

Capel Neighbourhood Plan

Responses to Independent Examiner's Clarification Note

Prepared by the Capel Neighbourhood Plan Steering Group

15 February 2024

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

1. Policies C1 and C2: Does the Parish Council have any comments on the implications of the Borough Council's recent decision on the Local Plan on Policies C1/C2 of the Neighbourhood Plan?

Policy C1

TWBC is currently consulting on the removal of the Tudeley Village site from the Submission Local Plan (SLP). This would be achieved through the removal of Policy STR/SS 3 (The Strategy for Tudeley Village).

Policy STR/SS 1 (The Strategy for Paddock Wood, including land at east Capel) would be retained, but with amendments and a reduction in the overall quantum of residential development.

In the context of the reduced housing numbers, largely as a result of the removal of the Tudeley Village site, there would be a commitment by TWBC to undertake an early review of the Local Plan.

Clause A of Policy C1 is considered to remain valid and allows flexibility regarding the ultimate scope of the Limits to Built Development that are being determined through the Local Plan process.

Clause B was predominantly included to ensure that proposed major development within the Parish, which at the time of drafting was potentially very significant, would be planned appropriately and within the parameters of the best practice principles. Whilst Policy STR/SS 3 is to be removed from the emerging Local Plan, there will still likely be major development within Capel Parish (proposed Local Plan Policy STR/SS1). The proposed early review of the Local Plan could also lead to additional major development in the Parish. The SG consider, therefore, that it would be prudent to retain Clause B within the policy, which would ensure that any major development schemes coming forward – either through the currently Local Plan process, or the through the early review, or as a result of any speculative development throughout this time – would be adequately masterplanned within the overarching best practice principles that underpin the CNP.

The SG recognises that there may be a need to amend the supporting text to take account of the proposed amendments to the SLP and likely direction of travel. Wording within the policy relating to new villages/village extensions could also be removed, referring instead to major development.

Policy C2

In terms of housing numbers, the CNP does not seek to allocate sites. Therefore, any housing need of the Parish will need to be met by the proposed allocated sites or through windfall development. Clearly with the removal of the Tudeley Village site from the Local Plan, the quantum of homes delivered in the Parish, as will reduce and the number of affordable homes that would have been accordingly brought forward. Nevertheless, the homes to be delivered by way of Policy STR/SS 1, will make a contribution to local needs as well as broader strategic needs. TWBC, in the context of their

current consultation and proposed changes, and in the context of an early review of the Local Plan, consider that housing need for the borough will be met for the next 10 years.

Turning to housing mix, the Local Housing Needs Assessment (LHNA) for Capel findings are considered to remain sound at the neighbourhood area (parish) level. The LHNA findings demonstrate the need for a different housing mix for Capel Parish when compared to the Borough as a whole. This is particularly relevant to Site SS 1, which is proposed to be retained (with amendments) in the emerging Local Plan. The boundary of this site falls across both Capel Parish and the neighbouring Paddock Wood neighbourhood plan area. Policy PW HI1 (Housing Type and Mix) of the Paddock Wood neighbourhood plan *requires "a mix of housing types and tenures in accordance with the requirements in the Local Plan"*. The evidence prepared for the CNP, as noted above, demonstrates a slightly different housing need within the more rural parish and this should be emphasised within the CNP policy and supporting text (and will be emphasised as part of the response to consultation on TWBC's Response to the Inspector's Initial Findings Letter on the Examination of the New Local Plan)

The SG would therefore support an amendment to the supporting text for Policy C2, which currently acknowledges that the tenure mix identified for strategic sites may need to shift away from the findings of the LHNA to acknowledge the fact that housing would be meeting a wider strategic need, as well as the local need. This may in fact be removed in order to acknowledge that the needs within the Parish itself are more nuanced than the needs expressed for the borough as a whole and should be prioritised within the strategic sites.

In addition, the CNP at Para 10.4 considers the need for a light-touch review. This will be needed to take into account the amended direction of travel for the Local Plan, including the commitment for an early review of that. As part of that review, the Parish Council could consider allocating sites within the CNP.

- 2. Policy C3: In the round this is a good policy. It makes effective use of existing documents. It has also been carefully drafted so that it can be applied proportionately. It is a very good local response to Section 12 of the NPPF.**

The SG is grateful for the comments and has nothing to add.

