

CAPEL PARISH



Neighbourhood Plan 2022 – 2038

Basic Conditions Statement

August 2023

Contents

1. Introduction	3
2. Basic condition (i) - conformity with national planning policy.....	6
3. Basic condition (iv) - contribution to sustainable development	15
4 Basic condition (v) - general conformity with the strategic policies of the development plan	19
5 Basic Condition (vi) - conformity with EU obligations	24
6 Basic condition (vii) - conformity with the prescribed conditions	24
7 Conclusion	25

1. Introduction

- 1.1. This Basic Conditions Statement has been produced to accompany the Capel Neighbourhood Plan (CNP).
- 1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
 - Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
 - Planning and Compulsory Purchase Act 2004: ss 38A-C
 - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (as amended)
- 1.3. Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five basic conditions before it can proceed to a referendum. These are:
 - i. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - ii. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - iii. The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - iv. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, (retained) EU obligations; and
 - v. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007) (either alone or in combination with other plans or projects).
- 1.4. There are two further basic conditions which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.
- 1.5. This document sets out how the CNP meets the Basic Conditions.

Supporting documents and evidence

- 1.6. The Submission Version Neighbourhood Plan, with its policies, is supported by a Consultation Statement, this Basic Conditions Statement and an extensive evidence base. It has also been subject to a Screening, organised by Tunbridge Wells Borough Council (TWBC), to ascertain whether or not it requires a Strategic Environmental Assessment and/or a Habitat Regulations Assessment, and the Determination Statement is included as part of the accompanying documentation.
- 1.7. Alongside the planning policies, the CNP contains both infrastructure priorities and a series of projects which fall outside planning policy. These are intended to contribute towards the achievement of the Plan's vision and form the basis of the principles for the use of any developer funding and other monies arising from other planning obligations. They complement the Neighbourhood Plan document but are not a formal part of the Development Plan.

Key statements

- 1.8. Capel Parish Council, as the qualifying body, has prepared the Neighbourhood Plan which has the same boundary as the parish area of Capel, as shown in Figure 1. The Neighbourhood Area was designated by TWBC on 17 February 2020.
- 1.9. The CNP sets out planning policies that relate to the development and use of land within only the Capel Neighbourhood Area.
- 1.10. The CNP refers only to the administrative boundary of Capel. There are no other adopted Neighbourhood Plans that cover all or part of the Capel Neighbourhood Area.
- 1.11. The Neighbourhood Plan Steering Group has prepared the CNP to establish a vision for the future of the parish and a series of objectives to deliver this. It has engaged with the community to set out how the vision will be realised through planning and controlling land use and development change over the plan period 2022 to 2038.
- 1.12. The Plan does not contain any policies which relate to excluded development as defined by section 61K of the Town and Country Planning Act 1990.

