

Pembury Neighbourhood Plan 2020-2038

Initial Comments of the Independent Examiner

Prepared by

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23rd February 2023

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Pembury Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I visited Pembury and the surrounding countryside on Tuesday 21st February 2023.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but that may only be necessary, if there are issues that emerge from the responses to this note which I feel warrant further exploration.
3. Set out in the following paragraphs are a number of matters that I wish to receive, either clarification or further comments / information from the Parish Council or in some cases from Tunbridge Wells Borough Council. Such requests are quite normal during the examination process and the replies will help me prepare my report and come to my conclusions.

Regulation 16 Comments

4. I would firstly like to offer the Parish Council the opportunity to comment on the representations that were submitted as part of the Regulation 16 consultation. I am not expecting a response in respect of every point, just those that the Parish Council feels it wishes to respond to.

Policy P1: Location of Development

5. Would the Parish Council agree that this policy should allow for the partial or the total redevelopment of previously developed land in the Green Belt - possibly as an extension to (v), as allowed by para 149 of the NPPF?

Policy P2: Meeting Local Housing Needs

6. Can the Parish Council explain how it arrived at a figure of 50% in terms of the discount for First Homes, when the TWBC 's viability evidence shows that only a 30% discount is viable?

Policy P4: Energy Efficiency and Design

7. The Secretary of State set out in his Written Ministerial Statement to the House of Commons dated 25th of March 2015 his stipulation that neighbourhood plans should not set any additional technical standards relating to the construction, internal layout or the performance of new dwellings. I was interpreting the policy in (B), that it was not setting a requirement that applications had comply with, but rather those applications that met the aspirations would be strongly supported. However the final paragraph implies that applications which do not meet the criteria, and have not been justified, will be expected to be refused – is that the intention of the policy?

8. Can TWBC confirm that the electric vehicle charging requirements are now covered by Part S of the Building Regulations?

Policy P5: Sewerage and Drainage Infrastructure

9. Can the Borough Council confirm whether Southern Water are consulted on all planning applications within the neighbourhood area and that it can raise objections if it can foresee that the current infrastructure is insufficient to cope with the proposed development?
10. Can the Parish Council explain whether it is anticipating that an alternative body would carry out the “rigorous analysis” of the local sewage system’s ability to cope, if it is not the water company?

Policy P6: Conserving heritage assets

11. Can the Parish Council set out what are the non-listed heritage assets which are included in the Heritage Environment Record, which this policy is seeking to ascribe non-designated heritage assets status. I believe they should be identified in the neighbourhood plan, as well as the 14 identified, so there is clarity for applicants and decision makers as to whether the policy applies.
12. Can TWBC advise me whether it holds maps of area where there is the potential for ground archaeological deposits or would all applicants be expected to have to consider where there is scope for such remains to be found on their site?

Policy P7: Supporting Flexible Workspaces and Opportunities for Home Working

13. Is the intention of the Parish Council that the policy, in (ii) and (iii), would allow non-residents to be employed from these premises, subject to meeting the criteria set in the final paragraph of the policy?

Policy P8: Green and Blue Infrastructure and Delivering Biodiversity Net Gain

14. Can TWBC confirm whether it has the capacity and / or expertise to be able to implement this policy, in advance of the requirements contained in the new Environment Act and the expected regulations and policy advice, which is expected to be published when the national requirements are brought forward later this year for major schemes and for minor development in 2024.

Policy P9: Local Green Space

15. The neighbourhood plan differentiates between LGS which is being put forward in the draft Local Plan and those being promoted in the neighbourhood plan. As the neighbourhood plan is likely to be made before the local plan is adopted, does it make sense for all the local green spaces

to have the same designation? Do the Parish Council and TWBC have a view on this suggestion?

Policy P14: Publicly Accessible Parking

16. Can the Parish Council elaborate on how a decision maker facing a planning application for electric vehicle charging points, would be able to control whether the charges are “affordable” and the service is “reliable”?

Concluding Remarks

22. I am sending this note direct to Pembury Parish Council, as well as Tunbridge Wells Borough Council. I would request that the two parties’ response to my questions should be sent to me by 5 pm on **10th March 2023** and also copied to the other party.
23. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan’s and also Tunbridge Wells Borough Council’s website.

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Independent Examiner to the Pembury Neighbourhood Plan.

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