- 3. Policy C5: The policy has attracted contrasting representations from the Environment Agency and from the development industry. In this context, it would be helpful if the Parish Council would expand on the approach that it has taken on this matter and respond to the suggested changes proposed by the development industry.**

The SG has carefully considered the comments received in relation to this policy. It is noted that no issues about the policy itself were raised by KCC (as the Flood Authority) or Southern Water (as the utility company). The SG has provided the following comments on representations relating to Policy C5:

Rep:	Comment	SG response
Environmental Agency (EA)	<p>We welcome Policy C5: Mitigating the impact of flooding which highlights some sound objectives regarding surface water flood risk, but more should be done here to cover fluvial flood risk. Capel Parish has significant areas within high-risk flood zones (Flood Zone 3) and so consideration must be given to fluvial flood risk as well as surface water flood risk.</p> <p>It is important that a sequential approach to any new development is taken, placing development in the lowest risk areas, and avoiding high risk areas (Flood Zone 3) where possible. Where this is not possible, then site specific Flood Risk Assessments (FRA's) should accompany any proposal within flood zone 2 and 3 to ensure flood risk mitigation measures are applied and are appropriate for any proposed development as per the NPPF 2021. FRA should demonstrate the development will be safe for its entire lifetime, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall. Flood mitigation measures applied in new developments, including raising finished floor levels, avoiding ground floor residential development in high-risk areas, and avoiding loss of flood storage, should be strongly encouraged.</p> <p>We would like to see fluvial flood risk being considered further alongside surface water flood risk and this to be reflected in any plans and policy within the area.</p> <p>We hope you find our response and Advice Note helpful, please do not hesitate to contact me with any further queries</p>	<p>Consideration has been given to fluvial flooding. Figure 9 in the CNP is the Flood Map for the parish, sourced from the EA, showing fluvial flood risk.</p> <p>Para 167 of the NPPF requires a sequential approach to development in respect of flood risk. Para 173 provides information as when a FRA is required to support an application. We would, however, be minded to include explicitly within the policy that development within Flood Zones 2 and 3 should be avoided as per the NPPF and reference to the sequential approach as recommended by the EA.</p> <p>There is no need to repeat this in the CNP as it is stipulated in national policy.</p> <p>At the parish level, the key potential sources of fluvial flooding are Tudeley Brook, Alders Stream and a minor unnamed stream. These are considered in the supporting evidence.</p> <p>The SG consider that the policy has focussed on those areas of policy that are not already covered at the national level and that fluvial flood risk is adequately evidenced in the supporting text.</p>
Upper Medway Internal Drainage Board (IDB)	<p>Capel Civil Parish is partly within the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on the Board's website, along with maps of the IDD. These maps also show which watercourses have been designated as 'Board Adopted Watercourses' by the Board. This designation is an acknowledgement</p>	<p>The comment is noted but the SG do not consider an amendment to the policy as drafted is required.</p>

by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. Therefore we would like to make you aware of the following:

- If a surface water discharge to a watercourse is proposed, then consent would be required under Byelaw 3. Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. (available here). Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.
- If a treated foul water discharge is proposed to a watercourse, then consent would also be required under Byelaw 3
- If any works are proposed to alter (culverting, infilling etc.) a watercourse which is not maintained by the Board (a riparian watercourse) then consent would be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).
- If any works are proposed within 8 metres of a Board Adopted watercourse. Consent would be required to relax Byelaw 10 (no obstructions within 8 metres of the edge of drainage or flood risk management infrastructure.
- If any works are proposed to install services within the, make excavations within the, or to alter the banks of a Board Adopted Watercourse consent would be required under Byelaw 17.
- If any works are proposed to alter (culverting, infilling etc.) a Board Adopted watercourse then consent would be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

Please see the supplementary information overleaf for further detail on the Board's policy and consenting process.

