

Capel Regulation 16 Consultation Response Report

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
1	Colin Smith Planning obo Leander Homes	Whole Plan	<p>I refer to the emerging Capel Neighbourhood Development Plan (NP) and the current Regulation 16 consultation exercise, which ends at 5pm on 17.10.23. I have been instructed by my clients, Leander Homes to review the draft Capel Neighbourhood Development Plan and make representations. My clients have an interest in land to the northern edge of Five Oak Green and have previously been in communications with the Parish Council in relation to it. The site is known as land to the rear of 50 Whetsted Road, Five Oak Green, and is identified as site 11 in the Tunbridge Wells Strategic Housing and Economic Land Availability Assessment (SHELAA), which is used as part of the evidence base for the current emerging Local Plan. Please accept this letter as my client's representations. You will note that my clients have previously made representations in relation to the Capel Neighbourhood Development Plan (NP) at Regulation 14 stage.</p> <p>In relation to the previous representations made, these are set out in a letter dated 19.05.23, which for ease of reference accompanies this letter. I have reviewed the Regulation 16 NP submission, and I note that there appears to be no material or significant difference between it and the Regulation 14 NP submission.</p> <p>As highlighted before, procedurally, the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan. It appears that the draft NP has been developed in the anticipation that the current Regulation 19 draft Local Plan, will be found sound by the Examiner and adopted by the Council. However, as your recent letter to the Inspector dated 26.09.23 sets out, you are planning to present a report to your Cabinet on 07.12.23, and to Full Council on 13.12.23 which will set out an officer recommendation to members on the next steps, and any potential changes to the development strategy, having regard to the three options for the way forward set out in the examination Initial Findings letter. Following this, your letter anticipates that the Hearings will continue in 2024 (although no particular part of 2024 is identified). I note that the letter sets out that the reports will be available in the public domain in November 2023, after the closing date for this period of consultation.</p> <p>Of critical importance is that the policies of the NP are in conformity with the strategic policies of the development plan. Given the age of the adopted development plan, and the stage that the emerging development plan is at, it is necessary to consider whether the NP is in conformity with the strategic policies of the emerging Local Plan. This is considered at section 4 of the Basic Conditions Statement submitted as part of the NP documentation. Table 4.1 identifies the relevant strategic policies and considers whether the NP is on conformity with them.</p> <p>Table 4.1 identifies a number of strategic policies including STR 1, STR/CA 1, STR 2, STR 3, STR 4, STR 5, STR 6, STR 7, STR 8.</p> <p>Policy STR 1 sets out that the development strategy includes, amongst other matters, major, transformational expansion of Paddock Wood (including land at east Capel), and the creation of a new garden settlement at Tudeley Village between Paddock Wood and Tonbridge.</p> <p>This development strategy is further supported by policy STR/CA 1 which states that it should be read in conjunction with policy STR 1, and as well as supporting the Paddock Wood and Tudeley Village allocations, identifies that the Limits to Built Development for Five Oak Green should be set as a framework for new development for the plan period, and a number of transport improvements, including a bypass around Five Oak Green through the Green Belt.</p> <p>As you will be aware, the Inspector appointed to examine the draft Local Plan has expressed serious concerns regarding the strategic objectives and policies of the draft Local Plan, in particular the allocation of Tudeley Village and land to the east of Paddock Wood as major components of the housing supply requirement. I note that the Parish Council objected to the allocation of Tudeley Village as a housing site, and the allocation of land to the east of Paddock Wood in your Regulation 18 response to the draft Local Plan for a variety of reasons, including that they were unsustainable sites.</p>	Yes	Yes	Refer to Previous letter of representation on Regulation 14 dated 19.05.23

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>Specifically, in the Initial Findings letter issued by the Inspector in November 2022, the Inspector concluded in relation to the development strategy (policy STR 1) that “further work is therefore necessary before a conclusion can be reached that exceptional circumstances exist to release the relevant site allocations from the Green Belt.”</p> <p>Also, in considering the allocation for Tudeley Village, the Inspector identified that “in considering whether the allocation is consistent with this requirement, three main issues have been identified. They are: the location and accessibility of the site, whether or not the necessary infrastructure can be provided and the deliverability of the site in the manner envisaged.” The Inspector then concluded that “at present there is insufficient evidence to suggest that the scheme will achieve the levels of internalisation and changes in modal shift necessary to adequately mitigate against the likely increase in car travel. Given the existing constraints and congestion in Tonbridge town centre, the cumulative impacts of the scale and location of development would be severe. It has not been adequately demonstrated that the impacts can be cost effectively mitigated to an acceptable degree.”