

Pembury Neighbourhood Plan
Responses to Independent Examiner's Initial Comments
Prepared by the Pembury Neighbourhood Plan Steering Group

10 March 2023

This note has been prepared by the Steering Group (SG) for the Pembury Neighbourhood Plan (PNP). We are grateful for the opportunity to provide further clarification on the points raised below.

1. Regulation 16 Comments - I would firstly like to offer the Parish Council the opportunity to comment on the representations that were submitted as part of the Regulation 16 consultation. I am not expecting a response in respect of every point, just those that the Parish Council feels it wishes to respond to.

The SG have the following comments:

Many of the comments relate to the non-policy actions. The comments below focus on those relating to the policies themselves:

Kent County Council (KCC):

Environment and green space – The SG would be content to make reference to the emerging Local Nature Recovery Strategy in the context of the biodiversity opportunity areas.

Transport and movement - We note the comments received from KCC relating to the Public Rights of Way network. The Parish Council would be very keen to continue discussions with KCC and neighbouring parishes as recommended to identify additional route improvements and funding to enable these. The SG would be keen to add the schemes noted to the existing maps and supporting text and also within Section 11 as discussions ongoing are likely to bring further ideas forward.

A number of strategic documents and assessments are mentioned in the response and the SG would be content to make reference to these in the PNP at the relevant chapters.

The SG would be content to add the additional terms (Rights of Way, active travel) to the Glossary.

Obsidian Strategic Asset Management:

Reference is made to the potential to designate the land south of the existing cemetery as a Local Green Space (LGS), as the land is to be safeguarded for use as additional burial space. The SG would support the inclusion of this space as an LGS.

Comments on First Homes are picked up in question 3 below.

Countryside Partnerships:

Policy P2: The housing mix is based on the findings of the Housing Report, which is part of the Evidence Base underpinning the Neighbourhood Plan. The %s provided are indicative and not considered to be overly prescriptive. They seek to ensure that the specific needs of the Parish – which are more nuanced than the strategic needs for the broader geographic area – are fully considered in proposals for residential development.

Policy P3: The policy is not considered to be overly prescriptive and aligns to the government commitment to ensuring that local communities are fully engaged in the design of their communities. It is agreed that Part B (iii) and (viii) could be combined. The SG would be open to the suggestion of including the wording 'where necessary and appropriate' to Part C as suggested.

Policy P4: Concern is raised that the policy repeats the proposed wording in the Submission Local Plan. As the SLP has not yet been adopted, this wording is not yet policy and the SG would be content to retain as currently written.

Policy P5: The SG consider that Part B of the policy is necessary to address the existing and ongoing problems associated with drainage and sewerage.

Policy P6: The policy adds additional local detail to strategic policy including by identifying non-designated heritage assets.

Policy P10: The use of the term 'fragmented' is included to ensure that open space that is included with new development is well integrated into the overall design and connected to other green spaces/ movement routes. This is as opposed to including secluded spaces. In terms of physical barriers, the SG would be content to amend this to natural barriers being preferred where these are considered to be necessary for the space.

Policy P11: View 3 is taken from the edge (i.e. not from within) of the ancient woodland at the top of the field in question.

Graham Land and Development:

Policy P10: The SG would agree that the inclusion of the words 'where appropriate' within Clause B(ix) would be helpful in the context of open space and accessibility to the general public.

Policy P13: The SG note the opportunity to discuss further the potential for a footpath link from the existing and proposed housing to the east of the village, adjacent to the land at Cornford House, and linking with Tesco. This could be a beneficial route, offering an alternative pedestrian access to Tesco and onward links.

Tunbridge Wells Borough Council (TWBC):

See table at the end of the document.

Comments received on behalf of the A21 rat-run group:

Whilst this is outside the scope of the examination, as a non-policy action, the SG has the following comments:

Non-policy action 8 (Biodiversity) - The SG would be content to include the additional suggestion this within the non-policy action 8.

Non-policy action 12 (Rat-running) – The SG would support the broadening of the possible actions to encompass the local route network throughout the area rather than emphasising one road. The SG has spoken to the A21 rat-running group representative and agreed that text in Action 12 could be replaced with:

“Explore opportunities to manage better A21 rat run traffic using Henwood Green Road, Romford Road and King’s Toll Road. Investigate options for traffic calming measures on all these roads as a whole, and implement where possible”.

2. Policy P1: Location of Development

Would the Parish Council agree that this policy should allow for the partial or the total redevelopment of previously developed land in the Green Belt - possibly as an extension to (v), as allowed by para 149 of the NPPF?