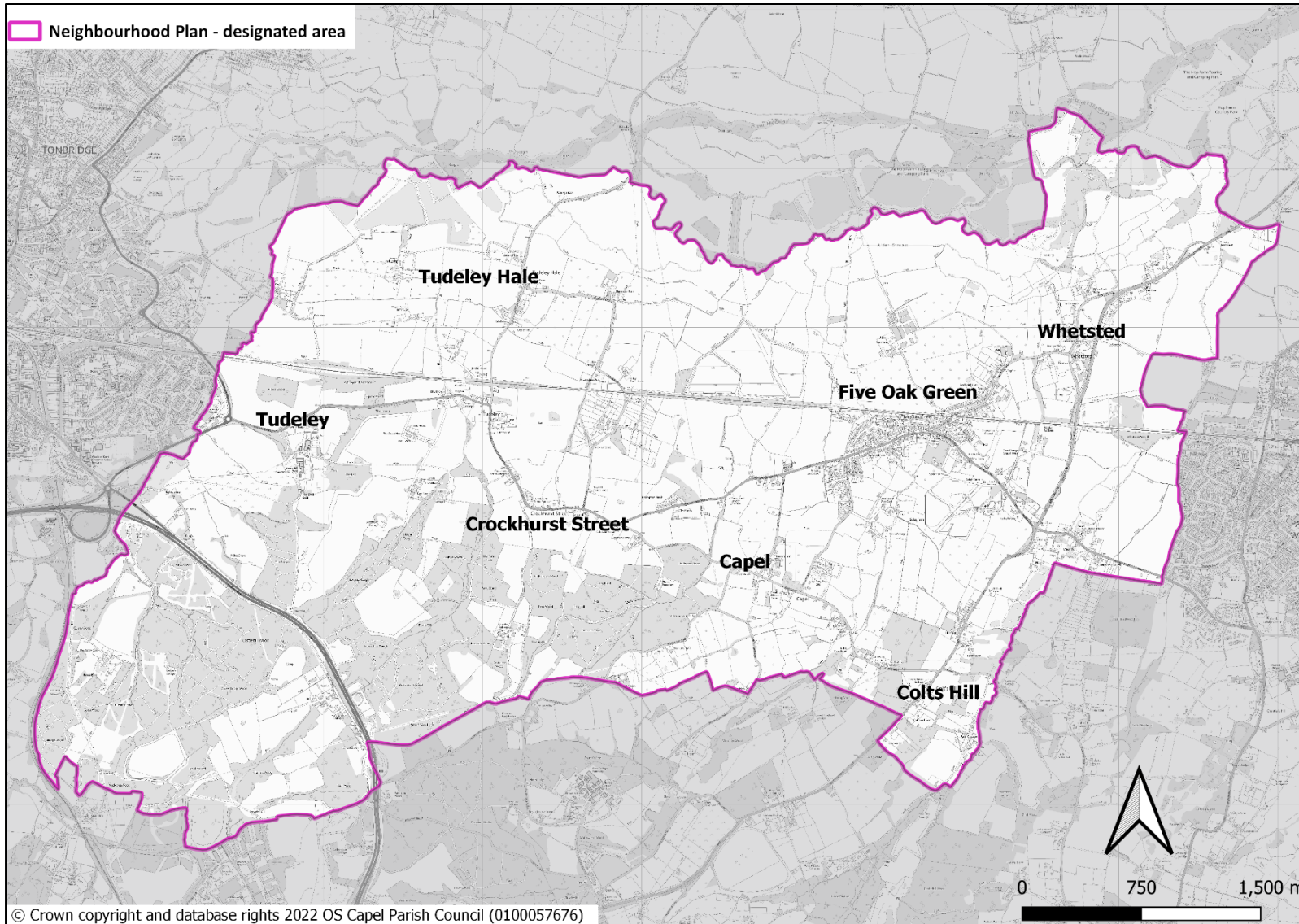


Figure 1: Capel Neighbourhood Plan designated area

2. Basic condition (i) - conformity with national planning policy

- 2.1. To meet this condition, it is necessary to demonstrate that the CNP has regard to national planning policies and the advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').
- 2.2. It should be noted that the Neighbourhood Plan has been prepared in accordance with the NPPF, most recently revised in July 2021.

National Planning Policy Framework

- 2.3. The NPPF has 13 key objectives which are:
 - Delivering a sufficient supply of homes
 - Building a strong, competitive economy
 - Ensuring the vitality of town centres
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Supporting high quality communications
 - Making effective use of land
 - Achieving well-designed places
 - Protecting Green Belt land
 - Meeting the challenge of climate change, flooding and coastal change
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
 - Facilitating the sustainable use of minerals
- 2.4. This basic conditions statement explains how the CNP policies contribute to meeting these objectives, where relevant, and also notes the specific national policies that the Plan is intended to support and supplement.
- 2.5. The CNP has seven objectives, which are shown in Table 1 alongside the corresponding NPPF objective or objectives that each one seeks to address.
- 2.6. Table 2 then provides further detail by detailing each of the 15 policies of the CNP and which specific paragraphs of the NPPF it has had regard to along with a commentary.

Table 1: Assessment of the Capel Neighbourhood Plan objectives against NPPF goals

CNP objective	Relevant NPPF goal
<p>Objective 1: Each settlement will be clearly identifiable and, where possible, separated by meaningful and high-quality landscape. Good quality, sustainable design principles - informed by the landscape, topographical and built features of the area - will reinforce the individual identity of each settlement, for instance considering appropriate materials and features which respond to existing local context and architecture.</p>	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Making effective use of land • Achieving well-designed places • Protecting Green Belt land
<p>Objective 2: Housing development will contribute to local housing needs; growth will establish a positive relationship with the existing settlements and deliver a mix of housing types and tenures suitable for all ages, including genuinely affordable housing, homes for those with care and support needs and homes that support home-working. New housing should be sympathetic in style to existing local architecture.</p>	<ul style="list-style-type: none"> • Delivering a sufficient supply of homes • Promoting healthy and safe communities
<p>Objective 3: Development will safeguard, enhance and provide better access to the rural landscape, valued green spaces, habitats and biodiversity and the natural environment. Equally, the built heritage of the parish will be preserved, enhanced and celebrated, reinforcing the character and history of the area.</p>	<ul style="list-style-type: none"> • Making effective use of land • Achieving well-designed places • Meeting the challenge of climate change, flooding and coastal change • Conserving and enhancing the natural environment • Protecting Green Belt land • Conserving and enhancing the historic environment
<p>Objective 4: The settlements will continue to support healthy community lifestyles, encouraging participation in community life, mobility, sport and enjoyment of the countryside.</p>	<ul style="list-style-type: none"> • Promoting healthy and safe communities
<p>Objective 5: A cohesive movement strategy across the parish will enable enhanced linkages – focusing on active travel – within and between the settlements and linking new and existing settlements through to facilities in Tonbridge to the west and Paddock Wood to the east. The existing roads need to be enhanced to accommodate the increase in local rather than through traffic, which must be kept on the A26 and A21 if critical congestion is not to be worsened.</p>	<ul style="list-style-type: none"> • Promoting sustainable transport • Promoting healthy and safe communities