	<p>If, following review of our comments and supporting policy documents linked below, you wish to discuss any of the requirements I have raised, please contact the Board using the details at the head of this letter</p>	
<p>Rydon Homes</p>	<p>iii. Policy C5: Mitigating the Impact of Flooding</p> <p>5.5 In accordance with the NPPF (para.16), plans should be prepared positively, in an aspirational but deliverable way. The ambition of the Neighbourhood Plan should align with the strategic need and priorities of the local area. Sustainable drainage solutions should be encouraged in accordance with the drainage hierarchy, but the Neighbourhood Plan cannot prevent development from connecting to the main sewer (Policy C5 C.).</p> <p>5.6 As presented in the representations to the Regulation 14 Neighbourhood Plan, given that it is the water companies' responsibility to ensure sufficient capacity (Southern Water Position Statement, Provision of Network Reinforcement), it is unreasonable to require agreement in advance and this requirement should be removed from the Plan.</p>	<p>Points highlights:</p> <p>Clause C: The SG is minded to retain this part of the policy. As worded, it follows the recommendation of Southern Water that was received at Regulation 14 (response attached). Extract (noting particularly the final additional sentence proposed):</p> <p>“To ensure consistency with the NPPF and ensure sustainable development that considers the impacts of climate change into the future, we recommend this Policy C5 on flooding is amended to include the following wording (<i>new wording is underlined for ease of reference</i>):</p> <p><i>C. Planning proposals will not be supported unless they prevent connections of surface water to the foul or combined sewer networks in accordance with the drainage hierarchy, as excess surface water in these networks can will not be supported unless it can be shown by rigorous analysis that there is sufficient capacity in the local sewerage system and that any new connections will not increase the risk of system back up/flooding or cause any adverse impact to the neighbourhood area environment. <u>Connections to a combined sewer will only be possible where agreed in advance with Southern Water, and where there is robust evidence to show there are no other options.</u>”</i></p>

	<p>5.7 With reference to F., it is not always possible to enhance biodiversity through SUDS provision. The policy wording should be amended to 'seek' to enhance wildlife and biodiversity. It should also be noted that the statutory requirement for BNG is 10% overall, and other than being either habitat or linear BNG, there is no SUDs BNG requirement. This policy, as a result, has no basis for inclusion.</p> <p>5.8 Drainage scheme maintenance and management plans are secured either through the S106 Agreement or by condition. In addition to it being inappropriate for the Neighbourhood Plan to introduce additional requirements, statutory undertakers do not confirm whether they will adopt SUDs until the grant of detailed planning permission (Full Detailed Planning Application or Reserved Matters Application), and as such, the prior submission of a maintenance plan would only present scenarios. It is with these points in mind that G. should be deleted</p>	<p>Clause F: The SG considers the use of SUDs to have a significant role in enhancing biodiversity and supporting wildlife. This is acknowledged in the four pillar of suds design, one of which specifically relates to biodiversity.</p> <p>The Government, in its 25 Year Environment Plan, and in the Environment Act, has set out a vision for SuDS to be part of a more comprehensive drainage approach to reduce flooding and deliver other benefits. This includes how using SuDS can contribute to the delivery of biodiversity net gain.</p> <p>Within this context, the SG would be minded to request that Clause F make reference to 'Multifunctional Suds' as opposed to simply Suds.</p> <p>The SG consider that Clause G could be moved to supporting text as such requirements would be set out in TWBC's Validation Checklist. In addition, we would be minded to include, in the supporting text, requirement for developers to prepare an ongoing management plan for developments to manage flood risk on an ongoing basis.</p>
Crest Nicholson	<p>Policy C5: Mitigating the Impact of Flooding Flooding is addressed at a strategic level by Flood Risk Policy EN25 and Sustainable Drainage Policy EN26 of the TWBC draft Local Plan. However, Policy C5 of the Capel Neighbourhood Plan seeks to ensure that development proposals fully consider the natural environment in Capel adequately to manage drainage and sewerage.</p> <p>A detailed Flood Risk and Drainage Review has been produced by Ardent Consulting Engineers, dated 11 May 2023 to understand the accordance of Policy C5 with the Basic Conditions set out within Section 2. The review is appended to this form.</p>	Noted.

