

Benenden Neighbourhood Plan

Produced by Benenden Parish Council

Health Check – July 2020: Undertaken by Andrew Seaman BA (Hons) MA MRTPI

Summary of Recommendations

1. Process

- The Benenden Neighbourhood Development Plan (BNDP) has been developed by a steering group consisting of parish residents and parish representatives. Much good work has clearly been undertaken leading to the current draft plan which has been consulted upon under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. The BNDP is being prepared for consultation under Regulation 15 and submission for examination.
- There is currently both a Consultation Statement and a Basic Conditions Statement which are important documents. These will need to be finalised prior to the submission of the BNDP to Tunbridge Wells Borough Council (TWBC). These should contain the final details of procedural compliance and up to date consideration of the applicable Basic Conditions that should be met by any Neighbourhood Plan (NP) intending to be made.
- Further liaison and correspondence with TWBC (and the highway authority) would be prudent to ensure, as far as practical, that the Council is in agreement with the process of the BNDP production and its final content. Evidence is required to indicate that the issue of Habitats Regulation Assessment (screening) has been undertaken satisfactorily. Reference within the Basic Conditions Statement suggests that TWBC have undertaken an HRA but it is not readily available on the cross referenced BNDP website nor is it included in the accompanying background documentation. Consequently, there is, notwithstanding the SEA, insufficient evidence on this point. The HRA should ensure it is applicable to the Regulation 15 version of the BNDP.

2. Content

- The BNDP is broadly drafted to take into account national planning policy which includes the requirement to plan positively for sustainable forms of development. However, the BNDP has limited references to ‘sustainable development’ within its text. The BNDP could helpfully provide more explicit explanation as to how the plan will contribute towards sustainable forms of development. This should be rectified with additional content/commentary within the plan with cross references to the Basic Conditions Statement - amended as necessary. The BNDP should ensure it is consistently referring to the 2019 National Planning Policy Framework (NPPF) and suggestions are made in Part 3 below on specific matters that should be addressed to ensure sufficient regard has been had to national policy.
- The BNDP contains a clearly stated Vision. It would be helpful to set out a brief explanation as to how, in all its parts, this has been derived with reference to the evidence base. The plan contains 40 separate policies informed by 5 high level vision topics (Parish identity/environment/community, housing, business/employment/connectivity, health/education, and transport) identified on page 28. Each vision topic has clear objectives. The gestation of the visions and the links to the core objectives could also be more clearly explained, feasibly in the Consultation Statement. The policies themselves are, in the main, positive but some require specific amendment to ensure they are clearly stated land use policies and others could be clarified to be more effective in implementation. Some suggested amendments for consideration are identified to the BNDP which are set out in Part 3 of this Health Check.
- Liaison with TWBC should be made to ensure the general conformity of the BNDP with the current strategic policies of the relevant development plan. This issue is addressed in the Basic Conditions Statement but would benefit from more narrative as to how the condition is met. A ‘Statement of Common Ground’ with TWBC would be a useful addition to the evidence base prior to formal submission for Examination. Additionally, although the Plan is not being examined against emerging strategic planning policy, the national Planning Practice Guidance (PPG) advises that the reasoning and evidence informing an emerging plan may be relevant to the consideration of the Basic Conditions against which a neighbourhood plan is tested.¹ Again, liaison with TWBC should occur in respect of their draft Local Plan.

¹ PPG Reference ID: 41-009-20190509.

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- A number of policy areas would benefit from review and amendment and are set out below in Part 3 of this report. In particular the Parish aspirations for developer contributions requires review and justification to ensure legal compliance and due regard to national policy.
- An Implementation Section could be introduced explaining how the policies will be monitored for their effectiveness.
- The Basic Conditions Statement and Consultation Statement should be updated to the date prior to submission.