<p>Objective 6: Opportunities to future-proof development, to contribute to sustainable development and mitigate the impacts of climate change will be sought including through design, flood risk reduction, community energy schemes and green technologies.</p>	<ul style="list-style-type: none"> • Meeting the challenge of climate change, flooding and coastal change
<p>Objective 7: A partnership approach to development and land-use, based on effective community engagement, will reflect local aspirations for the area. There will be a commitment to the principle of public benefit through land value capture (the idea that public action should generate public benefit – e.g. through developer contributions) and the funding and delivery of services and infrastructure needed to support the area, with long-term community ownership/ stewardship of community assets and land. New infrastructure will be phased to mitigate the impacts of the development on existing and new communities from the outset of development.</p>	<ul style="list-style-type: none"> • Promoting healthy and safe communities

Table 2: Assessment of how each policy in the Capel Neighbourhood Plan conforms to the NPPF

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
<p>POLICY C1: A GREEN CAPEL – PROMOTING SUSTAINABLE DEVELOPMENT IN CAPEL PARISH</p>	<p>125, 127, 184, 185</p>	<p>A core principle of national policy is the need for the planning system to contribute to sustainable development. The NPPF states that plans should support strategic development needs as set out in the adopted Local Plan and actively manage patterns of growth.</p> <p>Policy C1 supports the development strategy set out in the adopted Core Strategy, while also synchronising with that of the Submission Local Plan (SLP), which is at an advanced stage. It should be noted though that at the time of the CNP submission (August 2023), the strategy for (notably housing) development proposed in the SLP is under review.</p> <p>The CNP does not seek to allocate sites, a position agreed with TWBC officers. Instead, Policy C1 seeks to ensure that any development within the parish is carefully planned to embed the CNP objectives. These objectives are considered vital to the promotion and delivery of sustainable development. They cover issues such as safeguarding Green Belt, recognising the distinctive settlements within the parish and protecting their identities, ensuring effective community engagement in development proposals, masterplanning sites to ensure that infrastructure needs are embedded at the start and taking a landscape-led approach to development. Whilst the policy will be most relevant to major development schemes, smaller scale development can also consider how it delivers these overarching principles.</p>
<p>POLICY C2: MEETING LOCAL HOUSING NEEDS</p>	<p>61, 62, 63, 65</p>	<p>The NPPF sets out that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Whilst the CNP does not seek to allocate housing sites, it does seek to influence the sort of housing delivered. The</p>

		<p>evidence base – comprising a Local Housing Needs Assessment prepared for the Parish - and local engagement revealed a predominance of larger-sized homes within a price band well above the average for the wider geographic area and largely out of reach financially for individuals and couples on lower quartile or even median local salaries.</p> <p>The policy seeks to redress this balance, setting out a locally-evidenced dwelling mix, which will address local housing need, while continuing to contribute to strategic need. The policy also considers affordability of housing and how the First Homes requirement should be applied locally.</p> <p>Considering the constraints posed by way of being located within the Green Belt (beyond the footprint of the village itself), the needs of Capel are considered to be more defined than those set out of the wider local authority area as a whole. Policy C2 therefore seeks to ensure that all residential development proposals are adequately informed by the locally specific housing need study, that drills down to the neighbourhood level as opposed to relying solely on data prepared at the strategic level. That said, the policy is not intended to restrict development of a housing mix that would also contribute to wider strategic needs.</p>
<p>POLICY C3: REFLECTING THE CHARACTER OF CAPEL'S SETTLEMENTS THROUGH HIGH QUALITY DESIGN</p>	<p>126 to 132</p>	<p>National policy encourages neighbourhood plans to develop policies that achieve well-designed places that reflect local aspirations and are grounded in an understanding and evaluation of each area's defining characteristics. Policy C3 contributes to this aim by ensuring that development in the neighbourhood area is designed to respect that of the settlement in which it located and, where relevant, the High and Low Weald Areas of Outstanding Natural Beauty (AONB) and its setting. It supports innovative design where this will contribute to the overall sense of place of the settlement in which it is located.</p> <p>Underpinning the policy is the Capel Design Guidance and Codes, which draws on strategic (national and regional) design guidance, to provide detailed guidance at the neighbourhood level. It is to be used to inform the development any sites allocated in the Local Plan and other (windfall) sites within the wider parish. The Capel Design Guidance and Codes forms an</p>

		integral part of the CNP, part of formal policy.
POLICY C4: MEETING THE HIGHEST ENVIRONMENTAL STANDARDS	127, 129, 152, 153, 154	<p>The policy supports the national objective of designing development to contribute to mitigating climate change, a government priority. Notwithstanding the fact that energy efficiency matters are largely controlled by the Building Regulations, the policy (supported by the Capel Design Guidance and Codes) identifies a series of design features which would be supported where they are incorporated into development. In particular it supports features aimed at reducing carbon emissions, energy consumption and energy loss that should be incorporated into both new development and to retrofit sensitively historic buildings.</p> <p>The policy provides broad support for community scale energy schemes, where there is a clear community benefit.</p>
POLICY C5: MITIGATING THE IMPACT OF FLOODING	20, 167, 169	<p>The NPPF requires policies to make sufficient provision for infrastructure including for water supply, wastewater and flood risk. Flooding is a problem in Capel and the policy seeks to ensure that new development will not exacerbate this and supports solutions that not only mitigate the new development but that will assist in improving the overall system.</p>
POLICY C6: CONSERVING HERITAGE ASSETS	190, 194, 195, 197, 199-204	<p>The NPPF states that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. Capel parish has a wealth of heritage assets, some of which are nationally protected and the policy plans positively for the conservation and enjoyment of this local heritage. It designates a series of heritage assets and farmsteads that are considered of heritage value at the very local level. It takes a proactive approach to how such assets might be brought back into optimal use. The policy also recognises the role that rural lanes and pathways play in contributing to local character and heritage (they have a further role as wildlife corridors) and seeks to ensure that development proposals are guided by the Rural Lanes Supplementary Planning Document (SPD) and High Weald AONB guidance.</p>