<p>In summary, Part B, C, E and G are in accordance with the Basic Conditions. However, Part A, D and F require amendments in order to comply with the Basic Conditions. The amendments are set out below.</p> <p>Policy C5 Part A suggests that all watercourses should remain open, and that land impacted by flooding should be safeguarded to manage existing flood risk. Land drainage policy is generally against infilling of watercourses but where it is necessary to accommodate development or other changes to watercourses, there is a requirement to ensure the relevant mitigation is put in place to ensure no increase in flood risk.</p> <p>This part of the Policy would sterilise development opportunities within Flood Zone 1, 2 and 3. Land currently at flood risk is to be safeguarded for the management of flood risk. This approach is not in line with the draft Local Plan Flood Risk Policy EN25 where it states that “... Proposed for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere. ... Where there is evidence that water from these sources either ponds or flows over the proposed site, the assessment should state how this will be managed, and what the impact on neighbouring sites will be as part of a cumulative assessment.” This is also not in line with the NPPF and Planning Practice Guidance.</p> <p>Therefore, this part of the Policy would need to be redrafted to be in line with both local and national policy as set out in Basic Conditions a) and e).</p> <p>Policy C5 Part D requires development proposals to protect and complement the existing drainage networks. Flood Risk Policy EN25 of the draft Local Plan states “Proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be not increase to flood risk elsewhere”.</p>	<p>This is noted, hence the Clause A is currently worded to allow for flexibility where this cannot be avoided. The SG would wish to retain this clause however as it accords with the KCC policy on this matter, where KCC seek to limit the use of culverts. This is set out in Para 5.2 of the KCC Land Drainage Policy (attached with this response).</p> <p>Noted although the CNP policy is considered to be slightly different in it focus, i.e. protecting existing drainage networks. This does not prevent the effect of SLP polices EN25 and 26.</p>
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	<p>Sustainable Drainage Policy EN26 of the draft Local Plan states that “all development applications should include adequate drainage provision”. A maintenance and management plan will be required for all surface water/SuDS systems serving new development. The proposals will be more robust in terms of dealing with the latest climate change requirements, however the need for “providing betterment and more robust maintenance of these to impact drainage within the Parish in the long term, will be supported”. This would seem to be beyond what Policy EN26 is requesting.</p> <p>There is likely to be a betterment in terms of foul capacity in the existing system which is known to be under capacity as a result of improvements to the foul network to accommodate future development. There is likely to be a reduction in flood risk from surface water and fluvial flooding as a result of flood mitigation serving new development. This will take some pressure off the existing “..watercourses and land drains specifically as well as highway drainage and storm water drains/public sewers..” in terms of frequency of flooding.</p> <p>Finally Policy C5 Part F states that SuDS provision must demonstrate how its design will enhance wildlife and biodiversity as well as minimising the impact of flooding.</p> <p>There are four main categories of benefits that can be achieved by SuDS: water quantity, water quality, amenity and biodiversity. These are referred to as the four pillars of SuDS design. While each pillar is looked at equally, it is minimising the impact of flooding is the focus of most authorities and approving bodies. We request that this part of the policy is re-written as follows, “SuDS provision must demonstrate where reasonable how its design will enhance wildlife and biodiversity or provide evidence on why it cannot be achieved as well as minimise the impacts of flooding.” It is not always possible to achieve wildlife and biodiversity benefits with SuDS systems.</p> <p>Suggested Policy Wording “POLICY C5: MITIGATING THE IMPACT OF FLOODING</p>	<p>See previous comment against Rydon Homes</p> <p>The SG would not agree with this amendment as per comments above.</p>
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~~A. Existing watercourses (inclusive of all ditches and land drains) should remain open, and the land safeguarded for management of existing flood risk.~~

B. Where practicable, development proposals relating to brownfield sites should remove existing surface water connections to the public foul sewer and all development proposals should pursue sustainable sewerage disposal solutions to dispose of surface water run-off.

C. Planning proposals will not be supported unless it can be shown by rigorous analysis that there is sufficient capacity in the local sewerage system and that any new connections will not increase the risk of system back up/flooding or cause any adverse impact to the neighbourhood area environment.

D. Development proposals that protect and complement the existing drainage networks (watercourses and land drains specifically as well as highway drainage and storm water drains/public sewers), providing betterment and more robust maintenance of these to improve drainage within the Parish in the long term, will be supported.

E. Where a development proposal is required to provide Sustainable Drainage Systems (SuDS), this is expected to be provided on site unless there are clear reasons why this is not possible. Such development is encouraged to demonstrate the use of a wide range of creative SuDS solutions, for example through the provision of SuDS as part of green spaces, green roofs, permeable surfaces and rain gardens. The absence of any on-site SuDS provision will only be permissible in such developments where a specific reason can be evidenced that prevents the use of SuDS.