The SG would be agreeable to this approach.

3. Policy P2: Meeting Local Housing Needs

Can the Parish Council explain how it arrived at a figure of 50% in terms of the discount for First Homes, when the TWBC 's viability evidence shows that only a 30% discount is viable?

The Housing Report, which forms part of the Evidence Base for the Plan, has (in Section 6, 6.36 onwards – attached with this note) analysed the affordability thresholds for the different Affordable Housing for Sale tenures. The data demonstrates that within Pembury, an uplift of anything lower than 50% is unlikely to assist anyone on less than 2x median incomes. It is understood, however, that the work has not investigated the viability of applying such a percentage discount, which is why the policy encourages a greater uplift to 50% but acknowledges the position of TWBC in supporting a Borough-wide 30% discount approach. The policy, in strongly supporting the greater uplift, recognises the nuanced position in Pembury.

4. Policy P4: Energy Efficiency and Design

The Secretary of State set out in his Written Ministerial Statement to the House of Commons dated 25th of March 2015 his stipulation that neighbourhood plans should not set any additional technical standards relating to the construction, internal layout or the performance of new dwellings. I was interpreting the policy in (B), that it was not setting a requirement that applications had comply with, but rather those applications that met the aspirations would be strongly supported. However the final paragraph implies that applications which do not meet the criteria, and have not been justified, will be expected to be refused – is that the intention of the policy?

The policy strongly supports the incorporation of the features as set out in Part B. The purpose of the final sentence is to ensure that developers have carefully considered the options available to them to achieve the purpose of the policy. To avoid any ambiguity, however, the SG would be content to remove this sentence from the policy.

5. Policy P5: Sewerage and Drainage Infrastructure

Can the Parish Council explain whether it is anticipating that an alternative body would carry out the “rigorous analysis” of the local sewage system’s ability to cope, if it is not the water company?

The wording is supported by Southern Water. It is anticipated that all developers will liaise with the relevant water company regarding capacity and an analysis of capacity be undertaken – [for instance following existing guidance](#) – to demonstrate within proposals that capacity for new development can be fulfilled. This would be undertaken by the water company, however would need to be demonstrated within a planning proposal.

6. Policy P6: Conserving heritage assets

Can the Parish Council set out what are the non-listed heritage assets which are included in the Heritage Environment Record, which this policy is seeking to ascribe non-designated heritage assets status. I believe they should be identified in the neighbourhood plan, as well as the 14 identified, so there is clarity for applicants and decision makers as to whether the policy applies.

The Historic Environment Record is developed and maintained by Kent County Council. The list of non-listed assets can be extracted, but the list is subject to change. Therefore it might be more prudent to provide a link to the online database, which has the most recent up-to-date list including location maps.

7. Policy P7: Supporting Flexible Workspaces and Opportunities for Home Working

Is the intention of the Parish Council that the policy, in (ii) and (iii), would allow non-residents to be employed from these premises, subject to meeting the criteria set in the final paragraph of the policy?

This is the intention. The final paragraph of the policy is important as any such activities should not generate any unacceptable impact on the amenity of residential properties and on the capacity and safety of the local highways network. In terms of residential amenity, this would comprise activity which interferes with the peace, comfort or quiet enjoyment of any person living in, visiting or otherwise engaged in lawful activity in the locality of the property or which causes a nuisance, annoyance, inconvenience or damage to neighbouring, adjoining or adjacent property.

Nuisance may be caused by frequent visitors, high noise levels/ noise during unsocial hours or smells or parking congestion. It would also include major adaptation of the property that might damage the property in some way.

Examples of authorised working: cake decorating, mail order business, computer repair, window cleaner, child care

Examples of unauthorised working: car mechanic, businesses involving use of hydraulic equipment, industrial scale machinery, controlled substances, illegal activities

The SG would be content to add this additional explanatory note to the supporting text.

8. Policy P9: Local Green Space

The neighbourhood plan differentiates between LGS which is being put forward in the draft Local Plan and those being promoted in the neighbourhood plan. As the neighbourhood plan is likely to be made before the local plan is adopted, does it make sense for all the local green spaces to have the same designation? Do the Parish Council and TWBC have a view on this suggestion?

Yes, designating all spaces via the PNP would be the favoured approach by the SG. The main reason for the differentiation was for the reader of the Plan (residents) to acknowledge that some of the proposed spaces are also set for inclusion in the SLP.