<p>POLICY C7: GREEN AND BLUE INFRASTRUCTURE AND DELIVERING BIODIVERSITY NET GAIN</p>	<p>174, 175, 176, 179, 180</p>	<p>This policy supports the national objective of ensuring that development contributes to and enhances the natural environment and biodiversity. It maps out, at the neighbourhood level, components of wildlife-rich habitats and wider ecological networks, including the hierarchy of national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation through protecting designated and non-designated landscape assets.</p> <p>It recognises the importance of trees and hedgerows and the variety of roles they play, seeking to safeguard them against loss and planting of new ones.</p> <p>In line with the Environment Act, the policy requires developments to deliver a biodiversity net gain of at least 10%. Where this cannot be achieved on-site, the locally mapped network of green infrastructure offers locations, including biodiversity opportunity areas, where units can most effectively make a positive contribution to local habitats and landscapes.</p>
<p>POLICY C8: MANAGING THE ENVIRONMENTAL IMPACT OF DEVELOPMENT</p>	<p>130, 174, 175, 176, 177, 179, 180</p>	<p>The policy supports the national aims of policies to improve biodiversity. In particular, it identifies, at a local level, the significant landscape features, such as trees, verges, ponds and orchards – that are particularly important within the Capel context – but which are not always statutorily protected. These features should be retained and, where possible enhanced. The policy also provides guidance to applicants on how they can best incorporate these features, wildlife friendly features and open space within development.</p>
<p>POLICY C9: DARK SKIES</p>	<p>185</p>	<p>The NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.</p> <p>One aspect of this is to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. Nestled between Paddock Wood and</p>

		Tonbridge, Capel parish benefits from dark skies, which contribute positively to health, local wildlife and enjoyment of the area. The policy seeks to safeguard this important natural resource.
POLICY C10: LOCAL GREEN SPACES	101-103, 147-151	The NPPF enables communities to designate spaces that are demonstrably special to them as Local Green Spaces. The policy identifies 12 such spaces in Capel parish and provides the justification as to how they meet the NPPF criteria. Whilst some of these spaces are located within the Green Belt, planning guidance (Paragraph: 010 Reference ID: 37-010-20140306) does not preclude such sites from being designated as local green space. These are spaces that have been identified as important by the local community, and the designation recognises this. Equally it should be noted that that Green Belt designation can change, which could leave these sites vulnerable in the future.
POLICY C11: PROTECTION OF LOCALLY SIGNIFICANT VIEWS	126, 127, 130	<p>The NPPF states that neighbourhood planning groups can play an important role in identifying the special qualities of their area and explaining how these should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.</p> <p>This policy identifies 11 views and viewpoints that are considered to be locally distinctive – either because they encompass a local landmark, notable landscape or valued long-distance view. The policy seeks to ensure that any development that takes place within the view ‘arcs’ limits its impact on the view itself and, where possible, enhances it.</p>
POLICY C12: COMMUNITY AND RECREATIONAL FACILITIES TO SERVE THE PARISH	92, 93	The NPPF encourages policies that contribute to healthy, inclusive communities. The villages within Capel house a range of local facilities for the community and this policy seeks to safeguard these. In addition, it sets out new or improved facilities that would be supported, as evidenced by the community engagement and discussions with facility owners. A detail of particular facilities to be delivered is expressed in the supporting text.

POLICY C13: PROTECTION OF PUBLIC HOUSES	84, 85, 92, 93	The NPPF supports policies that enable prosperous rural economies that contribute to the inclusivity and health of their communities. Within a rural parish such as Capel, public houses have long played a role in contributing both to the local economy and local life. There have been some closures over the years, however. This policy seeks to safeguard those that remain so that can continue to contribute in this way.
POLICY C13: SUSTAINABLE TRAVEL	104, 105, 106, 110, 112	Policy C13 supports the NPPF objective of encouraging sustainable modes of transport by identifying the active movement routes within the neighbourhood area that enable people to access local facilities most easily and directly by foot or by bike, rather than relying on less sustainable modes of transport. Improving the ability to get between the individual settlements and to the neighbouring towns of Tonbridge and Paddock Wood is important locally and opportunities for improvements are identified. The policy seeks to ensure that all development links up to the movement route network and that the routes are protected, maintained and, where feasible, enhanced, to encourage greater and safer usage.
POLICY C15: MITIGATING VEHICULAR IMPACTS AT HIGHWAY HOTSPOTS	111, 112, 113	Whilst the CNP seeks to encourage sustainable modes of transport through Policy C13, continued car usage is inevitable in a largely rural parish such as Capel. Policy C14 seeks to ensure that development proposals fully assess both their potential impact and their cumulative impact on the key junctions and congested areas – as identified through the neighbourhood plan process - that already experience congestion problems and actively seek ways to mitigate any impacts.
POLICY C16: ELECTRIC VEHICLE CHARGING	104-106	This policy seeks to ensure that adequate provision is made for electric vehicle charging, which will assist in effecting a shift toward less polluting vehicles. The second part of the policy sets out detailed requirement for charging facilities. This aligns with the NPPF aim to reduce emissions, and improve air quality and public health.