~~F. SuDS provision must demonstrate how its design will enhance wildlife and biodiversity as well as minimise the impacts of flooding. SuDS provision must demonstrate where reasonable how its design will enhance wildlife and biodiversity or provide evidence on why it cannot be achieved as well as minimise the impacts of flooding.~~

The SG propose: "SuDS provision must demonstrate where reasonable how its design will enhance wildlife and biodiversity or provide evidence on why it cannot be achieved as well as minimise the impacts of flooding."

	<p>G. Applications for major developments, and those in a flood risk areas as identified by Tunbridge Wells Borough Council, shall be accompanied by a drainage scheme maintenance and management plan. Other developments shall be accompanied by details that make clear the responsibilities for the long-term management of all surface and land drainage components on the site</p>	<p>See previous comment relating to this Clause in Rydon Homes row. The SG would not wish to make reference solely to flood risk areas 'identified by Tunbridge Wells'. Rather 'flood risk areas', which could also be identified by others including the PC and local flood watch group.</p>
Mr and Mrs Whetstone	<p>One of the main reasons why land has been allocated for significant growth around Paddock Wood is the promise of an opportunity for the betterment of flooding. It is imperative therefore that any policy in the Neighbourhood Plan that deals with the impact of flooding specifically refers to the need for the Strategic Sites to come forward on a comprehensive basis.</p> <p>The overarching site wide flood design strategy for the Strategic Sites need to be outlined and agreed upfront before any development can commence. This strategy needs to be agreed with all stakeholders, including local landowners.</p>	<p>Noted and Policy C5 recognises the importance of flooding as a local issue and seeks to add additional local detail to strategic policy to address it.</p>
KCC	<p>Sustainable Urban Drainage Systems (SuDS): The County Council, as Lead Local Flood Authority, is pleased to note that the majority of the County Council's comments provided at Regulation 14 stages have been considered in this consultation.</p> <p>However, the Lead Local Flood Authority continues to have concerns relating to paragraph 2.7 (previously 2.11) and specifically in relation to the inferred flooding as a result of the railway embankment (and thus one would assume the associated culvert).</p> <p>The County Council would suggest this is more as a result of the previous culvert between Five Oak Green Road and Finches Farmhouse. The Neighbourhood Plan could include evidence, if available, of the flooding associated with the railway embankment and culvert as an appendix item.</p>	<p>Noted.</p> <p>The SG has discussed this point and consider that the description as presented in the CNP is correct. The comment does not impact on Policy C5.</p>

4. Policy C6: The policy draws on a range of published information. Such an approach is reasonable in general terms. However, the information in Appendix B is presented in differing levels of detail. Has any local work been undertaken on the farmsteads (as identified by Kent County Council) on a case-by-case basis to assess if the buildings concerned meet the necessary tests to be identified as a non-designated heritage asset?

Kent County Council (KCC), in their response at the Pre-Submission (Regulation 14) consultation (response attached to the email), support the recognition of the farmsteads as important local heritage assets. Whilst the SG has not undertaken assessments of each individual asset, their individual and collective contribution to local character is recognised in the [Kent Farmsteads Guidance](#), and within the Historic Environment Record. Our understanding is that TWBC are minded to consider farmsteads as having a heritage value, on the basis of these evidence documents, which are considered strong enough to warrant their inclusion as non-designated heritage assets.

The SG would not wish to lose the recognition of these assets from the policy, but appreciates that the assessments have not been completed to the same level as for the other proposed non-designated heritage assets. The SG would respectfully request the farmsteads to be explicitly retained in either this policy, or Policy C3 if considered more appropriate, with reference to applicants consulting the guidance for applications relating to them. An associated action to include in the CNP would be for the individual assessment of each, to then be added either in the review of the CNP or directly into the TWBC Local List.

We note KCC's response to Regulation 16 consultation: *"The County Council was pleased to see that the Neighbourhood Plan has taken a considered and thoughtful approach to the heritage of the Neighbourhood Plan area. The review of the heritage of the area presented in the text is comprehensive, the policies are effective, and the contextual information is very helpful. The County Council is particularly supportive of Chapter 6 and the four policies it includes which will help to conserve Capel's important heritage for future generations."*

Does Part B of the policy have regard to paragraph 209 of the NPPF (December 2023) on non-designated heritage assets?