Andrew Seaman
2 July 2020

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Part 1 – Process

	Criteria	Source	Response/Comments
1.1	Have the necessary statutory requirements been met in terms of the designation of the neighbourhood area?	Benenden NP Basic Conditions Statement Consultation Statement	Yes, this requirement is met to date. Page 4 of the Consultation Statement confirms the area was designated in August 2017 by TWBC. It would be helpful to incorporate a map showing the designated area which presumably is the same as Fig 1 (page 16).
1.2	If the area does not have a parish council, have the necessary statutory requirements been met in terms of the designation of the neighbourhood forum?	Benenden NP Basic Conditions Statement Consultation Statement	The BNDP is being produced by Benenden Parish Council.
1.3	Has the plan been the subject of appropriate pre-submission consultation and publicity, as set out in the legislation, or is this underway?	Benenden NP Consultation Statement	<p>The Consultation Statement contains the primary evidence confirming the process of community involvement and engagement. This has included public workshops, public exhibitions, consultation on a 'Rough Draft', features in the parish magazine, an active website and general correspondence. Further details are in the Consultation Statement which should ensure it contains adequate documentary evidence to demonstrate that the the legislative requirements have been met.</p> <p>At present the BNDP has been the subject of appropriate pre-submission consultation.</p>
1.4	Has there been a programme of community engagement proportionate to the scale and complexity of the plan?	Benenden NP Consultation Statement	<p>The Consultation Statement refers to community involvement and a summary of activities is provided.</p> <p>Sections 5/6 of the Consultation Statement contains a helpful summary of consultations and the appendices contain some details of both the process and outcomes.</p>

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1.5	Are arrangements in place for an independent examiner to be appointed?	No source	<p>There is no information provided on this. Whilst the qualifying body has not yet reached the stage of submitting the BNDP to TWBC under Regulation 15, it is advised that discussions could helpfully begin or be scheduled on how to identify a suitable independent examiner.</p> <p>Whilst the general approach is to assess the resumes/CVs provided by prospective examiners, you may also find it very helpful in coming to a decision by reading examples of their reports on other NPs.</p>
1.6	Are discussions taking place with the electoral services team on holding the referendum?	No source	It is not yet appropriate to put in place arrangements for a Referendum after the examination of the Plan. However, as the Plan continues to advance, discussions should be held with TWBC
1.7	Is there a clear project plan for bringing the plan into force and does it take account of local authority committee cycles?	No source	There is no process set out for bringing the BNDP into force. This could be developed in liaison with TWBC.
1.8	Has a SEA screening been carried out by the LPA?	<p>Benenden NP</p> <p>Strategic Environmental Assessment (SEA)</p>	<p>Yes. Aecom has undertaken a Strategic Environmental Assessment (SEA) (June 2020).</p> <p>The SEA Statement includes summary responses from key stakeholders such as Natural England and the Environment Agency and there are no indications to reach a contrary conclusion to the Statement's findings which are predominantly supportive of the Plan's content and likely effects.</p>
1.9	Has a HRA screening been carried out by the LPA?	<p>Benenden NP</p> <p>Consultation Statement</p> <p>Basic Conditions Statement</p> <p>SEA Statement</p>	<p>No substantive evidence on this point.</p> <p>There is reference to an HRA undertaken by TWBC but this is not readily available. Its content should be checked for legal compliance and it should be provided in evidence, for example, added to the Supporting Documents.</p> <p>Attention is drawn to the fact that the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 were made on</p>

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			<p>5 December 2018 and came into force on 28 December 2018. These amend the prescribed Basic Condition related to Habitats Assessments - the revised Basic Condition took effect from 28 December 2018. See the following link: http://www.legislation.gov.uk/uksi/2018/1307/contents/made (Section 3).</p> <p>This amendment follows the ruling of the European Court in People over Wind and Sweetman on 12 April 2018.</p>
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Part 2 – Content

	Criteria	Source	Response/Comments
2.1	Are policies appropriately justified with a clear rationale?	Benenden NP Consultation Statement	<p>The BNDP has a Vision (page 8). The use of the word ‘we’ is unclear in its meaning and should be avoided (is it the Parish Council, the parish population, the steering group etc?).</p> <p>The BNDP identifies 5 subsequent ‘objectives’ derived from the initial consultation process. The Consultation Statement could helpfully set out how these were identified (eg expanded narrative within Section 4). The objectives address: landscape and the environment; housing supply; design and the built environment; business and the local economy and transport/infrastructure.</p> <p>The strategic approach of the BNDP is set out on page 9 although the rationale of the 10 numbered paragraphs are unclear (why these 10?). Paragraph 9 appears misdirected as it quotes paragraph 84 of the NPPF which relates to economic considerations as opposed to housing sites.</p> <p>There are 40 policies in total which are grouped in line with the BNDP objectives.</p> <p>The policies are, in the main, positive statements of intent. There is opportunity (and a necessity) to ensure that some policies are clearer² in their wording and purpose so as to aid future effective implementation. Instances for potential amended wording are identified below (see detailed comments in Part 3).</p> <p>There is useful advice to be found here: https://neighbourhoodplanning.org/wp-content/uploads/Writing-planning-policies-toolkit-HK-071218-0907-COMPLETED-JS-complete-.pdf</p>

² See PPG Reference ID: 41-041-20140306.

