

Paddock Wood Neighbourhood Development Plan 2022-2038

**A report to Tunbridge Wells Borough Council
on the Paddock Wood Neighbourhood
Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Tunbridge Wells Borough Council in December 2022 to carry out the independent examination of the Paddock Wood Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 16 December 2022.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on consolidating the role of the town centre and adding value to policies in the emerging Local Plan on strategic housing growth. It includes a series of environmental and community policies.
- 4 The Plan has been underpinned by community support and engagement. The community has been engaged in its preparation in a proportionate way.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Paddock Wood Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
16 March 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Paddock Wood Neighbourhood Development Plan 2022-2038 ('the Plan').
- 1.2 The Plan has been submitted to Tunbridge Wells Borough Council (TWBC) by Paddock Wood Town Council (PWTC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012. The NPPF continues to be the principal element of national planning policy. It was updated in 2018, 2019 and 2021.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It addresses a range of environmental and community issues and sets out a vision for the future of the town centre.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by TWBC, with the consent of PWTC, to conduct the examination of the Plan and to prepare this report. I am independent of both TWBC and PWTC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. I have 40 years' experience in planning and development issues in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In examining the Plan I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA screening report.
- the HRA screening report.
- the Local Green Space Report
- the Design Guidance
- the representations made to the Plan.
- PWTC's responses to the clarification note.
- TWBC's responses to the clarification note.
- the saved elements of the Tunbridge Wells Borough Local Plan 2006
- the Tunbridge Wells Core Strategy Development Plan Document
- the Tunbridge Wells Site Allocations Local Plan.
- the submitted Tunbridge Wells Borough Local Plan 2020 to 2038.
- The Planning Inspector's initial findings on the submitted Local Plan (December 2022)
- the National Planning Policy Framework 2021
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 16 December 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood development plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. Whilst there were requests for a hearing from some of the organisations who commented on the submitted Plan, I was satisfied that those representations were comprehensive and provided me with all the information which was necessary to examine the Plan against the basic conditions. In addition, the publication of the planning inspector's initial report on the emerging Local Plan since the publication of the submitted neighbourhood plan has brought further clarity to the relationship between the two plans both in terms of content and timings.

4 Consultation

Consultation

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development management decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 PWTC has prepared a Consultation Statement. The Statement reflects the neighbourhood area and the policies in the Plan. It also provides specific details on the consultation process that took place on the pre-submission version of the Plan between February and May 2022. The Statement is both comprehensive and informative.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. It helpfully reproduces elements of the consultation material used as the Plan was being prepared. The production of the Plan has been affected by two parallel issues. The first is the scale of growth included for the town in the emerging Local Plan and the positive way in which TWBC has engaged PWTC in that debate. The second is the effect of the Covid pandemic in 2020 and 2021.
- 4.4 Work on the Plan commenced in 2015. The first main consultation activity was focussed around a visioning event in March 2016 which was followed by a design forum and public meeting in April 2016. Work on the Plan continued through 2016 with a future growth scenarios event held in February 2017 prior to an exhibition on the emerging Plan in March 2017.
- 4.5 Work continued into 2018 and 2019, including meetings with TWBC, Capel Parish and the Town Centre Forum. In May 2019, a public meeting was held. A draft Plan was prepared and shared with TWBC for comment and input. However, work on the Plan slowed down during this latter period given the work being undertaken by the Borough Council on the review of the Local Plan and where the scale of growth envisaged for Paddock Wood substantially increased. Members of PWTC were invited to join the Strategic Sites Working Group established by TWBC to develop growth options.
- 4.6 In late 2019 PWTC decided to commence progress on the Plan. Given the onset of the Covid-19 pandemic, work on this did not start in earnest until mid-2020, with a 're-launch' event organised for November and December of 2020. This sought to raise awareness of the Plan. In the context of the additional growth anticipated in the emerging Local Plan, it asked whether the vision and objectives for the Neighbourhood Plan established during the initial stages of work remained relevant and up-to-date
- 4.7 PWTC actively participated in community workshops organised by TWBC as part of the approach to strategic growth around Paddock Wood. Throughout 2021 meetings were held with TWBC and its consultants as well as with sports and leisure representatives given proposals for a new sports hub in Paddock Wood and how this might be best provided to meet the needs of local sports clubs, organisations, and users.

- 4.8 The Statement sets out the extensive range of local and statutory organisations that were advised about the preparation of the Plan in general, and its pre-submission consultation phase (February to May 2022) in particular.
- 4.9 Volume 3 Part 3 of the Statement set out the nature of the consultation process and high-level details of the responses received to the consultation process on the pre-submission version of the Plan. The wider exercise has been undertaken in a very thorough fashion. It helps to describe how the Plan has evolved.
- 4.10 From all the evidence available to me as part of the examination, I have concluded that the Plan has sought to develop an inclusive approach to seeking the opinions of all concerned throughout the process. TWBC has carried out its own assessment of this matter as part of the submission process and has concluded the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.11 Consultation on the submitted plan was undertaken by TWBC which ended on 14 November 2022. This exercise generated comments from the following statutory and local organisations:

- South East Coast Ambulance Service
- Heritage Paddock Wood
- British Horse Society
- Crest Nicholson
- Brenchley and Matfield Parish Council
- Southern Water
- Environment Agency
- National Grid
- National Highways
- NHS Kent and Medway
- Redrow Homes and Persimmon Home
- Tunbridge Wells Borough Council
- Historic England
- Kent County Council
- Coal Authority

- 4.12 Representations were also received from several residents.
- 4.13 I have taken account of all the representations received as part of the examination of the Plan. Where it is appropriate and relevant to do so, I refer specifically to certain representations on a policy-by-policy basis in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area covers the parish of Paddock Wood. In 2011 it had a population of 8253 persons living in 3390 households. It was designated as a neighbourhood area on 6 February 2014. The parish lies seven miles north-east of Royal Tunbridge Wells and eight miles south-east of Tonbridge. Paddock Wood developed as a settlement during the second half of the nineteenth century as a result of the local hops industry. By 1900 it was a local transport hub with three railway lines at the railway station.
- 5.2 The town centre lies to the immediate south of the railway line in Commercial Road. It includes an attractive range of retail and commercial units and the town's library. The town's industrial areas are located to the north of the railway line. The Eldon Way Industrial Estate is located to the west of Maidstone Road and is home to British Car Auctions and the South East Coast Ambulance Centre. The larger Transfesa Road and Paddock Wood Distribution Centre are located to the east of Maidstone Road.
- 5.3 The neighbourhood area extends into its agricultural and rural hinterland to the east. It includes important elements of the former Hop Pickers railway line.

Development Plan Context

- 5.4 The Tunbridge Wells Borough Core Strategy was adopted in June 2010. It covers the period up to 2026. The Core Strategy sets out policies for the use and development of land across the Borough. Core Policy 1 and Boxes 3 (Spatial Strategy) and 4 (Settlement Hierarchy) set out an approach which has an urban focus for development in order to optimise the vitality of the Borough's town centres and to protect the distinctive character of the rural environment. In this context most of the new development is focussed at Royal Tunbridge Wells and Southborough. The Core Strategy also identifies development at Cranbrook, Hawkhurst and Paddock Wood to support and strengthen them as local service centres for the Borough's rural area. Elsewhere the approach is to protect the character of the Borough's villages by limiting new development to be within the existing limits to built development unless it is specifically required to meet local needs.
- 5.5 Within this context, Paddock Wood is identified as one of three small rural towns. Core Policy 11 of the Core Strategy sets out a comprehensive approach for development in the neighbourhood area as follows:

'A locally-distinctive design identity will be defined for the town, particularly the town centre, in partnership with the local community. New development should contribute to the furtherance of that identity as well as paying particular attention to the integration of the townscape and surrounding landscape with a view to enhancing the quality of the local environment. At Paddock Wood:

- *Both the general extent and detailed inner boundaries of the Green Belt around Paddock Wood will be maintained for the Plan period*

- *Approximately 600 net additional dwellings will be delivered on sites to be allocated and released in accordance with Core Policy 1: Delivery of Development. Residential development should contribute to addressing local affordability issues and providing a greater choice of housing types for local people*
- *Sites capable of accommodating 10 or more dwellings will be required to provide affordable housing in accordance with Core Policy 6(4) and (5)*
- *Development within the town and at the planned urban extension will be located in accordance with the Strategic Flood Risk Assessment and PPS25, including the sequential test as appropriate, together with the requirement for site-specific FRAs. Opportunities will be taken to integrate flood risk management with the planning and delivery of new development including, wherever possible, the reduction of existing flood risks in the town*
- *Redevelopment for current and future business/employment needs will be promoted within the Key Employment Areas to the north of the railway line*
- *The provision of smaller, more flexible and higher quality commercial and industrial units in the defined Key Employment Areas will be encouraged and facilitated*
- *In the order of 900sqm (net) additional comparison floorspace will be delivered by 2017, unless a different need is identified in a future Retail Study, in order to increase the vitality and viability of the centre*
- *The provision of activities to strengthen the social economy of the town, such as community uses, restaurants and meeting places, will be encouraged*
- *A site for a community facility will be allocated and a facility provided during the Core Strategy period*
- *The use and accessibility of public transport, particularly for accessing the Key Employment Areas, will be promoted.'*