The SG would support an amendment to Clause B of Policy C6, effectively separating out the reference to designated and non-designated heritage assets to reflect para 209, which recommends a slightly different approach to how applications are considered for each. For instance,

"Development proposals affecting designated heritage assets ~~including non-designated heritage assets~~ either directly or indirectly, should conserve or enhance the significance, including the contribution of setting towards significance, of the asset. This could include, where appropriate, the delivery of development that will make a positive contribution to, or better reveal the significance of, the heritage asset, or reflect and enhance local character and distinctiveness with particular regard given to the prevailing styles of design and use of materials in a local area. Proposals are expected to be accompanied by a Heritage Statement.

Proposals affecting non-designated heritage assets will be assessed having regard to the scale of any harm or loss against the significance of the heritage asset."

5. Policy C10: In general terms this is a good policy which is underpinned by the details in Appendix C.

It would be very helpful if the Parish Council commented on the site-specific representation from The Hadlow Estate and on the Borough Council's comments on the overlapping nature of some of the proposed designations.

The SG has the following comments to make in relation to the comments received from the Hadlow Estate:

- Proposed LGS 6 Tudeley Orchards: Orchards are a distinctive feature of the landscape with Hadlow Estate itself producing more than 20 million fruits from their 200 acres of orchards. Policy C8 of the CNP recognises the importance of orchards and seeks to ensure that these are retained for their wildlife value and contribution to the overall landscape character of the area. The orchard at Tudeley was identified through the engagement process and audit of potential local green spaces. The site, whilst not open to the public (though not a requirement for an LGS), is considered to provide an much-valued tranquil spot and untouched haven for wildlife in the small village. It is thought to be one of the oldest remaining orchards in the parish and the SG would be minded to retain the proposal.
- Proposed LGS 8 Tudeley Allotments: The SG acknowledges the comments from the site owner that the allotment space effectively serves three people directly, two of whom live in Tudeley village. That is not to say that this might not change in the future and the site is clearly serving an element of the local community albeit very minor. The concluding comments from the owner are appreciated, and as such the SG would not be averse to removing the proposed designation.
- Proposed LGS 11 Goldsmid Family Burial Ground: The SG consider that this site fully meets the requirements of the NPPF in respect of local green spaces and should be retained as such in the CNP.

It is of historical significance, with Grade II listed walls and ornate gates, and is recognised locally as such. For instance, it appears as a location of interest on a number of published walks in the area (example: Walk Tonbridge: [The Goldsmid Trail](#)) in relation to nearby points of interest such as the All Saints Church with its Chagall windows.

The SG has the following comments to make in relation to the comments received from TWBC:

Some of the sites proposed for designation in the CNP are also proposed for designation in the SLP. As the CNP is likely to be 'made' in advance of the Local Plan, the SG are minded to retain them so that they can be designated more quickly.

A number of sites proposed in the CNP for designation were either not proposed as part of the Local Plan process or were ruled out. The SG consider that the LGS process for the CNP has been more fully informed by community engagement, not least as the CNP process is community-led and offers greater opportunities to assess potential spaces more fully and at a very local level. Those spaces that were rejected in the TWBC process have been reviewed carefully against the NPPF criteria and evidence gathered suggests that they meet the requirements (potentially with the exception of LGS 8 following further correspondence from the site owner, as described above).

6. Policy C11: In general terms this is a good policy underpinned by the details in Appendix D.

The SG is grateful for the comments and has nothing to add.

7. Policy C12: Is Part B of the policy supporting text rather than a land use policy?

Part B details the particular facilities that were stated by the community as needed/ desired. This is why they have been included in the policy.

8. Policy C13: Should Part A of the policy acknowledge that some proposed uses may be ancillary to the principal uses and therefore not need planning permission?

The SG agree that this would be a helpful addition to Part A of the policy.

Is the second sentence of Part B of the policy supporting text (setting out the information needed) rather than a land use policy?

The SG would be in agreement with moving this text to the supporting information.

As submitted, Part C of the policy is a process matter setting out the information that will be required for planning applications. Am I correct in concluding that the intention of the policy is that planning applications which would result in the loss of a community facility will only be supported where they can demonstrate that they comply with the listed matters/criteria?

This is the intention of the policy. The SG also note that references to the Use Classes will need to be updated.

9. Policy C15: I looked carefully at a selection of the identified key junctions during the visit. Whilst I understand the local sensitivity on this matter, to what extent does the policy bring any added value beyond the way in which the Borough Council (supported by the County Council as the highway authority) would assess the impact of new development on the capacity and safety of these junctions?