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			<p>Each policy is clearly identified by a separated text box. There is no doubt what constitutes proposed planning policy.</p> <p>Some policies require review/redrafting to ensure that they have regard to national policy, are justified and capable of effective implementation. In a number of instances (see below) more fulsome supporting text/justification of each policy is required, particularly in relation to site allocations, design and infrastructure.</p>
2.2	<p>Is it clear which parts of the draft plan form the 'neighbourhood plan proposal' (i.e. the neighbourhood <i>development plan</i>) under the Localism Act, subject to the independent examination, and which parts do not form part of the 'plan proposal', and would not be tested by the independent examination?</p>	Benenden NP	<p>The BNDP is supported by a contents table and runs to 108 pages. The document is logically structured and legibly laid out.</p> <p>The Policies are contained in the latter portion of the Plan. Subject to clarifications (as recommended) there is sufficient clarity as to what is the NP and what will be the subject of examination.</p>
2.3	<p>Are there any obvious conflicts with the NPPF?</p>	Benenden NP	<p>Section 3 below identifies matters of potential conflict with the NPPF which should be resolved.</p>
2.4	<p>Is there a clear explanation of the ways the plan contributes to the achievement of sustainable development?</p>	Benenden NP Basic Conditions Statement	<p>The BNDP is drafted in a broadly positive manner albeit there is scant reference in support of sustainable forms of development.</p> <p>The Plan should be revised to explain clearly how the BNDP will contribute to the achievement of sustainable development.</p> <p>The Basic Conditions Statement refers (page 29) to how the NP will contribute to the achievement of sustainable development in the context of the NPPF albeit additional detail would be helpful.</p>

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2.5	Are there any issues around compatibility with human rights or EU obligations?	Benenden NP Basic Conditions Statement	There is little specific information on this point. From an assessment of the documents received there would appear to be no outstanding issues regarding compatibility with human rights albeit this should be explained further in an updated Basic Conditions Statement (in support of the statement on page 43, Section 5(5)).
2.6	Does the plan avoid dealing with excluded development including nationally significant infrastructure, waste and minerals?	Benenden NP Basic Conditions Statement	Yes, the BNDP does avoid dealing with such excluded development, and there are no potential issues regarding this matter.
2.7	Is there consensus between the local planning authority and the qualifying body over whether the plan meets the basic conditions including conformity with strategic development plan policy and, if not, what are the areas of disagreement?	Benenden NP Basic Conditions Statement	<p>There is no categoric evidence to demonstrate a consensus (or otherwise) between Benenden PC and TWBC albeit it would appear that a positive ongoing relationship between the two exists.</p> <p>This should be remedied (by further minuted meetings/correspondence) ideally before submission. Any areas of obvious disagreement should be obviated or minimised. A statement of common ground would be helpful.</p> <p>It cannot be concluded at the present time that there are no potential issues of general non-conformity (i.e. disagreement) with the strategic development plan policies of the extant development plan although this matter is addressed within the Basic Conditions Statement.</p> <p>It is important that the Basic Conditions Statement should set out how the BNDP is in general conformity with the extant Local Plan and, as appropriate, the emerging development plan documents.</p>
2.8	Are there any obvious errors in the plan?	Benenden NP	Some suggestions are made in Part 3 below.
2.9	Are the plan's policies clear and unambiguous and do	Benenden NP	Detailed comments are made below on the content and drafting of the BNDP's Policies. The policies have clearly been shaped by the community's aspirations to date.

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	they reflect the community’s land use aspirations?	Consultation Statement	Generally, the policies are clearly set out. Some would benefit from greater clarity to aid their implementation, and a further ‘sense check’ and potential refinement to ensure that they are clear land use policies and not general assertions of aspiration (which might be contained to a degree within the text of the BNDP, balanced with the advice in the PPG ³). A small number of policies could be omitted.
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³ See PPG Reference ID: 41-004-20190509.