9. Policy P14: Publicly Accessible Parking

Can the Parish Council elaborate on how a decision maker facing a planning application for electric vehicle charging points, would be able to control whether the charges are “affordable” and the service is “reliable”?

This is noted and the SG would be content for this wording to be removed.

We are grateful for the opportunity to provide further clarification on this questions and points.

Nigel Stratton

Chair of the Pembury Neighbourhood Plan Steering Group

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
General				
All of the plan	Accessibility requirements	The plan meets all accessibility requirements.	No changes proposed.	Noted
All of the plan	Map e.g Figure 4.1 and others in the NDP	These show existing and proposed Limits to Built Development – this should be clearly identified as the TWBC adopted/proposed Plan	Consider amending, for clarity.	Noted that 'TWBC' could be included for clarity
1. Introduction				
Page 2, 4 th para	Forward	4 th para refers to 'last September'	Add year for clarity	Agree
Para 1.5	Introduction	Refers to need to have regard to the NPPF	Suggest regard is also had to current NPPF consultation.	Agree – this has been instigated post reg 16
Para 1.7	National Planning Policy	Part about NPPF	Suggest an additional sentence about current NPPF consultation.	As above
Para 1.9 and 1.10	New TWBC Local Plan	Paras 1.9 and 1.10 need reviewing/updating given that TWBC received the initial findings of the EiP Inspector in November 2022	Review and update.	Agree
Para 1.9		Refers to LDS adoption date for TWBC Local Plan Jan 2023	Note: the LDS is due to be comprehensively updated – when a date for this is confirmed the LPA will inform the examiner	Noted
Para 1.11		States ' <i>The proposed strategy (at 1 April 2021) for Pembury is to:</i> '	Note: the TWBC SLP was submitted to the Planning Inspectorate on 1 November 2021	Noted and agree to amend
1.15	Community Engagement – Table	2023 is identified for both examination and referendum – it's possible the referendum may end up early 2024 depending on the	Consider amending date to 2023-2024	Noted

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
		examination/timescales for organising referendum		
2. About Pembury				
		No comments.		Noted
3. A Vision for Pembury				
		No comments.		Noted
4. Spatial Strategy				
Policy P1 Location of development	Criterion (A) Development in the neighbourhood area will be supported within the Limits to Built Development as defined in Figure 4.1. Development proposals on brownfield land will be particularly supported, subject to		Clarification required if this is referring to the adopted LBD boundary, or the proposed SLP LBD boundary See note at end relating to the progress of the TWBC Local Plan. The examiner will be provided with any further updates during the independent examination process.	Noted – this refers to adopted boundaries. Both boundaries are shown in the context of the NDP coming forward prior to the SLP

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
	compliance with other policies in this plan.			
Policy P1 Location of development	Criterion (B) refers to LBD		<p>Clarification required if this is referring to the adopted LBD boundary, or the proposed SLP LBD boundary</p> <p>See note at end relating to the progress of the TWBC Local Plan. The examiner will be provided with any further updates during the independent examination process.</p>	As above
Policy P1 Location of development	Criteria included within (B)	It is unclear whether development should meet some or all of the criteria listed under B. If all criteria are to be met, this would preclude all development proposals	Clarity needs to be provided by inserting 'or' after each individual criterion	Agree that 'or' should be interested after each clause

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
5. Housing				
Para 5.6	Typo	“numbers of...”	Amend to number of....	Noted
Para 5.11	Typo	“155 to 156 ...”	Amend to 155 to 166.....	Noted
6. Character				
Page 25 Para 6.8.	The 12 principles that the Pembury Design Codes seek to enable are as follows. New development should: Includes (point 5) Establish a 40m green buffer band parallel to the A21 in order to mitigate visual impact to and from the AONB.	The approach in the TWBC policies is to add in ‘approximately’	<i>Adding in approximately</i> would be better way of expressing this policy as policies should not be unnecessarily rigid	The SG would be content with this approach
Page 28, Policy P3, Criterion B.IV		It is noted that, within point B.IV, that space for off-road parking and cycle parking for residents, visitors and services	None.	Noted – reference may need to be to existing guidance but with supporting text to note that these would be updated on adoption of the SLP.

