

TWBC Response to Examiner's Initial Comments on the Horsmonden Neighbourhood Plan

Examiner's Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Horsmonden Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I visited Horsmonden and the surrounding countryside on Wednesday 5th October 2022.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but that may only be necessary, if there are issues that emerge from the responses to this note which I feel warrant further exploration.
3. Set out in the following paragraphs are a number of matters that I wish to receive, either clarification or further comments / information from the Parish Council or in some cases from Tunbridge Wells Borough Council. Such requests are quite normal during the examination process and the replies will help me prepare my report and come to my conclusions.

Strategic Policies

Examiner's Question 5

Can the Borough Council confirm which of the existing adopted Local Plan policies are, for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general conformity with?

TWBC Response

The Horsmonden Neighbourhood Plan needs to be in general conformity with strategic policies contained in the development plan for Tunbridge Wells Borough. At this time, this requirement relates to strategic policies contained in the following planning documents adopted by Tunbridge Wells Borough Council (i.e. in the adopted, rather than emerging Development Plan):

- i) Tunbridge Wells Core Strategy Development Plan Document 2010;
- ii) Tunbridge Wells Borough Council Site Allocations Local Plan 2016;
- iii) Saved policies in the Tunbridge Wells Borough Council Local Plan 2006;
- iv) Kent Minerals and Waste Local Plan 2013 to 2030.
- v) Core Strategy 2010: The Core Strategy provides the overarching principles by which the essential development needs of the Borough for the period 2010 – 2026 are to be delivered. The key decisions about how much development would happen in the Borough and where and when it will take place for this period are made in the Core Strategy.

The Core Strategy provides:

A spatial vision of how the Borough should develop strategic objectives for development in the Borough, setting out the main issues to be addressed.

A delivery strategy setting out how much development will take place and where, when and by what means it will be delivered.

The Core Strategy policies that are considered to be relevant for consideration by TWBC when making representations to the Horsmonden Neighbourhood Plan Regulation 16 consultation are:

- Core Policy 1: Delivery of Development
- Core Policy 3: Transport Infrastructure
- Core Policy 4: Environment
- Core Policy 5: Sustainable Design and Construction
- Core Policy 6: Housing Provision
- Core Policy 7: Employment Provision
- Core Policy 8: Retail, Leisure and Community Facilities Provision
- Core Policy 14: Development in the Villages and Rural Areas.

Core Policy 14 Development in the Villages and Rural Areas (within which the parish of Horsmonden falls) sets out a strategy for the villages that promotes a sustainable economy while maintaining and enhancing their distinctive character and environment and also that of the surrounding countryside. The main aims and objectives of Core Policy 14 are:

- To generally restrict development to sites within the LBD of the villages;
- To enhance village centres to provide a focus for communities, to resist the loss of local services and encourage the development of community facilities;
- To meet local needs for affordable housing;
- To strengthen the rural economy, including opportunities for re-use of redundant rural buildings for employment uses. Also encouragement of land-based uses and tourism;
- To conserve and enhance buildings and areas of historic and environmental importance, and to maintain the distinctive landscape character and quality of the countryside;
- To encourage the use of non-motorised modes of transport between rural settlements and with rural areas.

Core Strategy Core Policy 14 identified that approximately 360 net additional dwellings would be delivered in the villages and rural areas on sites for the period 2006 to 2026, to be allocated and released in the Site Allocations Local Plan.

The Site Allocations Local Plan 2016 sets out the specific sites that the Council believes should be developed in order to meet the levels of growth set out in the adopted Core Strategy.

The Site Allocations Local Plan did not include any site allocations for Horsmonden Parish.

Paragraph 8.6 in Chapter 8 Villages and Rural Areas explains that monitoring of housing completions, carried out regularly by the Borough Council, had indicated that the overall target for the villages and rural areas in the Core Strategy of 360 net additional dwellings to 2026 had been met. The Council would continue to actively promote the delivery of local needs housing and the affordable housing delivered would therefore be in addition to the target set for the rural areas. Rural exception housing would only be delivered when a specific local need has been identified.

Site Allocations Local Plan Policy AL/STR 1 Limits to Built Development sits within Chapter 2 (Methodology and Strategy), under the Heading Strategic Policies (page 23). It states that 'the extent of the Limits to Built Development is defined on the saved Local Plan Proposals Map for the villages and defined spatially on the individual settlement Proposals Maps accompanying this Site Allocations Local Plan in relation to Royal Tunbridge Wells and Southborough, Paddock Wood, Cranbrook and Hawkhurst. The saved policies of the Local Plan will continue to be relevant in considering details of the appropriate uses inside, and outside of, these defined areas until such time as they are updated and superseded by the Core

Strategy Review (this is the emerging Local Plan, which has recently been through examination)'. i.e. this is a strategic policy confirming the extent of the LBD for Horsmonden.

