

TWBC Response to Examiner's Clarification Note

Policy P4: Energy Efficiency and Design

Para 8: 'Can TWBC confirm that the electric vehicle charging requirements are now covered by Part S of the Building Regulations?'

TWBC Response

TWBC can confirm that the electric vehicle charging requirements are now covered by Part S of the Building Regulations.

Policy P5: Sewerage and Drainage Infrastructure

Para 9. 'Can the Borough Council confirm whether Southern Water are consulted on all planning applications within the neighbourhood area and that it can raise objections if it can foresee that that the current infrastructure is insufficient to cope with the proposed development?'

TWBC Response

Southern Water are not consulted on all planning applications in the neighbourhood area. They are consulted on applications for Major development and applications for petrol stations (new and refurbishment). Southern water does receive the TWBC weekly list and comments on the applications as they consider appropriate.

Policy P6: Conserving Heritage Assets

Para 12 'Can TWBC advise me whether it holds maps of area where there is the potential for ground archaeological deposits or would all applicants be expected to have to consider where there is scope for such remains to be found on their site?'

TWBC Response

The Borough Council has mapping data (provided by Kent County Council) for Archaeological Potential Areas across the borough which generally identifies four categories for every site (depending on the type of archaeological potential) and the corresponding consultations needed (with KCC's Heritage Team) depending on the scale of the proposal.

The Council, on advice from its Conservation Officers, may also request archaeological assessments for individual sites on a case-by-case basis. The type of archaeological potential and KCC's recommendation for consulting with its KCC's Heritage Team depending on the scale of proposal is flagged as a constraint on the submission of a planning application.

Additionally, TWBC encourages pre-application discussions with applicants when matters such as this can be discussed, as necessary.

Policy P8: Green and Blue Infrastructure and Delivering Biodiversity Net Gain

Para 14. 'Can TWBC confirm whether it has the capacity and / or expertise to be able to implement this policy, in advance of the requirements contained in the new Environment Act and the expected regulations and policy advice, which is expected to be published when the national requirements are brought forward later this year for major schemes and for minor development in 2024.'

TWBC Response

TWBC have been applying a Biodiversity Net Gain (BNG) Policy since 2019 based on existing and emerging BNG policies, the NPPF and the general recognition of the need to address the biodiversity emergency as part of Planning. In line with the published elements of the Environment Act TWBC seek a 10% gain in Biodiversity in accordance with existing Natural England guidance on BNG and the DEFRA Metric.

The Council have the capacity to implement this policy and are now being supported by additional funding from government which recognises BNG as an additional burden. The Council have no objection to this Policy.

Policy P9: Local Green Space

Para 15.'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?

TWBC Response

It is noted that the TWBC is proposing Local Green Spaces within its Submission Local Plan, some of which may be duplicated by those proposed in upcoming Neighbourhood Plans.

Given that the emerging Local Plan is yet to be adopted, with no comments yet provided by the Inspector on the Local Green Space proposals as part of the Local Plan examination, it would be considered prudent that the Neighbourhood Plan proposes those Local Green Spaces also proposed in the emerging Local Plan (it is noted that other sites may also be proposed, or altered boundaries to those proposed in the emerging Local Plan).

As a background, TWBC provided a response on this matter to the Local Plan Inspector as part of an Action Note following the Local Plan examination hearings (see Action Point 22). In particular, attention is drawn to paragraph 3.10 which states that "if any further NDPs are found suitable by Examiners subsequent to the Borough Council's approval of proposed modifications, these would remain in both Plans. In these situations, the NPPF is clear that the latest Plan takes precedence (Paragraph 30)."