Part 3 - Detailed Comments

1. These detailed comments address all matters, both of significance and of a more minor nature, across the current BNDP and are presented in Page order.
2. Page 3 – a contents page is useful.
3. Page 5. It would be helpful to explain why the Plan period runs to 2035 as the emerging Local Plan runs until 2036.
4. Page 7. Superfluous ‘the’ before Neighbourhood Development Plans in the final line.
5. Page 8. The Vision would benefit from the deletion of the concept of ‘we’ (who is ‘we’?).
6. Page 9. The penultimate paragraph refers to the strategic policies of the NPPF and TWBC adopted Local Plan. Strictly speaking the Basic Condition does not require ‘general conformity’ with the NPPF. This sentence should be amended.
7. Page 10. For clarity, would the reference to the ‘this plan’ in each bullet point would be better termed ‘The BNDP’ (avoiding potential confusion in relation to the parish plan/local plan/emerging plan etc).
8. Bullet point 2 refers to the TWBC ‘call for sites’. There is a risk that this evidence will be considered to be rather old for the purposes of allocating sites within the BNDP albeit there is no easy mitigation to the risk that this may pose to the Plan.
9. Bullet point 6 refers to greater weight being given to sites outside the AONB. Is this strictly correct as phrased? Perhaps it could be revised along the following lines: “This plan particularly supports the development of sites which are outside of the AONB ...”
10. Page 11. The penultimate sentence would benefit from a reference to what can be controlled by the BNDP. For example, it could say: “...will provide a significant level of influence over development proposals within the parish”.

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11. Page 12. The 4th paragraph should refer to the 'adopted' Local Plan which is clearer than 'current'.

Landscape and the Environment

12. Page 25. 3rd bullet should be 'dispersed'.
13. Page 26. Policy LE1 b) should be clearer as to what adverse impacts upon what are seeking to be avoided. Eg "It would not have an unacceptably adverse effect upon the character or landscape setting of settlements (including the designated Conservation Areas) ...".
14. Pages 26-31. Policy LE1 c) seeks to maintain distinctive views as per Figs 1 and 2. Policy LE2 seeks to avoid harm to Special Views. It is unclear from the BNDP and LEA5 what Special Views are and whether they are different to those in Figs 1 and 2. If they are not different LE2 is not necessary. This point should be clarified.
15. Page 31. If retained, the text of the BNDP should make clear that Policy LE2 only applies to development proposals within the designated NP area.
16. Page 33, paragraph 1.5. The final sentence should be deleted as it repeats paragraph 1.5.2. The reference within Policy LE3 to the TWBC Draft Local Plan would be better placed in the supporting text (as the Draft Local Plan is yet to be adopted). The supporting document LEA6 is helpful in its assessments of potential areas of Local Green Space. It is to be expected that the veracity of the evidence supporting LE3 will be scrutinised particularly at Regulation 15 consultation and at Examination. To that extent, some of the supporting information does not particularly express why the land parcels meet the NPPF requirements for LGS as being demonstrably special – it may be prudent to review LEA6 to ensure the conclusions and allocations in the BNDP are sufficiently robust adding additional narrative if necessary. The Parish Council should assure itself that the landowners of the proposed Local Green Space (LGS) have been notified and consulted.
17. Page 34. Policy LE4 requires all new development to preserve enhance and maintain existing PROW. This is unreasonable as worded (eg why should a householder extension maintain and enhance an existing PROW?). The policy should be rephrased to be clearer as to its applicability to relevant forms of development. The last two sentences should be placed in supporting text.