</p> <p>The Inspector also identified that the hearings flagged uncertainty about when the Five Oak by-pass would need to be built and what implications this would have on safety within the village, and that, crucially, building the road would require land in multiple ownerships adding to the general uncertainty of its deliverability. Overall, the Inspector concluded that the case for exceptional circumstances to remove the Tudeley allocation from the Green Belt was not demonstrated.</p> <p>Similarly, in relation to the Paddock Wood and East Capel allocation the overall conclusion of the Inspector was that 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.</p> <p>The Inspector’s overall conclusions are set out in paragraph 95 of that letter, and are that;</p> <p><i>“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. However, the implications of my initial findings at Tudeley Village could have far greater, consequential impacts on other aspects of the Plan, from infrastructure provision to whether the Plan is able to identify a sufficient supply of housing land.”</i></p> <p>The Inspector gave three options;</p> <ul style="list-style-type: none"> - Provide additional information to justify the Tudeley Village allocation as submitted. - Modify the submitted Plan by making significant changes to the Tudeley Village allocation, and in doing so, seek to overcome the soundness issues identified above. - Delete the allocation from the submitted Plan. <p>Whilst I appreciate that the Council have been working on addressing the issues that arise from the Inspector’s Initial Findings, the outcome of these is not known, and will not be known until after the current NP consultation process has closed. Even if the Council alight on the first option- to provide additional information to justify the Tudeley Village allocation- this will need to be tested at examination and may well result in the draft Local Plan not being found sound. If either of the other two options are pursued, then it is likely that the draft Local Plan will require significant changes, and the result could be that the emerging NP, which is predicated on the original draft Local Plan development strategy, now found to be not sound, is not in conformity with the strategic policies of the development plan.</p> <p>On behalf of my clients therefore I make representations that the draft NP is premature in reaching this stage, and there remains a strong possibility that the strategic policies of the draft Local Plan could change, resulting in a change in the development strategy. As highlighted in the attached representations dated 19.05.23, the progression of the NP to this stage, given the uncertainty surrounding the draft Local Plan, and the Parish Council’s original views, expressed through the draft Local Plan</p>			


Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>process that there were no exceptional circumstances to justify the removal of the proposed allocated sites from the Green Belt, is somewhat surprising, and it would appear to have been, in my view, prudent to have delayed the progress of the NP until after there was more certainty surrounding the draft Local Plan.</p> <p>My clients have consistently promoted an alternative development strategy which potentially would address the difficulties that the Council are currently facing in relation to the draft Local Plan. The details of this were set out in the representations I made on their behalf to the examination hearings, and also in the accompanying letter dated 19.05.23.</p> <p>The conclusion that was reached in my earlier letter remain, that is that my clients would question the timing and the strategy of the draft NP at this stage. Whilst there is still some considerable degree of uncertainty regarding the strategic policies of the draft Local Plan, and allocation of housing sites at Tudeley Village and East of Paddock Wood, the progression of the draft NP may be premature at this stage. In addition, it is my client's position that the strategy identified by the Borough Council should not be found to be sound as there has not been a proper assessment of the reasonable alternatives, and the option of distributing housing development across the settlements of the Borough at a scale that would support and sustain local services and facilities is more sustainable and suitable.</p> <p>Encs- Previous representation letter dated 19.05.23</p>			
2	Dandara South East	<p>Policy C1 (A Green Capel – Promoting Sustainable Development in Capel) – Part vii.</p> <p>Policy C2 (Meeting Local Housing Needs)</p> <p>Policy C15 (Mitigating vehicular impacts at junctions and pinchpoints)</p>	<p><u>Policy C1 (A Green Capel – Promoting Sustainable Development in Capel) – Part vii.</u> This policy is broadly supported, and it correctly recognises the potential for strategic development to come forward through the emerging Tunbridge Wells Local Plan.</p> <p>We would simply comment on Part vii of the policy which states “new villages/village extensions/urban extensions should retain existing landscaping in order to enable the visual and physical separation of settlements (including from Paddock Wood, Tonbridge and Five Oak Green) within the natural greenspace of the weald”.