3. Basic condition (iv) - contribution to sustainable development

- 3.1. The NPPF states in paragraph 7 that *'the purpose of the planning system is to contribute to the achievement of sustainable development.'*
- 3.2. For the CNP, sustainable development has provided the fundamental basis of each of its policies. The National Planning Practice Guidance advises that *'sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions'* (Planning Practice Guidance, Paragraph: 072 Reference ID: 41-072-20140306).
- 3.3. Table 3 below summarises how the objectives and policies in the CNP contribute towards economic, social and environmental sustainable development, as defined in the NPPF. Many of the objectives of the CNP overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

Table 3: Assessment of the Capel Neighbourhood Plan objectives and policies against sustainable development

Table 3: Assessment of the Capel Neighbourhood Plan objectives and policies against sustainable development

Deliver economic sustainability
NPPF definition – <i>'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.'</i>
<p>NP Objectives:</p> <p>Objective 4: The settlements will continue to support healthy community lifestyles, encouraging participation in community life, mobility, sport and enjoyment of the countryside.</p>
<p>NP Policies:</p> <p>Policy C13: Protection of public houses</p>
<p>Commentary:</p> <p>The policies of the neighbourhood plan seek to support vibrant communities, which in turn will benefit the local rural economy.</p> <p>Opportunities for providing flexible working space within the design of new build and enabling homeworking is supported, which will support local innovation and, in turn, additional employment opportunities within the parish itself.</p> <p>The safeguarding of public houses and enhancements to community facilities will have a beneficial knock-on effect to the local economy.</p> <p>In these ways, the Plan seeks to contribute to building a sustainable economy.</p>

Deliver social sustainability

NPPF definition – ‘to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.’

NP Objectives:

Objective 2: Housing development will contribute to local housing needs; growth will establish a positive relationship with the existing settlements and deliver a mix of housing types and tenures suitable for all ages, including genuinely affordable housing, homes for those with care and support needs and homes that support home-working. New housing should be sympathetic in style to existing local architecture.

Objective 4: The settlements will continue to support healthy community lifestyles, encouraging participation in community life, mobility, sport and enjoyment of the countryside.

Objective 7: A partnership approach to development and land-use, based on effective community engagement, will reflect local aspirations for the area. There will be a commitment to the principle of public benefit through land value capture (the idea that public action should generate public benefit – e.g. through developer contributions) and the funding and delivery of services and infrastructure needed to support the area, with long-term community ownership/stewardship of community assets and land. New infrastructure will be phased to mitigate the impacts of the development on existing and new communities from the outset of development.

NP Policies:

Policy C1: A Green Capel: Promoting sustainable development in Capel Parish

Policy C2: Meeting local housing needs

Policy C12: Community and recreational facilities to serve the parish

Commentary:

The NPPF underlines the importance of supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.

The CNP has been developed as a result of extensive local engagement to understand local priorities to contribute to this national objective. The CNP does not seek to allocate homes at this time (as it is considered and agreed with TWBC that this is being adequately addressed through the SLP). The Plan therefore focusses on the type, mix, size, tenure and affordability of housing that should be supported in the parish, based on the findings of the Capel local housing needs assessment, which offers a more nuanced picture compared to the borough as a whole.

Policy C1 of the CNP is particularly important in establishing the principles for any development within Capel parish and ensuring that these are embedded in development proposals.

The Plan includes a range of policies to provide the social, recreational and cultural facilities and services the community needs. These are based on community engagement and each policy provides locally specific detail on what is required and how this can be supported through planning.

In these ways, the Plan aims to support a strong, vibrant and healthy community.