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18. Page 35. The reference in paragraph 1.8.1 to developer funding should be caveated by the phrase ‘where justified’. This, as referred to further below, is because developer payments can only be sought where legally justified in relation to a relevant development (see NPPF paragraph 56).
19. Page 36. Policy LE5 could be enhanced by making clear that the policy applies (as a land use policy) where proposals are made. Thus, it could begin “When considering proposals for development, there will be a presumption ...”. The reference to TWBC policies should be placed in the supporting text.
20. Page 37. Policy LE6 should be clearer as to when it applies and liaison with TWBC would be prudent to ensure the requirements do not replicate or contradict the requirements of the local planning authority’s local validation list. As worded LE6 is unclear and not supported adequately by evidence (when does it apply, why should site surveys be carried out in all circumstances, why not create new habitats etc). Parts of the policy (eg monitoring costs) could be placed in supporting text. Amendments in liaison with TWBC are recommended.
21. Policies LE7 and 8 should be clearer as to when they apply. Do they apply to all development proposals (eg changes of use, householder schemes etc) or only larger housing schemes? The policies should be clear as to when and to whom they apply. These policies should be amended accordingly.
22. Page 38. Policy LE9 should be revised to apply proportionately. For example, “Plans for new developments must include proportionate elements that encourage wildlife and plants. These will include:”. It is not feasible to control the mowing of land by planning policy (criterion b) and this should be deleted.
23. Page 38. Policy LE10 could be amended to consist solely of the first sentence with the remainder being appropriately placed in supporting text.
24. Page 38 and elsewhere. The status and intention behind the list of ‘Projects’ (here and throughout the Plan) should be more clearly explained. Whose projects are they, how and when are they to be implemented etc. Are they a necessary part of the BNDP at all – perhaps they could be omitted?

Housing Supply and Allocation

25. Page 41. The objective refers to ‘locally led’ but the meaning of this is not given. It would be prudent to explain for clarity.

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26. Page 45. Paragraph 2.2.1 would benefit from further explanation or clarification. At present, it reads as if the 2018 Housing Needs Study did not identify a need for larger homes contradicting and superseding the 2015 Parish Plan. This potential contradiction in outcome needs to be explained with reference to evidence to ensure the logic justifying mixed sizes within Policy HS2 is clear.
27. Paragraph 2.2.2 needs to be amended to make full sense (missing word?).
28. Policy HS2 e) requires 10% accessible homes. The reasoning for this with clear reference to the evidence is required in the supporting text. Why 10%?
29. Page 46. Policy HS3 prioritises almhouse principles. Rather than prioritising, the policy may be more effective in delivering housing if it simply states that it supports such developments (would the Parish Council reject a non almshouse scheme for affordable housing if it came forwards first?).
30. Paragraph 2.4.1. The Use Classes Order should be explained in a little more detail for clarity. Policy HS4 could begin: "Proposals for live/work units will ...". The reference to appropriate rural buildings is unclear – what is appropriate? This also applies to Policy HS5. The NPPF does not make such a distinction, instead enabling the conversion of existing buildings in rural areas for economic purposes or the conversion of redundant buildings for housing (see paragraphs 79 and 83).
31. Page 47. Policy HS5 refers to brownfield land or PDL. The two are synonymous in national policy (see NPPF glossary) and the policy should be amended for clarity.
32. Policy HS6 (and preceding text) requires new housing densities that are consistent with existing densities in the adjacent parts of the parish. This is somewhat unclear. Does 'consistent' necessarily mean 'identical'? This is likely to be contentious at Regulation 15/Examination and may be considered contrary to the aims of national policy (see NPPF paragraphs 122/123 et al). Indeed, if the BNDP promotes the measurement of density as dwellings per hectare and Policy HS2 includes flats then there may be an unacceptable tension and insufficient justification in seeking to limit increased densities as included in the BNDP.
33. Page 48. The detailed evidence in support of the housing allocations, including site selection, will be subject to scrutiny at Regulation 15 and Examination and the Parish must be satisfied that its position within the BNDP is clearly warranted.