5.6 The Site Allocations Plan Local Plan was prepared to supplement the Core Strategy. Its primary purpose is to allocate sites in accordance with the approach taken in the Core Strategy. It was adopted in July 2016. The Plan allocates the following sites in the neighbourhood area for various uses:

- Policy AL/PW 1 Station Road/Commercial Road (mixed use)
- Policy AL/PW 2 Wesley Centre, Commercial Road (community facility)
- Policy AL/PW 3a Land at Church Farm (300 homes)
- Policy AL/PW 3b Land at Mascalls Court Road (350 homes and a school)
- Policy AL/PW 4 Land at Mascalls Farm (300 homes)

The Plan also defines key employment areas and the town centre boundary/primary shopping area in Policies AL/PW 5 and 6 respectively

5.7 TWBC has made good progress in its preparation of a new local plan to replace the Core Strategy, and in the Site Allocations Local Plan. It will guide new development in the Borough up to 2038. The examination of the Plan began in 2022. The Plan includes the following policies which have direct relevance to the neighbourhood area:

- Policy STR/SS1 The Strategy for Paddock Wood

- Policy STR/SS2 The Strategy for Paddock Wood Town Centre
- Policy STR/PW1 The Strategy for Paddock Wood
- Policy AL/PW1 Land at Mascalls Farm

Policy STR/SS1 is a significant policy. It proposes the delivery of approximately 3,490-3,590 dwellings and accompanying infrastructure through a planned extension to the north, west and east of Paddock Wood, including land at east Capel.

- 5.8 In November 2022 the Planning Inspector published his initial findings on the Plan. In relation to Paddock Wood, the report comments:

‘Paddock Wood is a town with a good range of services, employment premises and public transport provision. It is also surrounded by some land which is outside the Green Belt and AONB – a unique position in Tunbridge Wells. I therefore agree with the Council that it represents a ‘logical choice’ for growth. However, the strategy for the town needs revisiting to set out clearly what is proposed on each parcel, both in terms of the scale and mix of uses and any necessary infrastructure provision. In addition, the location of new housing, community and employment uses in areas at higher risk of flooding is not justified. Comprehensive main modifications will therefore be required to the submitted Plan in order to make it sound (paragraph 52)’

‘As for the strategic sites, significant changes and/or the preparation of further supporting information is going to be necessary before they can be found sound. At Paddock Wood, I am relatively confident that this can be achieved without fundamental changes to the Plan’s strategy (paragraph 95)’

TWBC is currently working to respond to the Inspector’s findings. In its response to the clarification note it comments that it anticipates consulting on main modifications to the Plan in Summer 2023. I comment later in this report about the implications of this process on the examination of the neighbourhood plan.

Unaccompanied Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 16 December 2022. I travelled to the parish along the A21/A228 from the south. This highlighted the way in which the parish was positioned in the Borough and its access to the strategic road network.
- 5.10 I looked initially at the Putlands Leisure Centre. I saw its scale and the size of its car park. In looking at the Leisure Centre I also saw the Mascalls Academy and the extent of its playing fields.
- 5.11 I then drove along Green Lane to look at the two proposed local green spaces. In doing so I saw the attractive way in which the Green Lane residential development had been designed to incorporate local vernacular details and excellent street trees. I also took the opportunity to look at the more recent Charles Church residential development off Dumbrell Drive.
- 5.12 I then looked at the town centre. I saw the significance of the railway station to the wider town. I took time to look at the range of retail and commercial facilities (including the library) in Commercial Road. I also saw the importance of the War Memorial at the

northern end of the road in the wider street scene. This part of the visit helped me to understand more fully the Town Centre policies in the submitted Plan.

- 5.13 I then took the opportunity to look at the industrial units in Eldon Way. It was clear that the industrial area was a major element of the commercial attractiveness of the town. I saw the significance of the South East Coast Ambulance Make Ready Centre and the BCA Car Auction Centre.
- 5.14 I then drove to industrial areas off Transfea Road. As with Eldon Way its importance to the commercial well-being of the town was self-evident. I then looked at the part of the neighbourhood area to the north and west of Maidstone Road.
- 5.15 I then looked at the eastern part of the neighbourhood area off Willow Lane and Pearsons Green Road and to Pearson's Green. This part of the neighbourhood area contrasted significantly with the built-up part of the town.
- 5.16 I left the neighbourhood area on the B2160 and headed towards Matfield. This helped me to understand the way in which the town related to its wider countryside setting.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 6.3 I assess the Plan against the basic conditions under the following headings:
- National planning policies;
 - Sustainable development;
 - General conformity with the strategic policies in the development plan;
 - Strategic Environmental Assessment;
 - Habitats Regulations Assessment; and
 - Human Rights Act.

National Planning Policies and Guidance

- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Paddock Wood Neighbourhood Plan:
- a plan led system – in this case the relationship between the neighbourhood plan, the saved policies in the Local Plan, the policies in the Core Strategy and the policies in the Site Allocations Local Plan;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;

- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. It includes policies to stimulate the function of the town centre and to safeguard its employment base. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced in Planning Practice Guidance (paragraph ID:41-041-20140306) which indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies on the town centre (Policies TC1-5) and to stimulate employment and diversification (Policy HI7). In the social role, it includes policies on community facilities (Policies HI6), and sporting facilities (Policies SR1-2). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy HD1) and on a series of landscape and environmental matters (Policies GI1-9). PWTC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in Tunbridge Wells Borough in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement, TWBC produced a screening report (December 2021). It comments that the Plan does not allocate specific land for development but provides guidance for development in the growth areas in the Submission Local Plan (which has already undergone a SEA). It also comments that any effects are expected to be managed effectively by the development management process both through the submitted plan and by TWBC, and are therefore considered unlikely to be significant.
- 6.16 On this basis the screening report concludes that as a result of the assessment it is unlikely there will be any significant environmental effects arising from the draft Plan. As such, it does not require a full SEA to be undertaken.

Habitats Regulations Assessment

- 6.17 In order to comply with legislative requirements, TWBC published a separate Habitats Regulations Assessment (HRA) of the Plan at the same time. It takes account of the likely effects of development in the neighbourhood area on the Ashdown Forest SPA and SAC site. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on this or another other protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with HRA obligations.

Human Rights Act

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on

Human Rights (ECHR) and that it complies with the Human Rights Act. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and PWTC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. It includes a series of non-land use Community Action Projects which are separately listed within the topic chapters and in Section 11 of the Plan.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The community actions are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-4)

- 7.8 These elements of the Plan set the scene for the policies. They are commendable in the way that they are proportionate to the neighbourhood area and the Plan's policies.
- 7.9 The Introduction is both helpful and informative. It identifies the broader context to the Plan and how it was prepared. It sets the scene for the wider neighbourhood planning agenda. It explains the way in which the Plan has sought to add value to the details in the emerging Tunbridge Wells Local Plan. The neighbourhood area and the Plan period are clearly defined in paragraph 1.1 and Figure 1 respectively. It makes a clear distinction between the land use policies and the Projects/Aspirations. The Introduction also sets out the structure for the Plan. In the round it is a first-class introduction to a neighbourhood plan.
- 7.10 Section 2 comments about the strategic context within which the Plan has been prepared. It explains in detail the key policies in the emerging Local Plan insofar as they affect the town.
- 7.11 Section 3 sets out the Vision and the strategic objectives for the Plan. The Vision is as follows:

'Paddock Wood will retain its character as a modern, 21st century, rural market town, preserving its built and natural heritage whilst sympathetically accommodating new

growth. New residential and commercial development that embeds high environmental standards will be delivered alongside the appropriate infrastructure to support community life and activity for all ages, including younger people. New growth and development will integrate seamlessly with the existing settlement to create a balanced place with a cohesive, socially inclusive community, with a thriving centre at its heart, and accessible open spaces that support wildlife as well as people. A wide range of social, community and recreational facilities will help make Paddock Wood a better place to live, learn, work, and visit for everyone, including the elderly, vulnerable and disabled. Through sustainable design and the promotion of active travel, Paddock Wood will be future-proofed, responding proactively to the challenges posed by climate change.'