</p> <p>Whilst the objective of this policy criterion is recognised, it is considered too broad brushed to be effective. Equally so, it is perceived to assume that all existing landscaping should be retained as part of development projects.</p> <p>Development proposals in the area will seek to retain existing landscape features however there will be instances where landscape losses will be unavoidable. Such landscaping removal can be effectively compensated for through new mitigation as well as achieving biodiversity net gain (as proposed in Neighbourhood Plan Policy C7).</p> <p>Accordingly, it is recommended that the policy criterion is reworded as follows: <i>“new villages/village extensions/urban extensions should where feasible retain existing landscaping in order to enable the visual and physical separation of settlements (including from Paddock Wood, Tonbridge and Five Oak Green) within the natural greenspace of the weald. Losses in landscaping can be compensated for through new mitigation planting as well as achieving biodiversity net gain”.</i></p> <p><u>Policy C2 (Meeting Local Housing Needs).</u> Again, the broad objectives of this policy are supported in its recognition of the ability for strategic development (through the emerging Local Plan) to meet housing needs. Yet, Dandara does not support the objective that “proposals will deliver a higher percentage of smaller one- and two-bedroom dwellings, including bungalows to address the needs of single people, young couples, smaller families and the elderly” (Criterion A.i).</p> <p>The need for a “higher percentage” of smaller homes is considered too vague and it is unclear as to what is being sought. Broadly speaking, the policy criterion is considered to weigh too heavily towards the need for smaller homes in the area.</p>	Yes	Yes	

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>The criterion appears to stem from the Housing Needs Assessment AECOM has prepared for the Neighbourhood Plan. The AECOM work sets out the need for smaller (1 and 2 bed) properties and larger (4 and 5 bed) homes in the area. This assessment methodology is however considered too simplistic given that it is derived from a study of existing household formations in the Parish area. The assessment does not appear to have regard to other socio-economic indicators (as would be addressed in a SHMA) including, inter-alia, market signals, future migratory patterns (to and from Capel) and economic growth.</p> <p>Undoubtedly there will be a need for smaller sized dwellings however this will need to be balanced amongst the need for other sized dwellings. Dandara has extensive recent experience of developing sites in the locality including at Knights Wood (Tunbridge Wells), East Malling, Bearsted (Maidstone) and at nearby Collier Street. Through these schemes, Dandara has witnessed peak demand for 3 bed homes, followed by 4-5, and 1-2 bed units respectively.</p> <p>Against the above context, it is recommended that criterion A.i is reworded as follows: <i>“proposals will deliver a balanced mix of housing including a higher percentage proportion of smaller one- and two-bedroom dwellings, including bungalows to address the needs of single people, young couples, smaller families and the elderly”</i></p> <p>Policy C15 (Mitigating vehicular impacts at junctions and pinchpoints). This policy seeks to control the impact of development proposals upon a number of traffic “hotspots” in the area. The policy lists a number of junctions, “school zones”, and “congested roads” for which it proposes for development proposals to be assessed against. The supporting text, as to the methodology for the selection of these “hotspots”, appears to suggest that the sites have been anecdotally selected by the Neighbourhood Plan Steering Group, rather than through an evidenced based approach of traffic modelling and junction assessment.</p> <p>Whilst the views of the Steering Group on traffic hotspots can be positively recognised, this is not considered an evidenced-based approach to policy making. Equally it is unclear as to how the impact of a development on a “school zone” could occur. This is considered too vague an approach, and instead it would be more effective to identify specific roads/junctions concerned.</p> <p>In any case, it is recommended that the emerging Local Plan is relied upon for this work. The Local Plan is to include highways modelling and a Transport Statement and it is through this work and a subsequent planning application for which the impacts upon roads/junctions can be assessed and considered.</p>			
3	Environmental Agency (EA)	General & Policy C5 (Mitigating the impact of flooding)	<p>We welcome Policy C5: Mitigating the impact of flooding which highlights some sound objectives regarding surface water flood risk, but more should be done here to cover fluvial flood risk. Capel Parish has significant areas within high-risk flood zones (Flood Zone 3) and so consideration must be given to fluvial flood risk as well as surface water flood risk.</p> <p>It is important that a sequential approach to any new development is taken, placing development in the lowest risk areas, and avoiding high risk areas (Flood Zone 3) where possible. Where this is not possible, then site specific Flood Risk Assessments (FRA's) should accompany any proposal within flood zone 2 and 3 to ensure flood risk mitigation measures are applied and are appropriate for any proposed development as per the NPPF 2021. FRA should demonstrate the development will be safe for its entire lifetime, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall. Flood mitigation measures applied in new developments, including raising finished floor levels, avoiding ground floor residential development in high-risk areas, and avoiding loss of flood storage, should be strongly encouraged.</p> <p>We would like to see fluvial flood risk being considered further alongside surface water flood risk and this to be reflected in any plans and policy within the area.</p> <p>We hope you find our response and Advice Note helpful, please do not hesitate to contact me with any further queries.</p>	Did not say	Did not say	Refer to EA Neighbourhood Plan Advice Note for Kent, South London and East Sussex - updated February 2021

