

# TWBC Response to Examiner's Initial Comments on the Paddock Wood Neighbourhood Plan

## Examiner's Introductory Remarks

- 1. 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.*
- 2. 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.*
- 3. 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 Town Council.*
- 4. 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 Town Council below in the order in which the policies concerned appear in the submitted Plan.*

## Strategic Policies

### Examiner's Question

*'Please can I have an indicative timetable for the Borough Council's response to the Inspector's preliminary findings on the emerging Local Plan and the next stages in the plan-preparation process'*

### TWBC Response

The new TWBC Local Plan 2020-2038 was subject to a Regulation 19 consultation which ran from 26 March to 4 June 2021, and was submitted to the Planning Inspectorate on 1 November 2021. An Examination in Public (EiP) took place between March and July 2022.

The Inspector set out his 'Initial Findings' in a letter received in mid-November 2022. The Council noted that the Inspector presented alternative ways for the taking the examination forward and has advised the Inspector, by [letter dated 22 December 2022](#), of the further work it is

undertaking to determine the most appropriate option. Having regard to the number of threads to this work, it also advised that “*It is clearly not possible at present to put a timeframe on determining the most appropriate approach, which will need to be underpinned by a clear understanding of and the requisite appraisal of options.*” The letter added that “*The Council confirms that it remains committed to have an adopted Local Plan in place as soon as practicable and we are working towards this end.*” This remains the case, although progress is being made on all workstreams, such that we are hopeful of these being concluded by this Spring, although it will likely be Summer before a consultation on proposed Main Modifications would be undertaken, with representations then being passed to the Inspector for consideration. Of course, it should be added that the preferred way forward will depend upon the outcomes of ongoing work and the Council’s formal consideration of that. A more detailed timetable has been prepared for the Inspector that will be published in due course on the Council’s website, which confirms the above expectations for the adoption of the Plan.

## **Examiner’s Question**

*General – Relationship of the submitted Plan to the development plan*

*The basic conditions test for a neighbourhood plan is against the strategic policies in the adopted Local Plan. 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 Planning Inspector has now issued his preliminary findings on the Local Plan.*

*Does the Parish Council have any comments on the preliminary findings and their potential implications on the content of the neighbourhood plan*

## **TWBC Response**

Although this question has been directed principally to the Town Council, the Borough Council may also assist the Examiner in relation to this matter.

Responses to the queries and issues raised in the Examiner’s Neighbourhood Development Plan (NDP) ‘Clarification Note’ are ones that relate to whether the NDP meets the basic conditions as set out in Planning Practice Guidance. One of the basic conditions is that the NDP needs to be in general conformity with the strategic policies contained in the development plan for the area. At present, this needs to be read with the understanding that some of these policies are now outdated, including by later NPPF policies. At this time, this requirement relates to strategic policies contained in the following planning documents adopted by Tunbridge Wells Borough Council:

- Saved policies in the Tunbridge Wells Borough Council Local Plan 2006;
- Tunbridge Wells Core Strategy Development Plan Document 2010;
- Tunbridge Wells Borough Council Site Allocations Local Plan 2016;
- Kent Minerals and Waste Local Plan 2013 to 2030 (note that a statutory five-year review was completed in 2021, and the updated Kent Minerals and Waste Local Plan plans for a 15-year period between 2023 and 2038)

The NDP also needs to be appropriate having regard to national planning policy as set out in the National Planning Policy Framework (NPPF) 2021.

With reference to the emerging TWBC Local Plan, the Inspector’s ‘Initial Findings’ ([letter dated 22 December 2022](#)) as noted above deals particularly with the proposals for the two strategic sites, Policy STR/SS1 (The Strategy for Paddock Wood and East Capel) and Policy STR/SS3 (The Strategy for Tudeley Village, along with Policy STR1 The Development Strategy). While there are many proposed site allocations and policies in the emerging TWBC Local Plan not

covered by the Inspector's letter, he does refer to the need for modifications to other policies. Also, it has to be recognised that the TWBC Local Plan is still at examination, and the Inspector's Initial Findings letter has raised some queries over the contribution of the strategic sites to meeting development needs at present. The Council has not yet determined how to address the Inspector's concerns, but is working through them, and we are hopeful of these being concluded by this Spring, although it will likely be Summer before a consultation on proposed Main Modifications would be undertaken, with representations then being passed to the Inspector for consideration. Of course, it should be added that the preferred way forward will depend upon the outcomes of ongoing work and the Council's formal consideration of that.