7.12 The Vision is supported by ten objectives

7.13 Section 5 continues this approach and sets out a future growth strategy for the town. It takes account of a series of matters. These issues then form the basis of the policy themes. In this context the policies are arranged under the following headings:

- The Town Centre (Policies PW TC1-5);
- Green Infrastructure (Policies PW GI1-9);
- Heritage and Design (Policies HD1-3);
- Sports and Recreation (Policies PW SR1-2);
- Access and Movement (Policies AM1-5); and
- Housing and Infrastructure (Policies HI1-8).

The implications of the emerging Local Plan

7.14 Paragraphs 5.7 and 5.8 of this report have set out the current progress on the examination of the emerging Local Plan. The current timetables for the two plans are now such that the neighbourhood plan is ahead of the Local Plan in the plan making process.

7.15 The submitted neighbourhood plan has been prepared in the context of the emerging Local Plan. PWTC has carefully sought to ensure that the submitted Plan can complement the policies in the emerging Local Plan and is based on the level and location of growth included in that Plan. This is best practice and has taken account of national guidance on this matter (Planning Practice Guidance ID: 41-009-20190509). Whilst the inspector's report is positive about the ability of the Local Plan to be modified so that it meets the tests of soundness (which apply to local plans) it has nevertheless introduced a degree of uncertainty about the scale and nature of new housing growth in the town and the infrastructure needed to support that growth.

7.16 In these circumstances I examine the policies which relate directly or indirectly to the strategic growth policies for Paddock Wood in the submitted Local Plan in a general rather than a specific way. This will seek to ensure that the policies will continue to apply once the Local Plan has been adopted. Plainly PWTC will have the opportunity to review a made neighbourhood plan at that time to provide any further clarity to policies affecting strategic growth in the town should it wish to do so.

- 7.17 I will examine the more general policies in the neighbourhood plan on their merits and in the context of the strategic policies in the adopted development plan.

Policy PW TC1 Town Centre Design Principles

- 7.18 This policy is the first in a series on the town centre. In the round they set out a very positive strategy for the town centre. I spent time during the visit understanding the various elements of the package.
- 7.19 This policy sets out a series of design principles for new development in the town centre. In general, the principles seek to reinforce the overall importance of Commercial Road, to support the creation of active frontages and to provide a context for enhancements to the public realm. I am satisfied that the principles are both well-considered and distinctive to Paddock Wood.
- 7.20 I recommend that the policy is modified so that it can be applied proportionately. Plainly an application for a new shopfront will have a more limited relationship to the policy whereas a proposed redevelopment of properties in Commercial Road, Station Street or Church Road would have a far greater implication for the policy and its principles. Otherwise, the policy meets the basic conditions,

At the beginning of the policy add: ‘As appropriate to their scale, nature, and location’

Policy PW TC2 Activities and uses in the Town Centre

- 7.21 This policy continues the approach in Policy PW TC1. Its focus is on town centre uses. Its approach is that the town centre’s retail provision should be enhanced to support the growth of the town. It comments that Use Class E commercial, business and services will be supported where it can be demonstrated that such proposals enhance community uses and add to a safe, vibrant, attractive street scene.
- 7.22 The policy also includes detailed sections on tourist and business traveller accommodation, town centre living and balanced/phased development.
- 7.23 I am satisfied that the policy takes a balanced approach to these matters within the context of the Plan’s wider ambitions for the town centre. In the round it acknowledges that successful town centres provide a range of retail and other commercial services and which, where appropriate, incorporate residential uses.
- 7.24 I recommend a series of modifications to bring the clarity required by the NPPF as follows:
- a detailed change to the wording in the second part of the policy;
 - a simplification of the fourth part of the policy so that it makes a clear distinction between the support for hotels in different parts of the town;
 - a simplification of the fifth and sixth parts of the policy. As submitted the two parts overlap. In addition, given that the policy relates to existing floorspace the reference to the scale of development is unnecessary;

- the deletion of the seventh part of the policy given that it is supporting text rather than policy.

In the second part of the policy replace ‘encouraged’ with ‘supported’

Replace the fourth part of the policy with:

‘Development proposals for small hotels and guest houses (Use Class C1), in the town centre and with good access to the railway station and Commercial Road will be supported.

Development proposals for small boutique hotels and guest houses within residential areas will be supported where they have no unacceptable impacts on the amenity of residential properties in the immediate locality and where appropriate levels of car parking can be provided.’

Replace the fifth and sixth part of the policy with:

‘Proposals for the use of upper floors of properties in the town centre for residential development (Use Class C3) will be supported where they do not reduce existing retail floorspace’

Delete the seventh part of the policy.

Reposition the deleted seventh part of the policy to the end of paragraph 5.29

Policy PW TC3 Paddock wood Railway Station

- 7.25 This policy comments about the railway station. It sets out that development that strengthens the role of the railway station, including its modernisation, as a gateway into Paddock Wood are encouraged. It also comments that proposals will be supported that respond positively to a series of criteria.
- 7.26 In its response to the clarification note PWTC confirmed that development proposals would not necessarily need to meet all the criteria listed in the policy. On this basis I recommend that the opening element of the policy is reconfigured to bring the clarity required by the NPPF. I also recommend that the fifth criterion (on the former Hop Pickers line) is separated from the main part of the policy and sits independently. Whilst it has a degree of overlap with the railway station, it would have a much greater geographical impact.

Replace the opening element of the policy with:

‘Development proposals which would strengthen the role of the railway station, as a gateway into Paddock Wood including its modernisation, and include any of the following matters will be supported:

Reposition criterion e so that it reads as a free-standing part of the policy to read: ‘Proposals to reinstate the route of the former Hop Pickers’ Line for pedestrians, cyclists and, horse riding will be supported.’

Policy PW TC4 Pedestrian and cycle bridges

- 7.27 This policy has a focus on the provision of pedestrian and cycle bridges over the railway line. It comments that new bridges will be provided across the railway line

alongside growth, including one in the town centre and two within growth areas to the edge of Paddock Wood. Bridges will be for the use of pedestrians and cyclists.

- 7.28 As submitted the purpose of the policy is unclear. It reads as an ambition (that bridges will be provided) rather than making any direct connection with the development process and the delivery of such infrastructure. Paragraph 5.42 provides a degree of context in advising that with future growth expected to increase the number of residents north of the railway line, as well as new employment opportunities, it is vital that the severance created by the railway line is broken through the provision of new bridges, allowing those in the north to access the town centre more easily, and those in the south to access the forthcoming employment areas in the north. It concludes by commenting that through the construction of bridges, Paddock Wood will become a more integrated and complete place to live and work for residents on both sides of the railway.
- 7.29 The policy has attracted commentary from both the development industry and TWBC.
- 7.30 I have considered the policy very carefully. As submitted it is very prescriptive. In addition, it relies on the implementation of the policies in the emerging Local Plan for future strategic growth in the town.
- 7.31 In all the circumstances I recommend that the policy is recast so that it takes on a supportive nature. This will provide a general context for the future development of any such bridges which may be required in the Plan period once the Local Plan has been adopted. I also recommend that the details of the policy should be applied in a flexible way based on the purpose and location of any bridge or bridges.
- 7.32 I also recommend that the second and third parts of the policy are deleted and repositioned into the supporting text given that they explain how the policy will be delivered rather than being land use policies.
- 7.33 I also recommend consequential modifications to the supporting text.

Replace the opening element of the first part of the policy with:

‘Proposals for new pedestrian and cycle bridges across the railway line will be supported. As appropriate to their location and purpose the bridges should:

Delete the second and third parts of the policy

In paragraph 5.43 replace ‘the delivery of’ with ‘the potential for the delivery of’

Delete paragraph 5.44

At the end of paragraph 5.45 add the contents of parts 2 and 3 of the policy

Policy PW TC5 Town Centre Car parking

- 7.34 This policy addresses a series of car parking issues. They include:
- the development of a multi-storey car park;
 - the relationship of such car parks with land uses to the south of the railway line;
 - specific access requirements for multi-storey car parks to the north of the railway line; and

- the design and accessibility required for new footbridges.

7.35 In general terms the policy takes a positive approach to this matter. I saw first-hand the pressure on car parking in and around the town centre.

7.36 I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF and that there is an appropriate separation between policy and supporting text as follows:

- the combination of the first and second parts of the policy in general and to highlight the specific support for a multi-storey car park which rationalised existing parking in the town centre;
- simplifying the third part of the policy and the repositioning of some of its elements to the supporting text; and
- the combination of the fourth, fifth and sixth parts of the policy.

Replace the first and second parts of the policy with:

‘Development proposals for a multi-storey car park within the Town Centre adjacent to the railway line will be supported. Proposals which would involve the rationalisation and reduction of existing surface parking spaces in the town centre will be particularly supported.’