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- 34.** Page 52. The 2nd and 3rd paragraphs of the reasoned justification suggest that there will be harm arising which includes that affecting the significance of the heritage assets nearby but that this is outweighed by the benefit of affordable housing. The evidence exploring the harm versus the benefits will likely be explored at Examination and is currently limited. Therefore, the Parish Council should satisfy itself, with amendments as necessary, that the supporting evidence appropriately explores these aspects leading to a conclusion that the site allocation is appropriate.
- 35.** SSP1 is very detailed and may be considered prescriptively too long. There is scope to focus the policy and be shorter in its content. The limitation on density, in the absence of potential design solutions, may be considered contrary to national policy and consideration should be given to its omission. Prior liaison with the highway authority and TWBC should assure the Parish Council that its content is deliverable and justified (eg footway requirements, amenity and parking standards etc). Criterion 8 makes no reference to the other heritage assets which is an omission to be rectified. Financial contributions arising from any development are dependent on the scale and nature of the scheme in relation to its context and effects arising. As noted previously, such contributions must be legally justified. Caution should be exercised in stipulating a wish list within the BNDP which may not be justified in the event that the development expected comes forward for implementation.
- 36.** SSP2 is also prescriptive and long. The density aspirations may require some modification to be acceptable at Examination. Rather than setting limits, perhaps the key is ensuring a high quality design led approach which respects the adjacent context and delivers an appropriate level of housing. The first paragraph of the policy seems to accept that the development will cause harm (that should be minimised). Would it be more appropriate to state that a suitable high quality design will be supported/promoted and adverse impacts should be avoided or minimised and mitigated as necessary? The earlier comments on liaison with the highway authority and TWBC above remain relevant to this policy.
- 37.** SSP3 could also seek to avoid or minimise harmful impacts (1st paragraph). The requirement for a Masterplan may be perceived as unwarranted and onerous for a relatively modest number of new homes and the phasing requirements will need to be justified in evidence (a reference to the need for the phasing would be helpful in the supporting text). It is unreasonable to require any Masterplan to be accepted by TWBC and BPC before the submission of any planning application as such 'acceptability' could, theoretically, be unreasonably withheld. This should be amended. The density stipulation should be reviewed (as per previous comments). Bullet number 14 needs to be fully justified as it may be deemed unreasonable and ineffective in promoting efficient delivery of housing sites (eg commencement of ground works on the NE Quadrant may be justified before final completion of the site to ensure an effective transfer of labour and resources between sites). There is insufficient justification in evidence to warrant the list of possible contributions – these matters would likely be resolved as part of the Masterplan or planning application formulation phase.

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SSP4 could also reference a need to avoid or minimise harmful impacts arising in paragraph 1. Once again, the Masterplan approach may be considered unreasonable and unjustified whilst the need for its acceptance prior to a planning application should be modified. The density approach should be reconsidered. The list of contributions does not appear justified at this stage.

Design and the Built Environment

- 38.** The objective for this section of the BNDP is to deliver development of similar proportions to the existing; this may be considered inflexible and consideration could be given to the use of the word 'complementary' which could facilitate appropriate design solutions that may of themselves not replicate the existing but still enhance the character and appearance of the area concerned.
- 39.** Page 72. The BNDP should recognise in the penultimate paragraph that other Building Control services exist in addition to TWBC.
- 40.** Page 73. The first bullet of Policy BD1 could state 'be sympathetic to local distinctiveness' which would have due regard to national policy and the supporting text in BNDP paragraph 3.2. Simply conserving local distinctiveness is arguably a restrictive policy that could unreasonably fetter design solutions. Similarly, Policy BD2 takes a prescriptive approach to design in pursuit of conserving distinctive character. The thrust of BD2 appears to seek replication of the existing built forms of the parish which may stymie unreasonably high quality design solutions to new or extended buildings. More flexibility to the policy is recommended to ensure sufficient regard to NPPF paragraph 127. Questions may arise as to why all chimneys need to be working and whether all construction materials can feasibly be secured from sustainable sources (and what does that mean and how would that be monitored/enforced)? Planning policies do not ordinarily repeat the provisions of other policies in the same plan as they are all applicable when proposals are considered therefore, BD2 could be amended in this regard.
- 41.** Pages 76/77. Policy BD3 could be amended and reduced in length by being less prescriptive. The second sentence of criterion e) should be clarified (should any large variation in style and finishes be avoided?). The use of signs should perhaps be minimised rather than avoided to ensure there is flexibility in the policy for its effective implementation as a whole (criterion g).