Deliver environmental sustainability
NPPF definition – ‘to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy,’
<p>NP Objectives:</p> <p>Objective 1: Each settlement will be clearly identifiable and, where possible, separated by meaningful and high-quality landscape. Good quality, sustainable design principles - informed by the landscape, topographical and built features of the area - will reinforce the individual identity of each settlement, for instance considering appropriate materials and features which respond to existing local context and architecture.</p> <p>Objective 3: Development will safeguard, enhance and provide better access to the rural landscape, valued green spaces, habitats and biodiversity and the natural environment. Equally, the built heritage of the parish will be preserved, enhanced and celebrated, reinforcing the character and history of the area.</p> <p>Objective 5: A cohesive movement strategy across the parish will enable enhanced linkages – focusing on active travel – within and between the settlements and linking new and existing settlements through to facilities in Tonbridge to the west and Paddock Wood to the east. The existing roads need to be enhanced to accommodate the increase in local rather than through traffic, which must be kept on the A26 and A21 if critical congestion is not to be worsened.</p> <p>Objective 6: Opportunities to future-proof development, to contribute to sustainable development and mitigate the impacts of climate change will be sought including through design, flood risk reduction, community energy schemes and green technologies.</p>
<p>NP Policies:</p> <p>Policy C3: Reflecting the character of Capel’s settlements through high quality design</p> <p>Policy C4: Meeting the highest environmental standards</p> <p>Policy C5: Mitigating the impact of flooding</p> <p>Policy C6: Conserving heritage assets</p> <p>Policy C7: Green and blue infrastructure and delivering biodiversity net gain</p> <p>Policy C8: Managing the environmental impact of development</p> <p>Policy C9: Dark skies</p> <p>Policy C10: Local Green Spaces</p> <p>Policy C11: Protection of locally significant views</p> <p>Policy C14: Sustainable travel</p> <p>Policy C15: Mitigating vehicular impacts at highway hotspots</p> <p>Policy C16: Electric vehicle charging</p>
<p>Commentary:</p> <p>Protecting the natural and built environment of the parish is an extremely important part of the CNP and conforms to the national aims set out in the NPPF.</p> <p>A locally distinctive Design Guidance and Codes has been developed for the parish and forms an integral part of the plan’s policies. This sets out expectations in terms of local character, design, biodiversity and environmental considerations. Locally important heritage assets are identified. Natural features and habitats have been mapped so that they can be safeguarded and, where possible, enhanced. This includes the designation of Local Green Spaces, the identification of important local views and viewpoints and the importance of the dark skies that Capel enjoys.</p> <p>The Plan emphasises the need to promote non-car modes of transport in order to reduce traffic</p>

congestion and travel by the private car to reduce carbon emissions. It also identifies areas of congestion that should be carefully considered as part of development proposals in those areas. Finally the CNP supports a shift to less polluting vehicles, which in turn will contribute to the national aims of reducing emissions, improving air quality and, in turn, healthy lifestyles.

In these ways, the Plan seeks to contribute to protecting and enhancing the natural, built and historic environment of the neighbourhood area.

- 3.4. As demonstrated in Table 3, the strategic objectives of the Plan are considered to comprise a balance of social, economic, and environmental goals. The policies in the Plan demonstrably contribute to sustainable development.

4 Basic condition (v) - general conformity with the strategic policies of the development plan

- 4.1. The current development plan for Tunbridge Wells Borough consists of:
- The saved policies of the Local Plan 2006
 - The Core Strategy (adopted 2010)
 - The Site Allocations Local Plan (adopted 2016)
 - The Kent Minerals and Waste Local Plan (adopted 2016, modified in 2020)
 - 'Made' Neighbourhood Plans across the borough
- 4.2. Whilst the policies of the CNP must be in general conformity with the strategic policies of the adopted development plan documents, an updated Local Plan for the Borough is currently being developed. The emerging policies within it have been carefully considered to ensure that the neighbourhood plan is in synchronicity with these. A commentary of how the CNP policies conform to the adopted strategic policies, and synchronise to the emerging SLP policies, is set out in Table 4.
- 4.3. Where a strategic policy is not identified in Table 4, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.
- 4.4. It is confirmed that there are no policies in the strategic documents relating to minerals and waste that are of relevance to the Neighbourhood Plan.
- 4.5. To note, policies starting with "STR" in the table below are considered to be the strategic policies of the SLP. The Place Shaping policies of the SLP of relevance to Capel parish (Policy STR/CA 1: The Strategy for Capel Parish) and supporting site allocations (notably Policy AL/CA 1: Tudeley Village, Policy AL/CA 2: Land to east of Tonbridge/west of site for Tudeley Village and Policy AL/CA 3: Land at Capel and Paddock Wood) are being carefully considered as part of the examination of the Local Plan.
- 4.6. Policy STR8 of the SLP states the following: *"Within the area designated as the High Weald Area of Outstanding Natural Beauty, and its setting, development will be managed in a way that seeks to conserve and enhance the natural beauty of the area, commensurate with the "great weight" afforded to Areas of Outstanding Natural Beauty within the NPPF. Applicants will be expected to demonstrate (through relevant documentation submitted as part of a planning application) how proposals have had regard to the objectives of the High Weald AONB Management Plan. Proposals for major development in the High Weald Area of Outstanding Natural Beauty will only be allowed in exceptional circumstances and where it is in the public interest. In such instances, effective mitigation should form an integral part of the development proposal"*. Each policy of the CNP has been carefully considered in the context of the AONB Management Plan and the conformity reference beneath the policies in the CNP document itself.