Replace the third part of the policy with:

‘Proposals for a multi-storey car park to the south of the railway line should be wrapped with active retail, commercial and leisure uses at ground floor level and with doors and windows opening onto the street.’

Replace the fourth, fifth and sixth parts of the policy with:

‘Any proposals for a multi-storey car park to the north of the railway line should include a new footbridge across the railway line providing a connection with the town centre. The connection shall be accessible for all, incorporating, as appropriate, steps, ramps, lifts, and escalators that respond to the needs of the mobility impaired and create a welcoming experience for all arriving in the town centre. A new footbridge should have clear sightlines, and be accessible to all throughout the day. Where practicable and feasible, any footbridge should provide a second means of access to the railway station.’

At the end of paragraph 5.52 ADD: ‘Policy TC5 addresses this matter. The wrapping of the car park with active uses should be designed to break down the mass of the building, with the scale and rhythm of frontages informed by adjacent buildings.’

Policy PW G11 Access to Countryside

7.37 This policy seeks to ensure that there is access from the town into the surrounding countryside. It comments that where existing routes forming part of the public right of way network (including bridleways) run through proposed development sites, the route shall be retained and incorporated into the overall scheme. It also comments that such routes should be well-integrated within the development and designed wherever

possible to accommodate all types of non-motorised user, such that they are safe and attractive for all to use

- 7.38 The policy takes an appropriate approach to this matter. In places it overlaps with highways legislation. In this context I recommend the deletion of a sentence in the policy relating to the potential stopping up of footpaths.

Delete ‘The stopping up of these will not be permitted.’

Policy PW G12 Green Fingers

- 7.39 This policy continues the approach taken in Policy G11. It comments that proposals for the growth areas identified around Paddock Wood must include provision of green fingers that provide a connection between the countryside, new and existing areas of development. It also comments that the green fingers should also facilitate connections with villages surrounding Paddock Wood where appropriate, supporting movement by non-motorised modes.
- 7.40 In general terms the policy takes a positive approach to this important matter. A key feature of the town is its ready access to the surrounding countryside.
- 7.41 I recommend that the policy is recast so that it better expresses its intentions and brings the clarity required by the NPPF. The recommended modifications combine the various elements of the policy into clearer sections.
- 7.42 I recommend that the third part of the policy is deleted and repositioned into the supporting text. This reflects that it explains how the policy will be implemented.

Replace the policy with:

Proposals for major residential development growth areas on the edge of the town should include provision of green fingers within their master plans that provide a connection between the countryside, new and existing areas of development. Where appropriate the green fingers should also facilitate sustainable connections with villages surrounding Paddock Wood.

Green fingers should connect with routes within the built-up area that support walking and cycling movements, and horse riding where appropriate, and where the potential exists, to connect with existing green spaces and or provide new tree planting or landscaping within the street. The green fingers should provide for a range of green space typologies, including play space, natural and semi-natural space and provide walking and cycling routes that link through and across the green fingers. Wherever practicable, they should incorporate sustainable urban drainage systems and delivery of biodiversity net-gain.

The development edges of the green fingers should be overlooked by houses

At the end of paragraph 6.18 add:

‘The location of green fingers will be determined through the master planning process for the development of strategic sites included in the Local Plan. However, they should be located to connect with routes within the built-up area that support walking and cycling movements, and horse riding where appropriate, and where the potential exists

to connect with existing green spaces and or provide new tree planting or landscaping within the street.'

Policy PW G13 Biodiversity

- 7.43 This policy concentrates on biodiversity. It comments that development proposals should not result in any significant loss of natural assets, and should seek to enhance existing assets. It continues by commenting that where there is unavoidable loss or damage to habitats, sites or features because of exceptional circumstances, mitigation and compensation will be required. It also comments that development proposals which causes the loss of trees, hedgerows and woodland should include replacement of those assets within the site or, where this is demonstrated to not be practical, contribute to off-site provision.
- 7.44 The second part of the policy comments that development proposals should manage impacts on biodiversity and aim to secure a net biodiversity gain of 10% on-site, as demonstrated through use of the most up-to-date version of the Defra/Natural England biodiversity metric (or any successor document to this) and submission of a biodiversity net gain plan submitted as part of planning application material. Other parts of the policy comment about green infrastructure, wildlife corridors and landscaping proposals
- 7.45 In general terms I am satisfied that the policy takes a well-considered approach to this matter. Kent County Council suggests some detailed changes to the policy. Whilst they would improve the scope of the policy, they are not needed to ensure that the Plan meets the basic conditions.
- 7.46 I recommend a series of modifications to the policy to bring the clarity required by the NPPF. Their focus is on the wording used and to make an appropriate distinction between policy and the supporting text. The recommended deleted part of second part of the policy is already satisfactorily addressed in paragraph 6.26 of the Plan.

Replace the first part of the policy with:

'Development proposals should not result in any unacceptable loss of natural assets, and should seek to enhance existing natural assets wherever practicable. Where there is unavoidable loss or damage to habitats, sites or features appropriate mitigation and compensation will be required. Development which causes loss of trees, hedgerows and woodland should include replacement of those assets within the site or, where this is demonstrated not to be practicable, by way of off-site provision.'

Delete the final sentence of the second part of the policy.

Replace the third and fourth parts of the policy with:

'The incorporation of ecological enhancement features in new development, including those set out in paragraph 6.27, will be supported. Any enhancement measures proposed off-site should be located as close as possible to the development site and deliverable.'

Replace the fifth and sixth parts of the policy with:

‘Green infrastructure should provide permeability for wildlife through and around development sites and should be functional as wildlife habitat. The width of wildlife corridors should be proportionate to the requirements of target species and allow for movement of nocturnal wildlife. The impact of lighting and glare should be minimised. Landscaping proposals should use native species appropriate to the area wherever practicable’

Policy PW GI4 Flooding and Drainage

- 7.47 This policy comments about flooding. It includes different elements about the need for sustainable approaches to drainage. The approach in the policy is underpinned by detailed supporting text.
- 7.48 I recommend modifications to the policy to ensure that it has the clarity required by the NPPF. I recommend that the first part of the policy is deleted. As submitted it fails to have regard to the sequential approach set out in the NPPF and immediately proceeds to comment about mitigation measures that may be required in locations which may be a high risk from flooding.
- 7.49 I recommend detailed modification to the wording used in the second and third parts of the policy. I am satisfied that the fourth and fifth parts of the policy meets the basic conditions.
- 7.50 Finally I recommend that the sixth part of the policy is deleted and repositioned to the supporting text. This acknowledges that the issues raised comment about sustainable drainage should be implemented rather than expressing a land use policy.

Delete the first part of the policy

Replace the second part of the policy with: ‘Development proposals including roads and paths should increase flood resilience in the immediate locality and incorporate permeable surfacing material for parking areas, hard-standing areas, and paths where it is practicable to do so.’

Replace the third part of the policy with: ‘Sustainable drainage systems within the public realm should be designed to be an integral part of the green infrastructure and street network, and respond positively to the character of the area.’

Delete the sixth part of the policy.

At the end of paragraph 6.37 add the deleted sixth part of the policy

Policy PW GI5 Local Green Spaces

- 7.51 The policy proposes the designation of two local green spaces (LGSs). The process followed and the details of the proposed LGSs are set out in Appendix A.

- 7.52 The supporting text comments that the two proposed LGSs are in addition to those proposed in the emerging Local Plan. This is an entirely appropriate approach. Paragraph 6.44 also comments that if progress on the new Local Plan is delayed, all proposed Local Green Space designations identified in that will be carried into the Neighbourhood Plan. Whilst I can understand the approach proposed it is not possible to transpose such designations from one plan to another. In this eventuality PWTC's options would be either to undertake a review of a made neighbourhood plan or (more simply) to await the eventual adoption of the Local Plan.
- 7.53 I looked at the proposed LGSs during the visit. Based on all the information available to me, including my own observations, I am satisfied that the two proposed LGSs comfortably comply with the three tests in paragraph 102 of the NPPF.
- 7.54 I am also satisfied that the proposed designation of the LGSs would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.55 The policy element generally seeks to follow the approach in paragraph 103 of the NPPF. Nevertheless, it goes well beyond the matter-of-fact approach in the NPPF. I recommend that the policy is modified so that it takes the approach in national policy. TWBC will have the opportunity to come to its own decision on proposals which may come forward on the LGSs in the Plan period. In this context I recommend the inclusion of an additional paragraph of supporting text to explain this matter.
- 7.56 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace parts 2 to 5 of the policy with:

‘Development proposals within the designated local green spaces will only be supported in very special circumstances’

At the end of paragraph 6.43 add: ‘Policy GI5 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the Borough Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy.’