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- 42.** Page 78. S55 of the Town and Country Planning Act defines what constitutes development for the purposes of planning control.⁴ This often excludes lighting, certainly at a domestic level. Therefore, Policy BD5 as drafted may have limited utility. The policy should be clear as to whether it applies only to proposals for external visible lighting (eg a flood light column) or to development which includes external visible lighting (2nd paragraph BD5). What is meant by external visible lighting (security lights or internal window lights etc)? The policy in the latter sense would apply for example to some larger development schemes (eg a housing estate). Liaison with TWBC and the highway authority on the detail of the policy would be prudent to reach agreement on its content (eg no street lighting may affect the adoptability of highways in future schemes). The requirement for a light survey in all proposals seems onerous and unjustified. Planning policy should not require compliance with other provisions such as the Guidance Notes for the Reduction of Obtrusive Light although it may suggest regard should be had (Criterion e). Planning conditions may not be appropriate for the proper maintenance of lighting (because of the vagueness of such a term) and the control of subsequent exterior lighting may not be feasible (as it is not development in terms of S55). The policy should be reviewed in liaison with TWBC.
- 43.** Policy BD6 criterion g) is not a land use policy and should be subsumed within the supporting text instead. The rationale for the parking standards and its supporting evidence is likely to be subject to detailed consideration at Examination especially where it differs from that of the county council and TWBC (see BDA6). This policy should be agreed if possible with TWBC and the highway authority.
- 44.** Policy BD7 seeks to enshrine the provisions of the Kent County Design Guide into planning policy which is inappropriate and inflexible. Alternatively, the policy should support proposals that have demonstrable due regard to the existing Design Guide advice.
- 45.** Page 80. Policy BD8 a) is unclear in its meaning and should be amended for clarity. What are the highest manufacturing standards to be sustainable? Any replication of existing policy or Regulations should be avoided.

⁴ <http://www.legislation.gov.uk/ukpga/1990/8/section/55>

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Business and the Local Economy

46. Page 84. Policy BE1 is a positive policy but it would be clearer to state that development proposals are supported. Eg, “The BNDP seeks to promote the economic viability of the parish and will: support *proposals* for farming and forestry operations *Support proposals that* encourage land management practices...”.
47. Page 87. This is not a clear land use policy. It should be deleted or amended to clearly indicate when it would apply (ie development proposals that provide employment and career opportunities will be supported).
48. Page 88. The evidence in support of Policy BE3 will likely be explored during the Regulation 16 consultation and at Examination and the Parish Council should satisfy itself that it is sufficiently robust.
49. Page 92. Policy BE5 would be a clearer land use policy with the following addition: “...The support for existing community facilities on the maps (Figs 10 and 11) will be maintained. Any *development* proposal that involves *the loss or a reduction in* provision must demonstrate ...”.
50. Policy BE6 creates a hierarchical preference for new uses in the conversion of rural buildings. Such a hierarchy does not exist in national policy. As such the policy should be amended accordingly or deleted.
51. Page 93. Policy Be7 a) would benefit from the addition of “...and will support new *development proposals for* business in the designated commercial areas ...”.

Transport and Infrastructure

52. The aspirations of this chapter of the Plan are routed in the community led evidence but this appears limited as presented in the supporting documents. Policy T1 is not well supported by specific evidence as to why all developers who receive planning permission should contribute to all-weather routes specifically identified by the Parish. Individual contributions can only be secured to mitigate effects arising from development. This policy should be amended or deleted.

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- 53.** Page 101. Policy T2 should be clearer as to when it would apply. For example, it appears targeted towards higher volume housing schemes. If this is the case it would be prudent to say so. If it is intended to apply to all development, its requirements appear unwarranted and disproportionately unreasonable.
- 54.** Page 102. Policies T3, T4 and T5 require developer contributions to a variety of Parish initiatives. As worded the policies apply to all development. This is premature in advance of knowing the scale of any proposed development and the likely effects arising from it. For example, a new business development is unlikely to generate a justified need for children’s play space. Paragraph 56 of the NPPF applies. The evidence for these policies is limited and rather unclear. Consequently, the policies should be amended or deleted in liaison with TWBC.
- 55. General** –the BNDP is clearly structured. It is good practice to include a section and a commitment to the implementation and review of the BNDP which may be located at the end of the Plan. To accompany this, it might be helpful to devise some indicators to measure the success of the BNDP in securing its Objectives.
- 56.** The main focus of this report has been on undertaking an assessment of the BNDP, and in particular its policies, in its current draft form. Prior to Regulation 15, the BNDP should be updated to accommodate the necessary amendments. A thorough proof-read and sense check should be made of the supporting documents prior to the Regulation 15 submission and subsequent stages and the BNDP itself should also be proof-read by an independent person to check for typographical errors which are currently commendably few and far between.
- 57.** Finally, it is recognised that the above comments will involve amendments to the BNDP and its evidence. However, the time and effort that has clearly been put into the BNDP to date is noteworthy. The BNDP is relatively straightforward in its structure and if it can be amended with regard to the above suggestions then it will have an increased likelihood of ultimately being submitted for a successful examination.