Table 4.1: Relevant strategic policies

Policy Title and Reference	Adopted policy	Submission Local Plan to 2038	Commentary
<p>POLICY C1: A GREEN CAPEL – PROMOTING SUSTAINABLE DEVELOPMENT IN CAPEL PARISH</p>	<p>Saved TWBC Local Plan policies: MGB1, LBD1 Core Strategy: Core Policy 1, Core Policy 2, Core Policy 14</p>	<p>STR 1, STR 2, STR 3, STR 4, STR 7, STR 10, STR CA1, STR CA3, STR 9</p>	<p>The strategic planning policies set out the strategic level of growth to be accommodated across the Borough, defining Limits to Built Development within which development is considered most sustainable.</p> <p>The SLP strategic allocations, combined with windfall allowance, are anticipated to deliver the level of growth required at the local level to meet local housing need, while contributing to the strategic need. These, however, are being carefully considered as part of the ongoing SLP examination process.</p> <p>Policy C1 is an important policy in the neighbourhood plan, providing a spatial strategy for the parish, aligning to the strategic policies in terms of safeguarding Green Belt and controlling development within the High Weald AONB. Notably it seeks to embed the objectives of the neighbourhood plan in terms of sustainable place-making. It adds additional local detail, for instance by seeking to restrict sprawl and coalescence between housing in the parish and nearby settlements, notably Paddock Wood and Tonbridge, and between the individual parish settlements themselves.</p>
<p>POLICY C2: MEETING LOCAL HOUSING NEEDS</p>	<p>Core Policy 6</p>	<p>STR 1, STR CA1, H1, H3, H6, H8</p>	<p>The policy builds on the evidence base that has been compiled at the neighbourhood level (the Capel Local Housing Needs Assessment) to add additional local detail to the strategic policies on housing mix, size, tenure and affordability. It seeks to ensure that development meets identified local housing needs in the parish, while also contributing to the wider strategic housing need.</p>

<p>POLICY C3: REFLECTING THE CHARACTER OF CAPEL'S SETTLEMENTS THROUGH HIGH QUALITY DESIGN</p>	<p>Saved TWBC Local Plan policies: EN1, EN5, TP5 Core Strategy: Core Policy 4, Core Policy 5</p>	<p>STR 1, STR CA 1, STR 2, STR 4, STR 6, STR 8</p>	<p>The policy adds additional local detail to the strategic policies, which seek to ensure that development is 'in-keeping' with local character. It does this by defining the character of the parish in the context of the individual settlements, within the Design Guidance and Codes, which form an integral part of the plan policy. These set out neighbourhood level guidance to which new development should adhere.</p>
<p>POLICY C4: MEETING THE HIGHEST ENVIRONMENTAL STANDARDS</p>	<p>Saved TWBC Local Plan policies: EN1 Core Strategy: Core Policy 4, Core Policy 5</p>	<p>STR 1, STR CA 1, STR2, STR7</p>	<p>The policy sets out detail at a neighbourhood level about how development proposals can contribute to mitigating climate change. Sustainable design policy has evolved greatly since the publication of the adopted Core Strategy and, in the absence of a more recently adopted Local Plan, this policy seeks to align itself to the national objectives.</p>
<p>POLICY C5: MITIGATING THE IMPACT OF FLOODING</p>	<p>Saved TWBC Local Plan policies: EN18 Core Strategy: Core Policy 4, Core Policy 5</p>	<p>STR 1, STR CA 1, STR5, EN26</p>	<p>The topography of the parish lends itself to flooding. The policy seeks to emphasise this and the importance of ensuring that new development provides adequate drainage that does not worsen the situation. It adds additional local detail to strategic policy, by identifying the specific causes of flooding and locations of these.</p>
<p>POLICY C6: CONSERVING HERITAGE ASSETS</p>	<p>Saved TWBC Local Plan policies: EN5, EN10 Core Strategy: Core Policy 4</p>	<p>STR CA 1, STR 2, STR8</p>	<p>Strategic policy stresses the importance of conserving and enhancing assets of historic value. Policy C6 adds additional detail by designating a series of non-designated heritage assets that are of local importance.</p>
<p>POLICY C7: GREEN AND BLUE INFRASTRUCTURE AND DELIVERING BIODIVERSITY NET GAIN</p>	<p>Core Policy 7</p>	<p>STR CA 1, STR 2, STR 7 STR8</p>	<p>The policy addresses the green and blue infrastructure assets of the Plan area, including their importance in combatting pressure on wildlife, habitats, biodiversity and geodiversity and in offsetting the effects of air pollution. The policy conforms to strategic policies, which seek to safeguard and enhance biodiversity and landscapes across the borough. It provides additional local detail by mapping out, at the local</p>