Policy PW GI6 New Green Spaces

- 7.57 This policy focuses on green spaces within new developments and other existing green spaces.

7.58 On the former it comments that development of a scale that triggers provision of new, public green space should be provided in line with standards established by TWBC and that the design of this space should reflect the principles established in the Paddock Wood Design Code. On the latter it comments that development that contributes to the enhancement of existing green spaces for recreation, including indoor and outdoor facilities, and proposals which would create areas for community activities, such as barbeque and seating facilities, will be supported.

7.59 The policy has been well considered. It meets the basic conditions.
Policy PW GI7 Allotments

7.60 This policy comments about allotments. It has two related parts. The first comments that the loss of allotments at Kent Close, Ringden and Badsell Road will be resisted and that development proposals that contribute to the improvement of these spaces will be supported. The second comments that the provision of communal outdoor space for residents, potentially including areas for self-managed allotments or garden land in new developments of ten or more homes will be actively encouraged, wherever possible and viable.

7.61 I recommend that the policy is recast so that it makes a distinction between the type of development which will or will not be supported. In the second part of the policy, I recommend that the element about the management of communal spaces is repositioned into the supporting text as it is not a land use matter.

Replace the policy with:

‘Development proposals that contribute to the improvement of allotments at Kent Close, Ringden and Badsell Road will be supported.

Development proposals which would involve the loss of the allotments at Kent Close, Ringden and Badsell Road will be not supported.

Proposals which include the provision of communal outdoor space for residents, potentially including areas for self-managed allotments or garden land in new developments of ten or more homes will be supported.’

At the end of paragraph 6.51 add: ‘The third part of Policy GI7 comments about communal outdoor space. Where such spaces are delivered, the Town Council expects that they should be positively managed.’

Policy PW GI8 New Garden Developments

7.62 This policy sets out a specific approach towards proposed new homes in the gardens of existing residential properties. Whilst the approach taken is generally appropriate, I recommend that it is reconfigured to bring the clarity required by the NPPF. The recommended modifications do not alter the fundamental intentions of the policy.

Replace the policy with:

‘Development proposals in back gardens should protect and enhance biodiversity, existing trees, shrubs, and hedges. Proposals which have an unacceptable impact on biodiversity will not be supported.’

Policy PW GI9 Burial Space

- 7.63 This policy sets out the Plan's approach to new burial facilities. It identifies a series of criteria with which any such proposals should comply. It also comments about locations which would not be acceptable for such facilities.
- 7.64 I recommend modifications to the policy so that it identifies criteria for such sites rather than identifying where they should not be located. Otherwise, the policy meets the basic conditions.

Replace the policy with:

'Development proposals for the provision of a cemetery and or natural burial site will be supported where they:

- **avoid areas of medium or high flood risk; and**
- **provide a sense of tranquillity and ecological value.'**

Policy PW HD1 Design

- 7.65 This policy is an important component of the Plan. It sets out PWTC's approach to design.
- 7.66 The first part of the policy comments that new development in the neighbourhood area shall contribute to the creation of high-quality places through a design-led approach to development underpinned by good practice principles and reflecting through a site appraisal. It continues by commenting that development proposals should respond to guidance and best practice principles set out in the Paddock Wood Design Guidelines and Code. The second part of the policy sets out a series of local design criteria.
- 7.67 In its response to the clarification note PWTC helpfully clarified that the policy was intended to apply both generally throughout the neighbourhood area and to strategic sites which may be included in the (currently emerging) Local Plan. I recommend that the supporting text addresses this matter and the way in which this policy and the Design Guidelines and Code would be used to help develop a master plan for strategic sites which may come forward in the Plan period.
- 7.68 In the round the policy is an excellent local response to Section 12 of the NPPF. It is underpinned by the excellent Design Code. I recommend the following modifications to the policy so that it would have the clarity required by the NPPF:
- detailed modifications to the wording used in the first part of the policy;
 - ensuring that the criteria in the second part of the policy can be applied in a proportionate fashion based on the scale and significance of the site concerned; and
 - making a clear distinction between policy and supporting text in relation to the approach taken to innovative designs (in the third part of the policy), and to avoid the repletion of the supporting text in the Plan in the policy itself.
- 7.69 I also recommend that the supporting text clarifies the off-street car parking issue and its relationship with landscaping.

Replace the first part of the policy with:

‘Development proposals should contribute to the creation of high-quality places through a design-led approach underpinned by good practice principles and reflecting a thorough understanding and appraisal on the site concerned. Proposals should respond to guidance and best practice principles set out in the Paddock Wood Design Guidelines and Code.’

Replace the opening element of the second part of the policy with: ‘As appropriate to their scale, nature and location development proposals should:’

Replace the third part of the policy with: ‘Proposals which would represent innovation in design and would leave a positive architectural legacy will be supported.’

At the end of paragraph 7.9 add: ‘Policy HD1 has been designed to have a universal effect in the neighbourhood area. The second part of the policy acknowledges that it will need to be applied on a proportionate basis. Proposals for strategic development should use the principles in the policy and the information in the Design Guidelines and Code to inform the preparation of their master plans.’

At the end of paragraph 7.12 add: ‘Criterion e of the policy comments about the potential relationship between car parking and landscaping. Plainly such proposals need to be designed carefully to meet car parking standards and visibility requirements on the one hand and the need for parking spaces to be sensitively incorporated within the overall landscaping proposals for the site concerned on the other hand. In this context developers are encouraged to engage with both the Borough Council and the County Council before submitting planning applications.’

At the end of paragraph 7.14 add: ‘This includes alternative models of housing and development, including modular, prefabricated and ‘tiny homes. Demonstration of how best practice in design and placemaking will be achieved should be set out through submission of a Building for Healthy Life assessment (or later equivalent) where appropriate.’

Policy PW HD2 Local Heritage Assets

- 7.70 This policy identifies three local heritage assets (Wesley Centre, the historic railway, and the Old Closed Churchyard).
- 7.71 I am satisfied that the first part of the policy meets the basic conditions. The local assets have been carefully identified and have not attracted any negative comments. They help to describe the heritage, character, and initial function of the town.
- 7.72 I recommend that the second and third parts of the policy are deleted. The second comments about a future event which is appropriately described in paragraph 7.31 of the Plan. The third comments about a process matter which is appropriately described in paragraph 7.22 of the Plan.

Delete the second and third parts of the policy.

Policy PW HD3 Low and Zero Carbon Development

- 7.73 This policy takes a very comprehensive approach on proposed low and zero carbon developments. The first part of the policy comments that new homes within the growth areas around Paddock Wood will be supported where they are designed as Low or Zero Carbon buildings, being 'Future Homes Standard ready', reflecting Passivhaus standards or similar. The second part of the policy comments that housebuilders are encouraged to register for assessment under the Home Quality Mark. This is intended to show how resource efficiencies and climate change adaptation measures will be incorporated through aspects such as the layout of the proposed development, orientation, massing, landscaping, and building materials. It also comments that developers should demonstrate they have taken reasonable steps to achieve zero carbon in construction methods and sourcing of materials.
- 7.74 The third part of the policy comments that the retrofitting of existing properties is encouraged and any alterations that are carried out must be designed with energy reduction in mind and that the retrofitting of historic buildings and heritage assets must safeguard the special characteristics of these assets. The fourth part of the policy sets out a series of sustainability and energy efficiency criteria which all new development is encouraged to apply. The fourth part of the policy also sets out a series of sustainability and energy efficiency criteria which all new development is encouraged to apply.
- 7.75 The policy takes a positive approach to this important matter. Given the potential scale of new development in the Plan period its significance is self-evident.
- 7.76 I recommend that the first part of the policy does not specifically refer to Passivhaus technology. Such an approach is very impressive in technical terms. However other similar technologies may arise in the Plan period. In addition, the Written Ministerial Statement of March 2015 is clear that neighbourhood plans should not impose specific energy requirements on new dwellings. I am however satisfied that the illustrative information on Passivhaus technology in the supporting text can remain. I also recommend that the initial two criteria are combined as they address overlapping issues.
- 7.77 I recommend the deletion of the second part of the policy. It signposts developers to specific standards rather than functioning as a land use policy. In any event that matter is already addressed in paragraph 7.36.
- 7.78 I recommend detailed modifications to the wording used in the third part of the policy so that they will have the clarity required by the NPPF.
- 7.79 Finally I recommend detailed modifications to the wording of the fourth part of the policy so that it can be applied on a proportionate basis.

Replace the opening element of the first part of the policy with:

'Proposals for strategic housing development will be supported where they are designed as Low or Zero Carbon buildings, and are 'Future Homes Standard' ready. Where practicable and viable:'

Combine criteria a and b into a single criterion (and apply a revised letter sequencing to the remainder accordingly).