Paragraph 9.22 suggests that the policy has been influenced by the level of growth anticipated in the parish (at the time the Plan was submitted). Please can the Parish Council advise about its thinking on this matter. Would that approach be necessary if modifications were made to Policies C1 and C2 of the Plan?

The SG has carefully considered the policy in light of the proposed amendments to the Local Plan strategy. It is considered that the junctions highlight in Policy C15 are already overstretched. Even without the garden village site coming forward, SLP Policy STR/SS 1 (as amended) would continue to contribute to the impact on this part of the road network.

SLP Policy STR/SS 1 (as amended) proposes criteria to improve bridleways, footpaths and cycleways and tackle highways issues – on this latter point, for instance, proposed criteria d of Strategic Infrastructure states that *“links and associated transport and highway improvements and the provision of new transport and highway infrastructure is provided when it is needed to support the development and mitigate potential off-site highway and other transport impacts”*. The SG consider

that Policy C15 identifies, from a local perspective, the particular areas where such transport impacts are the most acute, thus adding additional local detail to the strategic policy.

The proposed amendments by KCC, as the Highways Authority are considered to be particularly helpful in conveying this: *“Development proposals must address to the satisfaction of the highway authority their direct and cumulative transport impact. Whilst the scope of each assessment will depend on the specific development proposal, it is requested that developers consider the following areas in their submissions....”*.

10. Representations: Does the Parish Council wish to comment on any of the representations made to the Plan? It would be helpful if the Parish Council would respond to the comments from:

- **Leander Homes**
- **Dandara South East**
- **The Hadlow Estate**
- **Rydon Homes**
- **Crest Nicholson**
- **Kember Loudon Williams (obo parishioners)**
- **Kent County Council**

The table below provides comments from the SG on points raised in the representations noted above.

Rep:	Comment from the SG
Leander Homes	The respondent argues that the NP is premature as the SLP will change. The CNP was drafted to represent the residents of the parish in the event of the SLP being found sound or otherwise and sets out local detail to support strategic policy. The CNP must accord with adopted policy but has also been developed to synchronise with the emerging policy. The SG considers that the policies continue to be relevant. There is a commitment in Section 10 to an early review upon adoption of the Local Plan.
Dandara SE	<p>C1 vii) This part of the policy may be amended to remove reference to garden villages/ village extensions. The purpose of this clause is largely to ensure that any new major development in the parish does not cause the coalescence of the existing individual settlements. This is currently safeguarded by way of the Green Belt designation, but that designation – whilst retained in the proposed SLP consultation – may be revisited in the early review of the Local Plan and is therefore considered to be important to retain.</p> <p>C2: The respondent considers the policy to be too vague in terms of the phrase ‘higher percentage’ of smaller homes. The LHNA for Capel demonstrates a need for more smaller (bedroom numbers) homes in the parish and a potential mix is included in the supporting text at Para 5.24 (Table 3). The SG would be keen to ensure that this mix is pressed in the policy, as the LHNA produced for the parish is more nuanced from the rural needs than the borough-wide HNA, which has taken into account the larger urbanised areas. The needs are different and this needs to be acknowledged.</p> <p>C15: The SG consider it valid that local residents should be able to identify where issues exist on the highway independent, and these add greater detail to the broad criteria as set out in the SLP (see also answer to point 9 above).</p>

