

Brenchley and Matfield Parish Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification.

For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

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. The 'What you will find in this Draft Plan' section is particularly helpful and informative. It sets the scene for the wider document.

Chapters 4 and 5 provide a very clear framework for the detailed policies in the Plan. The relationship between the challenges, vision and objectives in Figure 12 (and the consequential colour coding of policies) is very impressive.

Points for Clarification and observations

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council.

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 Parish Council below in the order in which the policies concerned appear in the submitted Plan.

General

Several policies would apply to all development proposals. Plainly proposals will come forward in different shapes and sizes within the Plan period. However, the majority will be small-scale and/or domestic in nature.

On this basis, I am minded to recommend modifications to the policies concerned so that they would apply in a proportionate way (based on their scale, nature and location). Does the Parish Council have any comments on this proposition?

Policy H1

Does the policy relate to proposals which generate a net increase of 10 homes or more?

Policy H3

I understand the purpose of the policy. However as submitted, it reads in a slightly mechanistic way. I am minded to recommend a modification so that it takes account of the context of the site concerned and its specific characteristics.

Does the Parish Council have any comments on this proposition?

Policy H4

As Policy H1

Policy H5

Has the second part of the policy been viability-tested?

Does the Parish Council have the local evidence for the approach on Part M4 (3) homes?

Policy H6

As submitted the policy reads in a complicated fashion.

As I understand its contents, it relates primarily to open market housing and sets out the requirements for affordable housing on such sites. Is this correct?

Does the Parish Council have specific evidence for the four homes threshold rather than the six homes threshold applied by the Borough Council?

Is the overall impact of the first part of the policy likely to maintain the viability of development proposals?

As I read the second part of the policy, it relates to the application of the role of the Borough Council in its capacity as the housing authority in respect of the allocation of affordable housing. As such, it is not a land use policy.

In these circumstances I am minded to recommend that it is repositioned into the supporting text. Does the Parish Council have any comments on this proposition?

Policy H7

As submitted the policy may have unintended consequences in relation to the size of resulting schemes.

Should the policy make a reference to the size of sites which might be acceptable?

Policy H8

Does the Parish Council wish to comment on the representation from the Borough Council about the appropriateness of the details included in the policy and the way in which it could be applied robustly within the Plan period?

Policy H10

As submitted the policy is not a land use policy. As such, I am minded to recommend that it is repositioned in the Plan as an additional Community Action Project

Does the Parish Council have any comments on this proposition?

Policy H11

Does the Parish Council have any comments on the representation from the Borough Council on the appropriateness of the Plan including a specific policy approach about the development of site AL/BM2?

Policy H12

As Policy H10

Policy D3

The first sentence reads as a process requirement rather than as a land use policy.

I am minded to recommend that it is modified so that it identifies policy requirements. Does the Parish Council have any comments on this proposition?

Policy D6

Has the Parish Council considered the way in which this policy has regard to the contents of the Written Ministerial Statement (WMS) of March 2015?

Insofar as there is a conflict between the policy and the WMS, could the conflict be remedied by modifying the approach so that it reads as a supporting policy rather than one which requires such provision?

In any event, has the wider approach been viability-tested?

Policy BE1

I understand the purpose of the policy. However as submitted is the third part of the policy practicable? In particular, how could any application positively demonstrate that it had actively considered an alternative brownfield site for the proposed development where that site was beyond the applicant's control?

Policy BE6

This raises the same issue on the WMS as already raised in Policy D6.

Policy LE5

The policy is commendably detailed and underpinned by Appendix 5.

Nevertheless, as submitted the policy requires the reader to look elsewhere for the details of the proposed Local Green Spaces. Whilst I acknowledge that the details appear in paragraph 6.114 of the Plan, I am minded to recommend that the site are listed in the policy itself.

Does the Parish Council have any comments on this proposition?

Policy AM2

As submitted this policy is not a land use policy.

As such I am minded to recommend that it is repositioned in the Plan as an additional Community Action Project. Does the Parish Council have any comments on this proposition?

Policies AM3 and AM4

To what extent do the policies add any distinctive value to existing local policies?

Policy CLR2

As submitted the second paragraph of the policy is supporting text rather than policy. In any event it would naturally be considered as part of the development management process.

As such, I am minded to recommend that it is repositioned in the Plan as an additional Community Action Project. Does the Parish Council have any comments on this proposition?

Policy CLR3

Is this policy intended to apply generally in the neighbourhood area or just to the AL/BM2 site?

Policy CLR4

Please can the Parish Council advice about the level of provision anticipated?

In any event is there a difference between 'need identified' and the justification of delivering any need in planning policy terms?

Policy CLR5

The use of the word 'will' is potentially confusing. Does the Plan designate the identified open spaces as 'Open Spaces'?

Community Action Projects

The identified projects are commendably distinctive to the Parish. They complement the land use policies and the wider approach in the Plan.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan in addition to the specific representations mentioned in this Note on a policy-by-policy basis?

The representation from Tunbridge Wells Borough Council proposes several detailed refinements to the Plan and its policies. It would be helpful if the Parish Council would indicate the extent to which it would be willing to incorporate the various comments into the Plan.

Protocol for responses

I would be grateful for responses to the matters raised in this Note by 14 March 2022.

Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from Borough Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Brenchley and Matfield Neighbourhood Development Plan.

14 February 2022