Delete the second part of the policy.

In the third part of the policy replace ‘encouraged’ with ‘supported’ and ‘must’ with ‘should’ (in the first sentence) and ‘must’ with ‘should’ (in the second sentence)

Replace the opening element of the fourth part of the policy with:

‘As appropriate to their scale, nature and location new developments should include:’

Policy PW SR1 Putlands

- 7.80 Policies SR1 and SR2 address sports and recreation provision in the neighbourhood area. Policy SR1 comments about the existing facility at Putlands. Policy SR2 comments more generally about new provision in the town. TWBC and PWTC have different views on the latter policy and the future delivery of new sporting provision in the town. I address each policy in turn and recommend a related package of recommended modifications.
- 7.81 Policy SR1 offers support to proposals that seek to improve and expand sports facilities for all ages at the Putlands Sports and Leisure Centre, including the addition of a swimming pool and upgrades to the athletics track and associated facilities. It also comments that any changes to the sports centre and grounds must incorporate elements of flexibility so that spaces can adapt to changes in preference and need, as well as the requirements of different age groups. The policy also comments that where changes involve new development, either by way of extension or replacement buildings, these must minimise loss of mature trees on site and impact on existing outdoor sports facilities. Finally part the third part of the policy comments that the scale and siting of development shall not have a significant impact on the local living environment and the amenities of adjacent residential properties.
- 7.82 I am satisfied that this policy is self-contained. It is a supporting policy which provides the potential for the existing facility at Putlands to be extended and modified. It makes no wider commentary on the overall location of sport and recreation facilities in the town.
- 7.83 I recommend a series of modifications to the policy so that it will have the clarity required by the NPPF. The approach taken recommends detailed modifications to the wording of the first, third and fourth parts of the policy and the repositioning of the second and fifth parts of the policy into the supporting text. This acknowledges that the second and fifth parts of the policy explain the way in which the wider principles will be implemented rather than being land use policies.

Replace the policy with:

‘Development proposals to improve and/or expand sports facilities for all ages at the Putlands Sports and Leisure Centre, including the addition of a swimming pool and upgrades to the athletics track and associated facilities will be supported.

Proposals which incorporate an extension of the existing Centre or replacement buildings should minimise the loss of mature trees on site and the potential

impact on existing outdoor sports facilities. The scale and siting of new development should not have an unacceptable impact on the character of the local environment and the amenities of residential properties in the immediate locality.

Development proposals should incorporate cycle parking, facilities with cycle routes between the main point of access and sports centre buildings and appropriate levels of car parking.'

At the end of paragraph 8.7 add: 'New indoor sporting and recreational proposals at the Putlands Centre should cater for the needs of people with a disability. The impact of any sporting and recreational proposal upon the needs of people with a disability, along with any required enhancement measures, should be specified in a Design and Access Statement, submitted with the planning application.'

At the end of paragraph 8.12 add: 'Any changes to the sports centre and grounds should incorporate elements of flexibility so that spaces can adapt to changes in preference and need, as well as the requirements of different age groups.'

Policy PW SR2 Outdoor Sports Hub

- 7.84 This policy offers support for proposals that seek to create a hub for outdoor sports for all ages, including team sports and other activities, with space for future expansion. It comments that the new hub and associated playing pitches must incorporate elements of flexibility such as a 3G pitch, so that pitches can adapt to changes in preference, activity and need. Proposals must include on-site changing facilities, toilets, and a café or bar. It also comments that proposals for co-location with primary school facilities may be considered appropriate where it can be demonstrated that public access to the facilities can be provided throughout the year, including during school holidays.
- 7.85 The policy comments that PWTC's preferred location for an outdoor sports hub is land to the north of Eastlands Lane off Maidstone Road.
- 7.86 Both TWBC and PWTC responded to the clarification note on this matter. The difference of opinion on the future location of a new sports hub in the neighbourhood area remains. It was also an issue which has been pursued by TWBC in the emerging Local Plan. The current position is conveniently summarised in TWBC's response as follows:

'As the Borough Council has responded within its Regulation 16 representation, it is acknowledged that the proposed location of the proposed sports hub (as part of Submission Local Plan Policy STR/SS1) is an uncommon ground between the Borough Council and the Town Council. As the Town Council have noted within their response to the NDP Examiner's Clarification Note, the Local Plan Inspector's initial letter has been received but at present does not raise the matter relating to the location of sports facilities. The Borough Council has outlined its justification for considering the proposed location in the south-western parcel of the allocation to be most appropriate within its Regulation 16 representation.'

The National Planning Policy Framework is clear that Neighbourhood Plans should support, and be in general conformity with, the delivery of strategic policies contained in the adopted Development Plan (see commentary above), while noting that this does

not specifically relate to emerging Plans. The Planning Practice Guidance, however, is clear that conflicts between policies in the NDP and emerging Local Plan are minimised. Therefore, while both plans are 'emerging' and not yet part of the adopted Development Plan, the conflicting preferences referred to above do not currently offer clarity to developers or other users of the Plan of the preferred approach and thus remains unresolved. Given the above, should the Paddock Wood NDP be adopted prior to the emerging Local Plan, it would not be considered appropriate to have a differing approach to one that is part of a strategic policy within the emerging Local Plan. As suggested, an appropriate approach may therefore be to remove the direct reference to the Town Council's preferred site from Policy SR2. An explanation of the Town Council's preferred siting may be more suitably located within the supporting text while making reference to the Borough Council's position.'

- 7.87 PWTC's response to the clarification note reinforced its view that a site off Eastlands Lane off Maidstone Road would be the best location for a new sports hub. The Plan comments that locating the outdoor sports hub north of the railway will bring better balance to the distribution of sports and recreation facilities across Paddock Wood given that the Putlands Leisure Centre, Memorial Park, Mascalls Academy, St. Andrews Field, Green Lane, and the Elm Tree are all located in the south of the town) and will provide access to all households (either established or which will arise through strategic growth in the Plan period).
- 7.88 I have considered this matter very carefully. On the balance of the evidence, I recommend that the policy is recast so that it is general in nature and that PWTC's site preference is repositioned to the supporting text. This approach reflects two related matters. The first is that the Plan offers no certainty or delivery mechanism for its preferred site. The second is that Planning Practice Guidance ID: 41-009-20190509 requires that an emerging neighbourhood plan should seek to ensure that it will be compatible with proposals in an emerging local plan. I also recommend that the reference in this policy to the existing facility at Putlands is deleted. That site is addressed in the preceding policy in the Plan (Policy SR1) and it would not be practicable to implement the approach intended in the policy through the development management process.
- 7.89 I recommend that the supporting text draws attention to the emerging Local Plan and the opportunities which will exist for PWTC to revisit any made neighbourhood plan once the Local Plan has been adopted.
- 7.90 As with Policy SR1 I also recommend that elements of the policy are repositioned into the supporting text where they are not already addressed.

Replace the policy with:

'Proposals for a hub for outdoor sports for all ages, including team sports and other activities will be supported. The new hub and associated playing pitches should include on-site changing facilities, toilets, and a café / bar.

The hub should incorporate secure cycle parking facilities with cycle routes provided between the main point of access and sports centre buildings and appropriate levels of car parking.'

Replace paragraphs 8.15 and 8.16 with:

‘The Town Council’s preferred site for a sports hub is opposite Baxalls along Eastlands Lane and off Maidstone Road. This is based on its proximity to public transport and walking routes, enabling access via bus, rail and on foot. In addition, locating the outdoor sports hub north of the railway will bring better balance to the distribution of sports and recreation facilities across Paddock Wood (with Putlands Leisure Centre, Memorial Park, Mascalls Academy, St. Andrews Field, Green Lane, and the Elm Tree all located in the south), such that all residents, existing and new, are within access of these. A location north of the railway line will also cater for those who travel into Paddock Wood from surrounding settlements, both by rail and car. The emerging Local Plan proposes a new sports hub in the south-western corner of the strategic site (Policy STR/SS1) to the north and west of the town.

On this basis Policy SR2 takes a general approach to this matter. Once the emerging Local Plan has been adopted the Town Council will have the opportunity to assess the need to review the approach taken in the policy.’

At the end of paragraph 8.17 add:

‘All new indoor sporting and recreational proposals in Paddock Wood should cater for the needs of people with a disability. The impact of any sporting and recreational proposal upon the needs of people with a disability, along with any required enhancement measures, should be specified in a Design and Access Statement, submitted with the relevant planning application.’