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
		vehicles is to be in accordance with the SLP parking standards, which is supported. However, the Council notes that the standards set out within the SLP are yet to be adopted.		
Policy P3 (C)	Requirement for lower density development at rural boundary		Will this affect delivery of allocated policies in the TWBC SLP, all of which include a rural boundary	The SG would be content to include 'where appropriate', to give flexibility for the consideration that these particular sites are also bounded by the A21 as opposed to pure open countryside
Policy P4 Energy Efficiency and Design	Criterion A	Consider switching emphasis to carbon emission reduction instead of energy to encourage transition away from fossil fuels		Noted and SG would be content with this approach.
Policy P4 Energy Efficiency and Design	Criterion vi	Instead of the phrase 'a combination of', this criterion should prioritise energy demand reduction over energy consumption to encourage to fabric first approach. Reference to the energy hierarchy would be helpful.		This is helpful and the SG would be content to amend the policy to reference the energy hierarchy in place of 'a combination of'.
Policy P4 Energy Efficiency and Design	Criterion beginning "Where development cannot achieve..."	Consider whether this criterion is necessary. Criterion B already includes the caveat "as appropriate to scale, nature and location". We should expect very high		The SG is mindful of the Future Homes Standard but would prefer to retain this statement in the policy to ensure that developers do apply the clauses.

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
		standards in all development as we move towards the Government's Future Homes Standard which will be introduced in 2025.		
Policy P5: Sewage and Drainage Infrastructure	B: has a requirement for "rigorous analysis".	The plan should clearly set out what is meant by this/what the plan expects developers to do.		The wording is supported by Southern Water. It is anticipated that all developers will liaise with the water companies regarding capacity and an analysis of capacity be undertaken – for instance following existing guidance – to demonstrate within proposals that capacity for new development can be fulfilled.
Policy P6 Conserving Heritage Assets	(A) Refers to 14 buildings/structures set out in para 6.30/mapped on Fig 6.2		These buildings/structures are the Parish Council's own list of NDHAs, following an audit. It would be helpful to know if there were any selection criteria for the audit, as the PPG gives greater weight to that process; but otherwise the PPG also the LPA the ability to give weight to those identified in NDPs.	An audit of assets was undertaken in partnership with Pembury Society who have an extensive knowledge of local history and sites. The guidance contained in Historic England's Advice Note 7 on NDHA's was closely followed – this includes examples of the criteria that could be used to justify the identification of a particular asset as a NDHA.
7. Employment in Pembury				
Para 7.6		Reference to turnover in Euros	To be replaced by a '£' sign	Noted
Para 7.3		Final sentence doesn't read right - needs addressing		Suggest – "There is no need to repeat the scope of these policies these in the PNP policy'

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
8. Environment and Green Space				
Pages 48-50; Policy P9: Local Green Spaces		TWBC supports the approach of NDP in seeking to designate sites proposed for LGS in the SLP given that the SLP is yet to be adopted.	None.	Noted. The SG has considered again the LGs proposals and would wish to retain the existing list.
		As per the Council's Reg.14 comments, it is noted that TWBC and Pembury NDP Group agree on the sites proposed in the SLP: sites 186, 187, 188, 189, AS_4, AS_9, AS_13 (i.e., Pembury sites 1, 2, 3, 4, 5, 6, 7). The Pembury NDP seeks to propose additional sites (i.e., Pembury sites 8, 9, 10, 11, 12, 13, 14), 5 of which TWBC has assessed and considered to not have met the designation criteria. Sites 8, 12, and 13 are assessed as one site in the SLP; the TWBC LGS Assessment states that the site is already		

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
		<p>sufficiently protected. Site 9 was not considered suitable for designation as it is considered to be an incidental green space with similar characteristics with many local sites not proposed for designation and therefore not 'demonstrably special'. Site 10 (which is a smaller area within the SLP) was not considered suitable as it was also considered to be already sufficiently protected. Pembury NDP sites 11 and 14 have not been assessed previously by TWBC.</p> <p>The Council notes that supporting justification for the proposed LGS sites in the Pembury NDP are provided in Appendix D of the NDP.</p>		