The Inspector raised a number of issues regarding the Strategy for Paddock Wood and East Capel (STR/SS1), namely in relation to its strategy and implementation, education infrastructure, and flooding and flood risk. It has thus far been concluded by the Inspector that, while Paddock Wood is a logical choice for proposed growth, the strategy for the town needs to be revisited to set out clearly what is proposed on each parcel, both in terms of the scale and mix of uses and any necessary infrastructure provision. In addition, the Inspector has considered that the location of new housing, community and employment uses in areas at higher risk of flooding had not been justified. The Inspector has therefore considered that comprehensive main modifications are required to the submitted Plan in order to make it sound and has specifically asked the Council to reconsider Option 3 at Paddock Wood as outlined within the [Strategic Sites Masterplanning and Infrastructure Study](#). It is important to note, however, that the Inspector stated he was relatively confident that significant changes and/or the preparation of further supporting information necessary for soundness at Paddock Wood would not result in fundamental changes to the Plan's strategy, albeit the implications of the Inspector's initial findings at Tudeley Village could have consequential impacts on Paddock Wood, namely in relation to education provision and infrastructure, as well as on other aspects of the Plan, including whether the Plan is able to identify a sufficient supply of housing land. As above, the Council is undertaking further work to determine the most appropriate option going forward.

Given the above, the Council is currently reviewing the pattern of strategic growth, and thus emerging Policy STR/SS1, as proposed within the emerging Plan. This therefore has implications for the emerging NDP, given that the NDP seeks to incorporate Policies which add value to the proposed growth parcels in the emerging Local Plan. It is important to reiterate, however, that the NDP should not include strategic policies, with the Town Council's views on proposed strategic growth considered to be best pursued through engagement in and representations on that emerging TWBC strategic policy.

While the Inspector's only comment on Development Management Policies relates to that for Housing for Older People and People with Disabilities, the potential for modifications to other policies cannot be ruled out. TWBC officers agreed the need for some modifications through the examination hearings, although these are considered to be generally fairly limited in nature. The policies in the NDP can draw on the evidence base that supports the emerging TWBC Local Plan, but must stand independently, with their own justification. If any of the NDP policies refer to the TWBC Submission Local Plan policies directly, it should be within the supporting text, with an explanation that the Submission Local Plan may be subject to modifications.

As discussed above, the Council is currently undertaking further work to determine the most appropriate option going forward with regard to its emerging Plan. In the meantime, however, it is considered that the Paddock Wood NDP may still proceed in relation to non-strategic policies without prejudice to strategic matters.

## Examiner's Question

*Policies SR1/SR2: Plainly there is an element of disagreement between the Town Council and the Borough Council on the location of the recreation facilities. How will this be resolved in order to bring the clarity required by the NPPF for development plan policies?*

*Could Policy SR2 work effectively without a direct reference to the Town Council's preferred site?*

## TWBC Response

While this question has been posed to the Town Council, the Borough Council considers it prudent to offer its response given the request for a possible resolution on this matter of conflict between the emerging Local Plan and the emerging Neighbourhood Development Plan (NDP).

As the Borough Council has responded within its Regulation 16 representation, it is acknowledged that the proposed location of the proposed sports hub (as part of Submission Local Plan Policy STR/SS1) is an uncommon ground between the Borough Council and the Town Council. As the Town Council have noted within their response to the NDP Examiner's Clarification Note, the Local Plan Inspector's initial letter has been received but at present does not raise the matter relating to the location of sports facilities. The Borough Council has outlined its justification for considering the proposed location in the south-western parcel of the allocation to be most appropriate within its Regulation 16 representation.

The National Planning Policy Framework is clear that Neighbourhood Plans should support, and be in general conformity with, the delivery of strategic policies contained in the adopted Development Plan (see commentary above), while noting that this does not specifically relate to emerging Plans. The Planning Practice Guidance, however, is clear that conflicts between policies in the NDP and emerging Local Plan are minimised. Therefore, while both plans are 'emerging' and not yet part of the adopted Development Plan, the conflicting preferences referred to above do not currently offer clarity to developers or other users of the Plan of the preferred approach and thus remains unresolved. Given the above, should the Paddock Wood NDP be adopted prior to the emerging Local Plan, it would not be considered appropriate to have a differing approach to one that is part of a strategic policy within the emerging Local Plan. As suggested, an appropriate approach may therefore be to remove the direct reference to the Town Council's preferred site from Policy SR2. An explanation of the Town Council's preferred siting may be more suitably located within the supporting text while making reference to the Borough Council's position.