Policy PW AM1 Active Travel

- 7.91 This policy comments about active travel. Its principal approach is that development proposals should enable active travel through delivery of new walking and cycling routes, and or improvements to existing routes. It also comments that proposals that improve and extend the bridleway network will also be supported.
- 7.92 The policy continues in commenting that where new walking and cycling routes are provided, they must be direct, safe, comfortable, and convenient to use, and that the layout of proposed development should allow for natural surveillance of routes through overlooking with active development frontages. It also comments that new routes, including those emerging from the new growth areas, must integrate with the existing network where possible, ensuring connectivity between the new and old.
- 7.93 The general approach taken in the policy positively sets the scene for sustainable travel. I recommend a series of modifications so that the policy will have the clarity required by the NPPF. In the third part of the policy, I recommend the deletion of the final sentence which relates to the connection between footpaths developed in the neighbourhood area to surrounding villages. Plainly such an approach would be appropriate. However, a neighbourhood plan can only comment about development proposals in the defined neighbourhood area.

In the third part of the policy delete ‘Encouragement is also givenvillages’

In the fifth part of the policy replace ‘possible’ with ‘practicable’

In the sixth part of the policy replace ‘are encouraged to’ with ‘should’

Replace the seventh part of the policy with: ‘Development proposals which would result in the loss of existing walking or cycling routes, or reduce the capacity of that infrastructure will not be supported’

Policy PW AM2 Street Hierarchy

- 7.94 This policy focuses on the street hierarchy for new development proposals in the town. It comments that proposals for land within the growth areas to the north, east and west of Paddock Wood must be based around a permeable street network that is safe for people to travel around by foot and by bicycle. It also comments that a hierarchy of streets shall be integrated within the growth areas and details of these should accompany planning application material and that street design should respond to guidance illustrated in the Paddock Wood Design Guidelines and Code. It includes a series of criteria for street design.
- 7.95 The policy has been designed for the specific growth areas set out in the emerging Local Plan. Given the comments in paragraphs 7.14 to 7.16 of this report I recommend that the policy adopts a more general format which relates more widely to residential development.
- 7.96 In this context I recommend the following package of modifications:
- combining the first and second parts of the policy;
 - ensuring that the third part of the policy can be applied on a proportionate basis;
 - to simplify the details in criterion e (on safe pedestrian and cycle access to schools) and to complement paragraph 9.17 of the supporting text.

Replace ‘Proposals for land within the growth areas to the north, east and west of Paddock Wood must’ with ‘Proposals for new residential development should’

At the end of the first part of the policy add: ‘Development proposals should incorporate a hierarchy of streets into their layouts and designs.’

Delete the second part of the policy

At the beginning of the third part of the policy add: ‘As appropriate to their scale, nature, and location’

Replace criterion e with: ‘The street network should be designed to incorporate safe routes to school for pedestrians and cyclists. ‘

Policy PW AM3 Public Transport

- 7.97 This policy sets out the Plan’s approach to public transport and how development proposals should be pursued in a sustainable way. It comments that proposals for development should respond to the need to reduce the generation of road traffic and help reduce air and noise pollution. The policy continues by commenting that development should, where appropriate to the scale of proposals, incorporate sustainable public transport measures, including new bus routing, new or improved waiting facilities, and or accessibility to services. Finally, it comments that proposals that support provision of improved bus services between new growth areas, the railway station and town centre will be encouraged.

- 7.98 The policy has been designed for the specific growth areas set out in the emerging Local Plan. Given the comments in paragraphs 7.14 to 7.16 of this report I recommend that the policy adopts a more general format which relates more widely to residential development.
- 7.99 I recommend the deletion of the second part of the policy. It is largely addressed in the recommended modifications to paragraph 9.20.

In the first part of the policy replace ‘encouraged’ with ‘supported’

Delete the second part of the policy

Replace paragraph 9.20 with:

‘Given the potential for significant residential development in Paddock Wood arising from the emerging Local Plan, there is likely to be a particular need for the delivery of new bus routes that connect new growth areas to the existing town centre and wider neighbourhoods. In these circumstances new routes within strategic residential developments should incorporate sustainable, safe, and effective supporting infrastructure. Where it is practicable to do so, bus stops should be located such that they are within walking distance (400m) of all residents and have sheltered waiting facilities with real-time updates on bus times.’

Policy PW AM4 Parking in New Residential Development

- 7.100 This policy continues the approach taken in the other policies on active movement. It comments that where parking is provided within the proposed development it should be unobtrusive. It identifies a series of key principles for integrating parking based on the Paddock Wood Design Guidelines and Code. In detail it comments that parking provision should be designed in relation to street hierarchy and circulation plans to support creation of walking and cycle friendly streets with low volumes of traffic within residential areas and which minimises through traffic.
- 7.101 TWBC raises the issue of the potential conflict between parking standards currently operated by Kent County Council (in its capacity as the highways authority) and those proposed in the emerging Local Plan. In order to remedy this potential conflict, I recommend that the fourth part of the policy is deleted. As submitted it adds no value beyond the parking standards currently applied by the County Council. This approach will also allow the revised parking standards to be applied once the Local Plan has been adopted.
- 7.102 I also recommend a detailed modification to the fifth part of the policy to ensure that it can be applied in a reasonable and proportionate way in the Plan period and to take account of site-specific circumstances.

Delete the fourth part of the policy.

Replace the fifth part of the policy with:

‘Permeable surfacing materials should be used for parking areas, hard-standing areas, and paths where it is practicable and safe to do so.’

Policy PW AM5 E-vehicles and new transport solutions

- 7.103 This policy seeks to future proof the neighbourhood area as the sale of internal combustion engines ceases in 2030. It comments that proposals for communal e-vehicle charging points and shared mobility infrastructure within the public realm are encouraged and that this should include opportunities for micro-mobility solutions. It also comments that such infrastructure should be located sensitively to ensure that there are no harmful impacts upon pedestrian circulation or the immediate appearance of the street scene and wider townscape.
- 7.104 The second part of the policy comments that wherever possible, EV-charging infrastructure, such as cabling, should be provided in such a way that it can be expanded in the future to provide additional charging points. It also comments that opportunities should also be explored to integrate charging points with renewable energy sources.
- 7.105 In general terms the policy meets the basic conditions. I recommend detailed modifications to the wording used so that the policy has the clarity required by the NPPF.

In the first part of the policy replace ‘are encouraged’ with ‘will be supported’

In the second part of the policy replace ‘possible’ with ‘practicable’

Policy PW HI1 Housing Type and Mix

- 7.106 This policy focuses on housing type and mix. It comments that new residential development within the growth areas should provide a mix of housing types and tenures in line with the Local Plan requirements. The policy comments that proposals for innovative housing types that meet local needs and affordability, including modular and prefabricated homes, are encouraged. It also offers support to development proposals which include the provision of housing suitable for older residents.
- 7.107 The policy has a hybrid format. The first part essentially reinforces the approach to the development of strategic sites as identified in the emerging Local Plan. The second and third parts provide support to specific types of housing development. The third part has a specific focus on the needs of elderly people.
- 7.108 Within the context of the approach taken in paragraphs 7.14 to 7.16 I recommend that the wording in the policy and the supporting text becomes more general rather than specific to a particular site.
- 7.109 I recommend that the first part of the policy is simplified so that it draws attention to the emerging Local Plan but does not repeat the details in the relevant policies. This approach removes any reference to PWTC’s expectation for the delivery of First Homes. As highlighted by TWBC and the development industry, the expectations included in the policy do not meet the basic conditions. I also recommend detailed modifications to the wording of the second and third parts of the policy so that they have the clarity required by the NPPF.
- 7.110 I recommend consequential modifications to the supporting text.

Replace the first part of the policy with:

‘Proposed residential development within strategic growth areas should provide a mix of housing types and tenures in accordance with the requirements in the Local Plan.’

Replace the second part of the policy with:

‘Proposals for innovative housing types that meet local needs and affordability, including modular and prefabricated homes, will be supported.’

Replace the opening component of the third part of the policy with:

‘Development proposals which include the provision of housing suitable for older residents, including bungalows, supported, and sheltered housing, and independent living will be supported. Wherever practicable housing designed for an ageing population should be.’

Delete paragraph 10.7

Policy PW HI2 Long-life, loose-fit housing

- 7.111 This policy takes an innovate approach to ensure that new houses are capable of meeting changes in society and living patterns throughout the Plan period. It comments that proposals for new loose-fit, flexible residential typologies that respond to changing lifestyles, demographic life cycles and working patterns will be supported. This includes the ability for people to work at home separate from the main living space, as well as opportunities for multi-generation homes that enable part of the home to be subdivided as a separate stand-alone unit with its own entrance, or where an annex can be provided, allowing older children and elderly family members to live independently.
- 7.112 In general terms the policy sets out a good approach to this matter. I recommend a modification to the second part of the policy as internal floor layouts cannot be directly controlled through planning legislation.