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
4	The Hadlow Estate	Non-conformity with the Emerging Borough Local Plan Policy C10 (Local Green Spaces)	<p>The Hadlow Estate made submissions at the Reg 14 stage of the Capel Neighbourhood Plan in May 2023. These submissions are attached to this letter.</p> <p>The latest "revised" Reg 16 Capel Neighbourhood Plan does not address the issues we made at Reg 14 and therefore we repeat them again here. In brief:</p> <ul style="list-style-type: none"> The current draft of the plan, although paying lip service to compliance with the Tunbridge Wells Borough Draft Local Plan, still retains "Vision" and "Significant Views" policies that conflict with it. The Green Spaces allocations 6 Orchard Tudeley, 8 Tudeley Allotments and 11 Goldsmid Family Burial Ground, Tudeley are still retained in the Reg 16 plan despite our evidence that they in no way meet the criteria for making such allocations. <p>Our previous submission is attached and enlarges on these points.</p> <p>This includes our original Green Spaces submissions – to which has been added, in blue, further submissions on the Working Groups commentary in the Capel Neighbourhood Plan Consultation Statement pages 25 – 26.</p>	Did not say	Did not say	Refer to Turnberry obo the Hadlow Estate responses to Reg 14
5	Historic England	General	<p>Thank you for inviting Historic England to comment on the Regulation 16 Submission version of this Neighbourhood Plan.</p> <p>We do not consider it necessary for Historic England to provide detailed comments at this time. We would refer you if appropriate to any previous comments submitted at Regulation 14 stage, and for any further information to our detailed advice on successfully incorporating historic environment considerations into a neighbourhood plan, which can be found here.</p> <p>We would be grateful if you would notify us on the email here if and when the Neighbourhood Plan is made by the council. To avoid any doubt, this letter does not reflect our obligation to provide further advice on or, potentially, object to specific proposals which may subsequently arise as a result of the proposed plan, where we consider these would have an adverse effect on the historic environment.</p> <p>Please do contact me, either via email or the number above, if you have any queries.</p>	Did not say	Did not say	
6	Upper Medway Internal Drainage Board (IDB)	General	<p>Capel Civil Parish is partly within the Internal Drainage District (IDD) of the Upper Medway Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on the Board's website, along with maps of the IDD. These maps also show which watercourses have been designated as 'Board Adopted Watercourses' by the Board. This designation is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.</p> <p>Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents. Therefore we would like to make you aware of the following:</p> <ul style="list-style-type: none"> If a surface water discharge to a watercourse is proposed, then consent would be required under Byelaw 3. Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. (available here). Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. If a treated foul water discharge is proposed to a watercourse, then consent would also be required under Byelaw 3. 	Did not say	Did not say	Refer to Upper Medway IDB Supplementary information overleaf on the Board's policy and consenting process

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<ul style="list-style-type: none"> If any works are proposed to alter (culverting, infilling etc.) a watercourse which is not maintained by the Board (a riparian watercourse) then consent would be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4). If any works are proposed within 8 metres of a Board Adopted watercourse. Consent would be required to relax Byelaw 10 (no obstructions within 8 metres of the edge of drainage or flood risk management infrastructure). If any works are proposed to install services within the, make excavations within the, or to alter the banks of a Board Adopted Watercourse consent would be required under Byelaw 17. If any works are proposed to alter (culverting, infilling etc.) a Board Adopted watercourse then consent would be required under Section 23 of the Land Drainage Act 1991 (and byelaw 4). <p>Please see the supplementary information overleaf for further detail on the Board's policy and consenting process.</p> <p>If, following review of our comments and supporting policy documents linked below, you wish to discuss any of the requirements I have raised, please contact the Board using the details at the head of this letter.</p>			