<p>Page 57 Policy P11:</p>	<p>Policy requires that 'Proposals for development should be supported by a landscape/visual impact assessment which clearly demonstrates the potential impacts that such a proposal would have on significant views where relevant and how these impacts will be mitigated.'</p>		<p>It is noted that supporting text at para 8.37 recognises the conflict with VPs 2 and 3 and proposed allocations in the TWBC SLP:</p> <p>V2 appears to be situated on PE2 and clearly looks across where development will be provided by the SLP. However the description in Appendix E acknowledges this and the limitations of what might be retained:</p> <p>“ The field directly in front of the footpath is included as a site allocation in the SLP. Whilst views may not be wholly safeguarded, glimpses of the panorama should be, where possible, retained. This could include from the existing footpath and also from the cycle paths to be incorporated as part of the proposal”.</p> <p>For VP 3 the description appears to assume that that development will not interfere with the view which is unlikely to be the case:</p> <p>“The view is taken from the top right corner (north-east) of the field allocated as part of Site AL/PE4. It is this corner that is</p>	<p>The SG understand that these particular views are likely to be impacted by the proposed site allocations in the SLP. Nevertheless they are important views that have been identified by the community. The policy seeks to ensure that developers do undertake a visual impact assessment in order to understand how any development can be most sympathetically designed to incorporate access to the views, for instance by identifying view corridors between buildings – even though clearly this may not be achievable across the whole site. This compromise would be preferable to losing the entire view.</p>
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			<p>likely to remain undeveloped due to the proximity to ancient woodland and the topography of the site. From this high spot, views are afforded north towards Matfield and the North Downs beyond. At the junction with the ancient coach road, the footpath here would have historically presented travellers with a view over the village, announcing their impending arrival”.</p> <p>Whilst consideration of these views within the design is appropriate and the layout may be able to retain elements of these views the policy goes further than this and requires that the views are “safeguarded” which is higher bar which the proposed development is unlikely to reach:</p> <p>“POLICY P11: PROTECTION OF LOCALLY SIGNIFICANT VIEWS The Plan identifies nine locally significant views in paragraph 8.33 and in Figure 8.5, with descriptions in Appendix E. As appropriate to their scale and nature, development proposals within the shaded arcs of the various views as shown on Figure 8.5 should be</p>	
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			<p>designed in a way that safeguards the locally significant view or views concerned. Proposals for development should be supported by a landscape/visual impact assessment which clearly demonstrates the potential impacts that such a proposal would have on significant views where relevant and how these impacts will be mitigated”.</p> <p>Whilst the limitations are in part recognised the view descriptions, supporting text and policy are considered to lack clarity for view points 2 and 3 and what might be expected from a development and are at present in conflict with the proposed allocations in that if treated as a “safeguarded” view this would significantly restrict development.</p> <p>In addition views 2 and 3 and will inevitably change if these applications proceed as both Parish and Borough policy would require a 40m landscape buffer of trees in the area where these views are located.</p> <p>There is no difficulty if the policy</p>	
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			<p>seeks these views to be noted and retained where possible acknowledging that the proposed development will significantly alter the available views in these locations but as the policy is currently framed and the views currently described there is a conflict between the allocations PE2 and PE3 in the SLP and Policy P11/Views 2 and 3 in the neighbourhood Plan.</p>	
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Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
Transport and Movement			No comments	Noted.
10. Community Facilities				
Policy P15		Policy P15 – the wording at criteria ‘C’ doesn’t seem right and should be considered and checked with Sport England to ensure consistency with their policy approach.		Further advice has been sought from Sport England, who were not on the statutory consultee list provided by TWBC to the group. Their response and recommendations are enclosed below this table.
Infrastructure Improvements and Provision	Para 12.3	Reference to strategic policy for Pembury, PSTR/PE1	Add text to clarify that this is as per the emerging TWBC Local Plan.	Noted and agree.
Glossary	Limits to Built Development	Reference to TWBC proposed LBDs	It should be noted that the TWBC Local Plan remains at examination and that there is potential for LBDs to change through the modifications process if the Inspector considers this necessary.	Noted.
Appendix B: Design Guidance and Codes				

Policy/Page number	Policy Details	Comments	Proposed changes	SG Comments
2.2.3, page 18	Edge Lanes, point no.3.	It is not quite clear what sort of access this refers to – pedestrians? Is this safe? The plan drawing doesn't quite fit the Romford Road example as it appears there is an internal road parallel with the main road.		Noted – the diagram on the page does not contain an internal road, rather this is the green space between the houses and the hedges that border the road. The emphasis is on retaining rural character but reducing traffic speeds to encourage shared use of space.
3.3 Design guidance for codes	General coding/guidance.	It looks like the only thing that is actually coded are the street typologies. It would be difficult to code anything else unless it's specific to a site, however, we would say these are more guidelines than codes.		AECOM prepared the Design Codes and have suggested to the SG that these would be considered Design Guidance and Codes.
Page 70	Reference to the High Weald AONB Guidance	For ease to assist users of the document, this could be hyperlinked.		Noted.

Sport England recommendation:

Thank you for contacting Sport England. It appears that we have not previously been contacted or consulted on this Neighbourhood Plan.