			level, the network of green infrastructure. It requires a minimum net gain in biodiversity and the associated map identifies areas where this can most helpfully be delivered, should the net gain not be possible (wholly) on-site.
POLICY C8: MANAGING THE ENVIRONMENTAL IMPACT OF DEVELOPMENT	Saved TWBC Local Plan policies: EN13, EN15, EN21, EN22 Core Strategy: Core Policy 4	STR CA 1, STR 2, STR 7, STR 8	The policy adds additional local detail to strategic policies by identifying the specific features of the landscape (both designated and non-designated) that should be safeguarded. These might also provide inspiration for development proposals seeking to integrate natural features within their schemes.
POLICY C9: DARK SKIES	Saved TWBC Local Plan policy EN4; Core Strategy: Core Policy 4	STR 7, STR 8, EN8	Strategic policy stresses the importance of proposals supporting the delivery of the High Weald AONB management plan. Dark skies are an important element of this and the CNP policies support this. The policy has been developed with support from the AONB Unit.
POLICY C10: LOCAL GREEN SPACES	Saved Policy: EN22 Core Strategy: Core Policy 4	STR CA 1, STR 3, STR 8,	The policy identifies several Local Green Spaces that are demonstrably special to the community and evidences this in the context of the criteria set out in the NPPF. This adds additional local detail to the Core Strategy and Submission Local Plan policies.
POLICY C11: PROTECTION OF LOCALLY SIGNIFICANT VIEWS	Saved TWBC Local Plan policies: EN1 Core Strategy: Core Policy 4, Core Policy 5	STR CA 1, STR 7, STR 8	Strategic policy recognises the contribution that views can make to the character of an area, helping to create a 'sense of place' and identity for local people. The policy adds additional local detail by identifying nine view corridors and views that are considered to be particularly significant in the parish – because they take in a landscape feature or historic asset – that epitomises the character and place of Capel parish, its settlements and landscape setting.

<p>POLICY C12: COMMUNITY AND RECREATIONAL FACILITIES TO SERVE THE PARISH</p>	<p>Saved TWBC Local Plan policies: CS6, R1 Core Strategy: Core Policy 8</p>	<p>STR CA 1, STR 5, STR 7</p>	<p>The policy adds additional local detail to the strategic policies, which support the provision and safeguarding of community recreational facilities. In particular, it sets out specific projects and amenities that are desired locally, as informed by local engagement.</p>
<p>POLICY C13: PROTECTION OF PUBLIC HOUSES</p>	<p>Core Strategy: Core Policy 7, Core Policy 8</p>	<p>STR CA 1, STR 5</p>	<p>The policy supports the strategic aims of ensuring a vital rural economy and providing adequate community facilities to enable community cohesion and well-being. The role of public houses in Capel parish is important in these regards and the policy seeks to safeguard those that remain.</p>
<p>POLICY C13: SUSTAINABLE TRAVEL</p>	<p>Saved TWBC Local Plan policies: TP1, TP2, TP3, TP18 Core Strategy: Core Policy 3</p>	<p>STR CA 1; STR 5, STR 6, TP2</p>	<p>The policy supports the strategic aim of encouraging, as far as possible, sustainable transport modes. It adds additional local detail by identifying the movement routes within the parish that offer the most direct and quickest routes between the settlements themselves, neighbouring towns, key facilities and residential areas. Opportunities for greater linkages and improvements are described where this would further assist active travel.</p>
<p>POLICY C15: MITIGATING VEHICULAR IMPACTS AT HIGHWAY HOTSPOTS</p>	<p>Saved TWBC Local Plan policies: TP1, TP2, TP4 Core Strategy: Core Policy 3</p>	<p>STR CA 1; STR 5, STR 6</p>	<p>The policy supports the strategic aims of ensuring that the road hierarchy and the function of routes have adequate capacity to cater for the traffic which will be generated by development, taking into account the use of, and provision for, alternative modes to the private car. It adds additional local detail by setting out where specific 'hotspots' exist on the current route network.</p>
<p>POLICY C16: ELECTRIC VEHICLE CHARGING</p>	<p>Core Strategy: Core Policy 3</p>	<p>STR CA 1; STR 5, STR 6</p>	<p>The policy supports the strategic aims of encouraging a shift to more sustainable modes of transport.</p>

5 Basic Condition (vi) - conformity with EU obligations

- 5.1 The CNP, and the process under which it was made, conforms to the Strategic Environmental Assessment (SEA) Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
- 5.2 In accordance with Regulation 9 of the SEA Regulations 2004, Tunbridge Wells Borough Council, as the responsible authority, determined in February 2023 that a Strategic Environmental Assessment (SEA) is not required as the Capel Neighbourhood Plan's policies are unlikely to have significant environmental effects.
- 5.3 A copy of the body of the report of the Screening Statement is contained on the [Capel Parish Council website](#) and within the evidence base submitted alongside the Submission Version CNP.

6 Basic condition (vii) - conformity with the prescribed conditions

- 6.1 Under Directive 92/43/EEC, also known as the Habitats Directive (Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>), it must be ascertained whether the Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2 Tunbridge Wells Borough Council, as the responsible authority, determined in February 2023 that the Capel Neighbourhood Plan is unlikely to have significant impact on European sites and therefore does not require a full HRA to be undertaken.
- 6.3 In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.
- 6.4 A copy of the body of the report of the Screening Statement is contained on the [Capel Parish Council website](#) and within the evidence base submitted alongside the Submission Version CNP.

7 Conclusion

7.1. The relevant basic conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Capel Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Capel Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.