7	National Highways	Strategic Road Network (SRN), in this case the A21 in the vicinity of the area covered by the Plan	<p>We are concerned about the safety, reliability, and operational efficiency of the Strategic Road Network (SRN), in this case the A21 in the vicinity of the area covered by the Plan.</p> <p>Given that the Plan does not allocate sites for development, we are satisfied that the Capel Neighbourhood Plan would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN.</p> <p>Our formal response to this consultation is No Objection.</p> <p>We would like to thank you for consulting National Highways.</p> <p>Should you or any others have any queries regarding our response, please contact us via the email.</p>	Did not say	Did not say	
8	Natural England	General	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.</p> <p>Natural England does not have any specific comments on this draft neighbourhood plan.</p> <p>Natural England does not hold information on the location of significant populations of protected species, so is unable to advise whether this plan is likely to affect protected species to such an extent as to require a Strategic Environmental Assessment. Further information on protected species and development is included in Natural England's Standing Advice on protected species.</p> <p>Furthermore, Natural England does not routinely maintain locally specific data on all environmental assets. The plan may have environmental impacts on priority species and/or habitats, local wildlife sites, soils and best and most versatile agricultural land, or on local landscape character that may be sufficient to warrant a Strategic Environmental Assessment. Information on ancient woodland, ancient and veteran trees is set out in Natural England/Forestry Commission standing advice.</p>	Did not say	Did not say	

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>We therefore recommend that advice is sought from your ecological, landscape and soils advisers, local record centre, recording society or wildlife body on the local soils, best and most versatile agricultural land, landscape, geodiversity and biodiversity receptors that may be affected by the plan before determining whether a Strategic Environmental Assessment is necessary.</p> <p>Natural England reserves the right to provide further advice on the environmental assessment of the plan. This includes any third party appeal against any screening decision you may make. If an Strategic Environmental Assessment is required, Natural England must be consulted at the scoping and environmental report stages.</p> <p>For any further consultations on your plan, please contact the email.</p>			
9	Neame Sutton obo Rydon Homes	<p>Section 1 (Introduction) – para 1.1</p> <p>Section 5 (Sustainable Development)</p> <ul style="list-style-type: none"> Policy C1 (A Green Capel – Promoting Sustainable Development in Capel) Policy C2 (Meeting Local Housing Needs) <p>Section 6 (Character, Heritage and Design)</p> <ul style="list-style-type: none"> Policy C3 (Reflecting the Character of Capel's Settlements Through High Quality Design) Policy C4 (Meeting the Highest Environmental Standards) Policy C5 (Mitigating the Impact of Flooding) 	<p>1. Introduction</p> <p>1.1 Neame Sutton Limited, Chartered Town Planners, is instructed by Rydon Homes Limited (herein referred to as Rydon Homes) to prepare representations in response to the submission consultation of the draft Capel Neighbourhood Plan (Regulation 16).</p> <p>1.2 For a Neighbourhood Plan to be put to referendum and made, there are several basic conditions that must be met. These conditions are (NPPG, Paragraph: 065 Reference ID: 41-065-20140306):</p> <ul style="list-style-type: none"> Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the Neighbourhood Plan. The making of the Neighbourhood Plan contributes to the achievement of sustainable development. The making of the Neighbourhood 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). The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations. Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with in connection with the proposal for the Neighbourhood Plan. <p>1.3 These representations have been prepared in the context of these basic conditions and address the specific topics identified throughout the draft Neighbourhood Plan in accordance with the requirements of the Regulation 16 process, identifying the relevant paragraphs and policies where appropriate.</p> <p>1.4 In December 2022, the Government issued a consultation draft National Planning Policy Framework (NPPF), which included a series of potential updates in relation to Neighbourhood Plans. It is noted that the NPPF was subsequently updated in September 2023. However, the update does not include the amendments proposed as part of the consultation. Reference to the NPPF in these representations is to the current, September 2023 NPPF.</p> <p>2. Site Specific Representations: Land at Finches Farm, Five Oak Green</p> <p>2.1 Rydon Homes has an option on the land at Finches Farm, to the west of Five Oak Green, which has been promoted through the emerging Tunbridge Wells Local Plan for 130 to 140 residential dwellings.</p>	Yes	Yes	

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