EA	See point 3 on issues relating to Policy C5.
Hadlow Estate	<p>Vision and Significant views are not in conflict with the SLP especially after the revisions that have been made to it as the comments relate to TGV now dropped from the plan.</p> <p>See point 5 for the SG comments on the Local Green Spaces.</p>
Rydon Homes	<p>The SG do not consider it premature to draft a neighbourhood plan. It is clearly set out in legislation that a neighbourhood plan can be drafted in advance of a Local Plan. The CNP has been prepared with careful consideration of emerging policy.</p> <p>C1: The policy criteria relate to major development and the criteria are very much in line with the principles that are being set out in the SLP.</p> <p>C2: The CNP does not seek to allocate homes. The SLP amended for consultation, considers that allocations in the SLP will be adequate to meet housing needs for the next 10 years. The CNP seeks to influence the mix of homes delivered to address locally evidenced (LHNA) housing needs. An early review of the CLP is to be undertaken, which could potentially consider whether site allocations are required.</p> <p>C5: See response point 5.</p> <p>C6: The Hoppers's huts at Finch's farm are one of the better examples and one of the best preserved of their type. They are still in use for recreational purposes in the summer. The SG considered that these are locally significant from a heritage point of view and should be recognised as non-designated heritage assets.</p> <p>C7: The policy does not stipulate 'onsite' BNG only.</p> <p>C8: Criteria ix recognises the importance of hedgerows to the neighbourhood area and the SG is minded to retain this clause. The clause does not preclude a development creating new hedgerows to compensate for the loss of existing, albeit existing hedgerows can have a greater wildlife impact as older hedgerows often contain a large amount of dead wood and plant litter within the structure of the hedge and therefore provide a valuable habitat for many invertebrates (which in turn will attract predators such as bats, shrews and birds) and cover for small mammals. Hence the policy would encourage safeguarding of existing in advance of provision of new to compensate for loss of existing.</p> <p>C8: xiv. The comment is understood and the SG would agree to expanding the clause to say 'in accordance with Policy C9'.</p> <p>C9: The policy applies to the whole parish. This is in line with the approach taken by other parishes in the borough.</p> <p>C10: i, ii, v: The SG is minded to retain these clauses. The NPPF only considers certain facilities (in connection with the existing use of land or a change of use) as appropriate in the Green Belt (for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve</p>

	<p>the openness of the Green Belt and do not conflict with the purposes of including land within it). Whilst engagement is not a requirement, the NPPF (para 39/40) strongly encourages it.</p>
<p>Stantec obo Crest Nicholson</p>	<p>C1 and C2: Capel Parish Council rejects the argument that SS1 should be seen as an extension of Paddock Wood. The A228 is not the natural boundary between the two parishes. If there is a 'natural' boundary it should be the Tudeley Brook (which is incidentally the Ecclesiastical parish boundary). Residents living immediately to the east of the A228 are not Paddock Wood residents. The historic hamlet of Whetsted was divided by the A228 in the early to mid 1980s and those to the east of the road are part of Capel Parish (1-4 Hamlet Cottages, Tudeley Brook Farm, Sebastopol, Eden Farm, and the c.20 houses along Badsell Road). Indeed Badsell Manor is the oldest residential building in the parish dating from the 13th century. Any future residents living in the land controlled by the developer will pay their parish precept to Capel Parish Council, will vote for and expect their community services to be provided by CPC as historically part of the parish. Development in this SS, should it take place, should therefore reflect the NP and Design guidance of the parish where it is situated and its adjoining neighbour.</p> <p>It is not therefore necessary to include references to Paddock Wood in policy C1 neither do we see the need to differentiate between site SS1 and the rest of the parish in policy C2. For similar reasons we reject the suggested changes to Policy C3: for clarity SS1 is not separated from Capel Parish by the A228 – it is an integral part of Capel Parish and development there should be subject to the Capel NP and design guidance.</p> <p>C11: The view of Whetsted Woods is significant to local residents and as an ancient woodland with adjoining well used footpaths this should be preserved. This has been evidence though the local engagement as part of the CNP. The SG consider views to be an important contributing factor to local character. Chapter 12 of the NPPF recognises this and encourages local communities – through neighbourhood planning – to be fully involved in determining what this means at the local level.</p> <p>See point 9 for comments on Policy C15.</p> <p>C16: The policy does support the provision of EV charging points at publicly available locations.</p>
<p>Kember Loudon Williams</p>	<p>See point 4 for comments on Policy C6.</p> <p>C1: the need for a comprehensive approach to development is considered to be addressed in clause viii.</p> <p>C11: This is addressed in para 7.36.</p> <p>C15: The policy identifies the specific junctions that need to be considered as part of major applications in the parish. In terms of mitigation, this would be set out in the associated Transport Statements/Assessments, as required by national policy.</p>
<p>KCC</p>	<p>The SG has reviewed the comments relating to the policies. The proposed amendments do not change the scope of the policies, rather they improve their comprehension and the SG would be content to amend as proposed.</p>

TWBC	The majority of comments relate to minor drafting errors and the SG would wish to amend these as noted.
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We are grateful for the opportunity to provide further clarification on this questions and points.

Hugh Patterson

Chair of the Capel Neighbourhood Plan Steering Group