 and 20.</p> <p>Include examples of the exceptional forms of development that may be permitted by the policy as very special circumstances within the justification such as utility infrastructure.</p>	<p>PERMITTED WHERE IT HAS BEEN DEMONSTRATED THAT THERE ARE VERY SPECIAL CIRCUMSTANCES (SUCH AS ESSENTIAL UTILITY INFRASTRUCTURE) THAT JUSTIFY THE NEED FOR THE DEVELOPMENT AND THERE ARE NO SUITABLE ALTERNATIVE SITES. New maps added to page 55 with the three designated green spaces.</p>	
15	<p>Revise Policy AM1 to read:</p> <p>“Improvements to the Highgate Hill A229-A268 crossroads will be sought to ease traffic flow and improve conditions for pedestrians and cyclists and to enhance the character and environment of the village centre.”</p> <p>Delete the second part of the policy. Include reference in the justification to the Parish Council working with the District and County Council to develop a feasible design for the highway and environmental improvements. Note that consultations with the community and</p>	<p>All these changes have been actioned on page 57.</p>	<p>Changed as recommended.</p>

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	<p>transport operators will be carried out in the future on design options.</p> <p>Place the illustrative design in an Appendix and update paragraph 9.4.</p>		
16	Delete paragraph 9.11 and the second sentence of paragraph 9.13 from the justification to Policy AM3.	These paragraphs on page 59 have been redrafted to make them clearer and more easily understood.	In agreement with the principles raised by the Examiner, the paragraphs have been re-worded rather than deleted.
17	Add the following to the end of paragraph 9.17: "The cycle parking standards for residential areas are set out in Kent County Council's Supplementary Planning Guidance on Parking Standards."	This change has been actioned on page 60.	Changed as recommended.
18	<p>Revise the justification to Policy CM1 as follows:</p> <p>Include reference to the detailed design requirements of the new pavilion being of a high quality in accordance with Policy HD4.</p> <p>Revise paragraph 10.3 to include reference to the specific sports facility needs of the Plan area that</p>	These changes have been actioned on page 63. Reference to Policy HD4 has been added to Policy CM1 itself.	Changed as recommended.

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	have been identified.		
19	<p>Revise Policy CM2 as follows:</p> <p>“The replacement of the existing community hall with a larger, improved facility will be supported.”</p>	This change has been actioned on page 64.	Changed as recommended.
20	<p>Revise Policy CM3 as follows:</p> <p>“The replacement of the existing GP practices with a single, larger practice with additional medical facilities and support facilities (or health centre) will be supported.”</p>	This change has been actioned on page 65.	Changed as recommended.
21	<p>Revise Policy CM4 as follows:</p> <p>“Town centre uses should be located within the Town Centre Boundary as defined in the Tunbridge Wells Local Plan. Changes of use in the Primary Shopping Area will be considered against Policy CR12 of the Local Plan 2006 (or its replacement).</p> <p>“The Gills Green Employment Area is</p>	These changes have been enabled on page 66 and 67.	No reference is made to “town centre”; the reference is, as recommended to, “Primary Shopping Area”.

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	<p>defined as a Key Employment Area in the Local Plan. Development proposals within the area shall be considered against Policies ED1, ED2 and ED3 of the 2006 Local Plan (or its replacement).”</p> <p>Revise the justification to reflect the revised policy. Include reference to the sports facility needs of the Plan area that have been identified in the justification.</p> <p>Revise paragraph 10.18 to refer to “The key community assets to be safeguarded are shown on the map on page xx.” Revise the wording under the map to refer to “safeguarded by Policy CM4”.</p>		<p>As Gills Green employment area is covered by the Local Plan, it has been removed from Policy but is included in 10.19.</p> <p>Sports facilities are covered by Policy CM1 and are not repeated here.</p>
ends			