Comments on the existing wording of the policy, in red below.

POLICY P15: IMPROVING OPPORTUNITIES FOR COMMUNITY AND CULTURAL FACILITIES, SPORT AND RECREATION – Sport England’s policy and paras 98 and 99 of the NPPF refer specifically to proposals affecting existing or sites last in use as open space and sport and recreation land and buildings. Sport England would not recommend these facilities being considered and assessed in the same way as other community facilities, in this case public toilets and a café. We would recommend a separate policy.

A. Proposals for new community, recreational, cultural and leisure facilities, or the improvement of existing facilities – in particular those identified in paragraph 10.2 – will be supported where:

- i. **the proposal is, where relevant, consistent with Green Belt policy and contributes to the AONB and its setting; and**
- ii. **the proposal would not have significant harmful impacts on the amenities of surrounding residents and the local environment; and**
- iii. **the proposal would not have significant adverse impacts upon the local road network; and**
- iv. **the proposal would not have harmful impacts on the heritage aspects, including the setting, of the facility; and**
- v. **where relevant, the facility is fit for purpose and designed in accordance with [Sport England’s design guidance notes](#).**
- vi. We recommend that new pitches and sports facilities are provided based on a robust evidence base of supply and demand* rather than on space standards as it is often preferable to improve existing facilities than to provide new ones based on a xsqm / x no. increase in population. This is supported by paragraph 98 of the NPPF.

B. The provision of new and upgraded play areas to serve the needs of children of all ages, in accordance with [Tunbridge Wells Borough Council’s Local Plan/Open Space Study standards](#) Local Plan policy OSSR2 (or its successor) and designed in accordance with Sport England’s design guidance notes (We have guidance for outdoor surfaces such as MUGAs), will be supported.

Where possible, these should incorporate areas for 'natural play' (defined as play provision with natural environments as opposed to 'man-made' ones).

- C. Proposals that would result in the loss of community, leisure and recreational facilities will only be supported if either the facility is surplus to requirements and there is no longer a proven need for such a facility** this is very vague. How is a facility being surplus to requirements with no proven need to be demonstrated?

Paragraph 99 of the NPPF says that

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements*;
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Sport England's Playing Field Policy largely mirrors this paragraph but includes two additional categories (E2 and E3) where development may affect a playing field, but its impact is ancillary and supportive of the principle use or it is a minor intrusion and does not adversely impact on the capacity of the playing field to accommodate playing pitches or parts thereof.

It says, 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England Policy Exceptions

E1	A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
E2	The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
E3	<p>The proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> ▪ reduce the size of any playing pitch; ▪ result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); ▪ reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; ▪ result in the loss of other sporting provision or ancillary facilities on the site; or ▪ prejudice the use of any remaining areas of playing field on the site.
E4	<p>The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:</p> <ul style="list-style-type: none"> ▪ of equivalent or better quality, and ▪ of equivalent or greater quantity, and ▪ in a suitable location, and ▪ subject to equivalent or better accessibility and management arrangements.
E5	The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

More detailed guidance of each of Sport England's policy exceptions and how it is to be interpreted is provided in this document

https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing_fields_policy

Also attached to this email.

Of particular importance Sport England as a statutory consultee to planning applications affecting playing fields will object to any total loss unless evidenced by an up to date evidence base* that has been prepared in accordance with our Playing Pitch Strategy and Assessing Needs and Guidance

https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=assessing_needs_and_playing_pitch_strategy_guidance

and been signed off by both Sport England and the relevant Playing Pitch National Governing Bodies. The TWBC strategies were last reviewed/ signed off in 2017 and 2018 . Sport England would now consider these to be out of date and in need of full review if to be used as evidence of lack of need in the borough.

or alternative and equivalent facilities demonstrate by comparison to the existing facility that:

- i. **the replacement will be of at least an equivalent scale, specification and located in an accessible location to the community to be served;** this is similar to our policy E4 and para 99 b. We would recommend the same language being used. We would also recommend a criteria is added that reflects paragraph 99c and E5 of our policy as a minimum, but some LPs / NPs do use all of our policy exceptions.
- ii. **reprovision of these facilities will incorporate adequate safeguards for delivery** – we would expect safeguards to be secured through condition or a s.106 to make sure that playing field land is not lost before adequate reprovision is made.
- iii. **; and satisfy all other relevant policy expectations of this neighbourhood plan.**

The SG would be content to divide the existing policy into two policies, with the second separating out sports and recreation as advised.