Local Plan 2006: since its adoption some changes have been made to the Local Plan as a result of the 'saving' of policies in March 2009, the adoption of the Core Strategy in June 2010 and the adoption of the Site Allocations Local Plan in July 2016. As a result, some policies have been removed from the Local Plan as they are no longer valid. See the [Local Plan 2006 saved policies](#).

It is therefore the case that Local Plan (2006) Policy LBD1 remains a saved policy for Horsmonden Parish, being relevant for the borough's villages and rural settlements (not including Cranbrook or Hawkhurst), and linked to strategic policy AL/STR1 in the Site Allocations Local Plan 2016: i.e. it is relevant for consideration by TWBC when making representations to the Horsmonden Neighbourhood Plan Regulation 16 consultation. Policy LBD1 states that 'Outside the Limits to Built Development, as defined on the Proposals Map, development will only be permitted where it would be in accordance with all relevant policies contained in this Local Plan and the Kent Structure Plan 1996 and the Kent & Medway Structure Plan 2006 rural settlement and countryside policies'.

The Kent Minerals and Waste Local Plan (KMWLP) 2013-2030 was originally adopted by Kent County Council (KCC) in July 2016 and has been subject to an Early Partial Review of certain waste management capacity requirement and mineral and waste safeguarding policies. The plan was adopted in its modified form in September 2020.

Examiner's Question 6

It would also be helpful to have an update on the draft Local Plan and if possible, the likely timeframe for the adoption of the Local Plan.

TWBC Response

The draft Local Plan was submitted to the Secretary of State for independent Examination on 1 November 2021. The Plan was subject to examination hearings from March to July 2022. Following the hearing sessions, the Inspector requested additional notes and documentation from the borough council. These were provided to the Inspector in the form of Action Points, all available on the [Local Plan Examination website](#). The borough council is awaiting receipt of the Inspector's post-hearing letter, before it can proceed to consultation on Main Modifications and ultimately be adopted sometime in Spring 2023.

Policy 2.4 Adequate Pavements

Examiner's Question 9

Can TWBC advise whether Kent County Council has a highway design guide and is

it considered to be at variance with Manual for Streets?

TWBC Response

Kent County Council (KCC) has published its own Kent Design Guide (KDG), and the documents for this can be found on this webpage:

<https://www.kent.gov.uk/about-the-council/strategies-and-policies/regeneration-policies/kent-design-guide>. A lot of the requirements and standards that are used are shown in documents within 'Section 2 – creating the design'. The guidance notes at Section 4 were brought out in the interim, since the original KDG was published. These include guidance on visibility and residential parking.

In terms of compatibility with the Manual for Street (MfS), the KDG does make some reference to highway design, for example the visibility supplementary guidance in Section 4 of the KDG makes reference to MfS standards a couple of times. The Manual for Streets is likely to have an update shortly, and so the Kent Design Guide is likely to lag slightly behind the update. As reference to the MfS is only limited, it is difficult to assess whether it is at variance or not.

KCC does have an Emerging Kent Design Guide being formulated and is not currently in place, but a lot of the county's future standards are in there, including parking standards, for example <https://kentdg.wpengine.com/>.

Policy 2.5 School Access Crossing

Examiner's Question 12

Does TWBC consider that the crossing would meet the tests set out in Reg 122 of the CIL Regulations?

TWBC Response

Policy 2.5 states: School access crossing Developer contributions will be sought for provision of facilities for improved safe road crossing of the Maidstone Road adjacent to the school and integrated with the village pedestrian network, from all developments over 10 homes to the west of the Maidstone Road / Lamberhurst Road.

The statutory tests ([Regulation 122 of The Community Infrastructure Levy 2010](#)) set out that (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Policy allocations in the submission Local Plan (ref: AL/HO 1, AL/HO 2, and AL/HO 3) all indicate the need for development related improvements to the pedestrian

network, irrespective of their location in regards to the Maidstone Road or Lamberhurst Road. None specifically require 'improved safe road crossing'.

The Borough Council therefore considers that the policy should be less specific with regards to the location of development, and the direct need for specific 'crossing' improvements rather than general pedestrian accessibility improvements, in order for the policy to be effective and meet the necessary tests of Reg.122.

Policy 2.6 Public Car Parking

Examiner's Question 14

Can the Borough Council confirm whether the need to have regard to the car parking standards already forms part of the Development Plan?

TWBC Response

The wording (i.e., "due regard to") appears to reflect the limited weight which can be currently applied to the Council's emerging Parking Standards given that the Policy, and the emerging Local Plan itself, is yet to be adopted as the Council awaits receipt of the Inspector's letter, following examination. As such, the emerging parking standards referred to within Policy 2.7 are yet to form part of the adopted Development Plan. Upon adoption of the emerging Local Plan, "in accordance with" would be considered more suitable, unless it is considered that, given the NDP seeks to promote the Council's parking standards, it would not be suitable to duplicate the Policy.