Replace the second part of the policy with: ‘Proposals for live/work accommodation will be supported.’

Policy PW HI3 Self and custom build housing

- 7.113 This policy seeks to respond positively to the national approach towards self-build and custom build housing. It comments that the provision of plots for self and custom build homes will be supported. It comments that proposals for growth areas around the town are encouraged to make provision for self and custom build, with the location of the plots determined through the detailed master planning for those areas.
- 7.114 As submitted the policy conflates a general approach on self-build homes with the specific approach taken in the emerging Local Plan to the development of strategic housing sites in the neighbourhood area. The general approach brings no added value to the national and Borough wide policies on this matter. In addition, the policy’s approach to the delivery of self-build or custom homes has not been tested for its impact on the development of such sites. As such the policy does not meet the basic conditions and I recommend that it is deleted along with the supporting text.

Delete the policy

Delete paragraphs

Policy PW HI4 Housing Density and heights

- 7.115 This policy concentrates on housing density. Its approach is that development proposals shall make the most effective and efficient use of land. It comments that proposals for development in the existing built-up area shall respond to the built form and development densities within the vicinity of the site, with higher density developments supported within and close to the town centre.
- 7.116 Within the growth areas, the policy comments that the net average density of development shall be in a range between 30 – 50 homes per hectare, with the highest densities found in new local centres and in close proximity to public transport services, and where residential development might be mixed with other complementary uses. Buildings of two-three storeys are appropriate within areas of growth outside the existing urban area.
- 7.117 I recommend detailed modifications to the wording used in the policy so that it will have the clarity required by the NPPF. Otherwise, it meets the basic conditions and will assist in securing new development which makes the best use of urban land or on sites allocated for development.

In the first part of the policy replace ‘Development shall’ with ‘Development proposals should’

In the second and third parts of the policy replace the various uses of ‘shall’ with ‘should’

Policy PW HI5 Local centres within growth areas

- 7.118 This policy seeks to secure the long-term sustainability of new residential development in the town. It comments that the three main areas of growth and expansion around Paddock Wood will include provision of a new local or neighbourhood centre. It also comments that the location of these will be determined through the master planning process. The policy sets out a series of detailed considerations which local centres should address and incorporate.
- 7.119 The policy has attracted representations from the development industry and from TWBC. In summary they comment that the submitted policy is at odds with Policy STR/SS1 of the emerging Local Plan and that the nature and location of local centres will be managed through the various master planning processes.
- 7.120 I have considered this matter carefully and in the context of paragraphs 7.14 to 7.16 of this report. Plainly the policy seeks to add value to the policies in the emerging Local Plan. However, its approach is at odds with the approach in STR/SS1 and without detailed evidence or justification. In these circumstances I recommend that the policy and the associated supporting text is deleted. Once the Local Plan has been adopted PWTC will have the opportunity to assess if it wishes to review the Plan to provide more detailed information and/or policy guidance on this matter.

Delete the policy

Delete paragraphs 10.25 to 10.36

Policy PW HI6 Social and community facilities

- 7.121 This policy continues the approach taken in the previous policy. In this case its focus is on social and community facilities. It has two distinctive elements. The first and second parts of the policy comment on social facilities in the proposed growth areas. The third and fourth parts of the policy comment more generally about new facilities throughout the neighbourhood area.
- 7.122 As with Policy HI5, I recommend that the elements of the policy which relate to the growth areas are deleted.
- 7.123 I recommend detailed modification to the wording of the third part of the policy so that it has the clarity required by the NPPF. The modifications focus in two main areas. The first introduces a proportionate approach in acknowledging that not all proposals will directly impact on the full range of criteria in the policy. The second breaks the various criteria into self-contained areas and provides the clarity required by the NPPF.
- 7.124 The list of specific proposals which will be supported is helpful. However, I recommend that it is repositioned into the supporting text given that its primary purpose is to explain the type of proposals to which the policy would relate.

Replace the policy with:

‘As appropriate to their particular purpose, proposals for new social and community facilities (including replacement of existing facilities) will be supported where they:

- **provide flexible space that can be used for a variety of community uses and which can be adapted over time;**
- **are in locations that provide opportunities to promote walking, cycling and use of public transport;**
- **incorporate safe and secure cycle parking provision;**
- **respond positively to the character of their immediate locality in accordance with design policies in the development plan; and**
- **strengthen the cultural, social, and sporting offer for existing and new residents in Paddock Wood, and visitors to the town.**

At the end of paragraph 10.38 add: ‘The detailed delivery of these facilities will be addressed in the emerging Local Plan.’

At the end paragraph 10.45 add the deleted fourth part of the submitted policy.

Policy PW HI7 Commercial and employment premises

- 7.125 This policy seeks to promote new commercial development. It comments that encouragement will be given to proposals that maximise opportunities to access employment and development, including suitable premises for micro and start-up businesses such as flexible working spaces. It comments that support will also be given to proposals for research and development services (Use Class E) to encourage growth of the knowledge economy sector.

- 7.126 The policy takes a positive approach to this matter. In order to bring the clarity required by the NPPF I recommend that the first and second parts of the policy are modified, simplified, and combined. I also recommend consequential modification to the wording of the second part of the policy.

Replace the first and second parts of the policy with:

‘Development proposals which maximise opportunities to access employment and development, including suitable premises for micro and start-up businesses and research and development services will be supported.’

Replace the opening element of the third part of the policy (as submitted) with:

‘Proposals for new employment opportunities should ensure that:’

Policy PW HI8 Community Energy Generation

- 7.127 This policy comments that proposals for individual and community-led initiatives involving the generation of energy from hydro-electricity, solar photovoltaic and other technologies, as appropriate, will be supported where they meet a series of criteria.
- 7.128 The policy has been well considered and is general in its application. It meets the basic conditions.

Projects

- 7.129 The Plan includes a series of non-land use Projects/Community Aspirations. They have naturally arisen during the production of the Plan. In general terms, the projects are both appropriate and distinctive to the neighbourhood area.
- 7.130 The Actions are included on a topic-by-topic basis with the relevant land use policies rather than in a separate section as recommended in national policy. I have considered this matter very carefully. On balance I am satisfied that the approach taken is appropriate. I have reached this conclusion for three related reasons. The first is that they complement the associated land use policies. The second is that they are distinguished from the policies by their format and colour presentation. The third is that the approach positively contributes to the overall legibility of the Plan.

Monitoring

- 7.132 Paragraph 1.18 of the Plan comments about monitoring in a general way. Given the sensitive relationship between the neighbourhood plan and the emerging Local Plan, I recommend that the Plan comments in further detail on this matter. There is no legal requirement for a qualifying body to review a made Plan, and the examiner does not have the ability to recommend such a course of action. Nevertheless, I recommend that the Plan addresses the importance of PWTC taking a decision on the need or otherwise for any made Plan to be reviewed once the Local Plan has been adopted. Such an approach overlaps with other related recommended modifications included in this report.

Add new paragraphs after 1.18 to read:

'The adoption of the emerging Local Plan will be an important landmark for the neighbourhood plan. It will bring clarity on the way in which strategic growth in the town will be delivered. The Council will consider the need or otherwise for any made neighbourhood plan to be reviewed within six months of the adoption of the Local Plan.'

The Council will also monitor the way in which the Plan is influencing planning decisions in the neighbourhood area. It will also consider the need to review specific policies which may not be delivering in the way intended.'

Other Matters - General

- 7.133 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for TWBC and PWTC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

- 7.134 TWBC has made several general comments on the Plan. I have found them very helpful as part of the examination process. Similarly, PWTC's responses to the comments have also been helpful.
- 7.135 In several cases, the TWBC comments have been incorporated into the relevant policies addressed elsewhere in this report. In addition, I recommend modifications to the following general sections of the Plan where they are necessary to ensure that it meets the basic conditions:

Throughout the Plan ensure that the references to the emerging Local Plan use the wording 'Submission Local Plan'.

Ensure that all photographs include a label.

In Section 2 use the most up to date maps from the emerging Local Plan.

At the end of paragraph 2.7 add: 'For clarity the policies in this Plan apply only within the neighbourhood area as shown in Figure 1. In some cases, the policies overlap with strategic policies in the emerging Local Plan which apply both within the neighbourhood area and within adjacent parishes.'

In Figure 4 revise the number of homes for Mascalls Farm from 415 to 413.

In paragraph 5.2 update the reference to the Study from 2017 to 2021.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2038. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Paddock Wood Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended some modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report, I recommend to Tunbridge Wells Borough Council that subject to the incorporation of the modifications set out in this report that the Paddock Wood Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the Borough Council on 6 February 2014.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
16 March 2023