		<ul style="list-style-type: none"> Policy C6 (Conserving Heritage Assets) <p>Section 7 (Environment and Green Space)</p> <ul style="list-style-type: none"> Policy C7 (Green and Blue Infrastructure and Delivering Biodiversity Net Gain) Policy C8 (Managing the Environmental Impact of Development) Policy C9 (Dark Skies) <p>Section 8 (Community Facilities)</p> <ul style="list-style-type: none"> Policy C12 (Community and Recreational Facilities to Serve the Parish) 	 <p>Figure 1: Illustrative Masterplan</p> <p>2.2 The site can offer:</p> <ul style="list-style-type: none"> A dedicated, 3m wide pedestrian footpath and cycle route to Capel Primary School. Land to accommodate a car park and recreational facilities including provision for the daily mile for Capel Primary School. Affordable housing in excess of the policy requirement. Flood alleviation measures. Highway improvements. Potential for repairs to the façade of the listed school building (subject to ongoing investigation). Provision of biodiversity net gain in excess of the forthcoming 10% national requirement, as well as areas of natural green space for recreation and play. <p>3. Section 1: Introduction</p> <p><u>Paragraph 1.1</u></p> <p>3.1 As set out in the Regulation 14 representations to the pre-submission version of the Neighbourhood Plan, the draft Plan has been prepared to sit alongside the Tunbridge Wells Local Plan. However, at present, the adopted Tunbridge Wells Core Strategy (2010) and saved policies of the Local Plan (2006) are out of date. The new Local Plan (2020-2038) is still at Examination stage, with the Inspector having set out his interim findings in a letter, published in November 2022.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>3.2 The interim findings raised fundamental concerns with the strategic sites at Paddock Wood and Tudeley Village, presenting three options for consideration by the Council. At present, the Council has not confirmed how it intends to proceed and consequently the emerging Plan is still some way from adoption and may not even proceed to adoption at all.</p> <p>3.3 The production of the Neighbourhood Plan ahead of the emerging Local Plan, is likely to result in difficulties for the Parish in the future. Depending on the National policy and Local Plan context at the time the Neighbourhood Plan is made, there may be the need for an immediate full, or partial review to take into account any changes the Borough Council may make to the emerging Local Plan.</p> <p>3.4 This is a situation that has occurred elsewhere in the past¹. In the Farnham situation a review of the Neighbourhood Plan was required immediately upon the making of the Neighbourhood Plan as a result of material changes made to the Local Plan during its Examination stage. As a consequence the Parish Council was put to a considerable amount of additional work and expense in order to bring its Neighbourhood Plan into line with the new Local Plan. This is a situation that the Parish Council here should actively seek to avoid.</p> <p>[¹ Farnham Neighbourhood Plan in Waverley Borough in Surrey – 2017/18]</p> <p><u>4. Section 5: Sustainable Development</u></p> <p><u>i. Policy C1: A Green Capel – Promoting Sustainable Development in Capel</u></p> <p>4.1 The PPG states (Paragraph: 041 Reference ID: 41-041-20140306) policies in a Neighbourhood Plan should be clear and unambiguous. It should be precise and supported by appropriate evidence, as well as respond to the unique characteristics and planning context of the specific area.</p> <p>4.2 On the whole, the previous representations to the Regulation 14 pre-submission version of the Neighbourhood Plan still apply because the matters raised have not been resolved in this Regulation 16 draft. As a general policy point, Policy C1 is seeking to control too much, rendering it impractical. Further thought should be given to what the policy is trying to achieve.</p> <p>4.3 Requirement A of this policy states that development proposals outside of the built-up area will not be supported unless it meets the four sub-criteria set out. A. i. should be expanded to include infrastructure, for example, the provision of land for educational facilities expansion or land for flood alleviation.</p> <p>4.4 Sub-Criteria ii. specifically relates to appropriate development being supported in the Green Belt, however, it should be acknowledged that where 'very special circumstances' (VSC) exist, in accordance with Paragraph 147 of the NPPF, alternative development may be allowed. This requirement should, therefore, be amended to reflect the position set out in the NPPF.</p> <p>4.5 With reference to Requirement B, whilst it is agreed that development proposals should consider and reflect the local character of the area, it is not considered relevant to assess the wider settlements (iv.) or the context of overall development (iii.) within the Parish. The reason for these criteria is unclear and neither are considered achievable.</p> <p>4.6 It is unclear what Criterion B. vii. is trying to control. Urban and village extensions cannot be considered similarly to new villages or settlements. Suggesting that village/urban extensions be visually and physically separated from the settlement is not conducive to inclusive communities and appears to contradict Neighbourhood Plan Objectives 4 and 5, to support healthy community lifestyles, encouraging participation in community life, and enabling linkages within and between the settlements to allow cohesive movement across the Parish.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>4.7 Rydon Homes support the desire to promote sustainable development, however, the phased delivery of social and physical infrastructure to meet the needs of the area (B. viii. a)) can only be applied to large, strategic development, which requires significant infrastructure, but is impractical for most other development sites. Engagement with local communities is advisory and should not be a policy requirement (B. viii. e)), in the same way that B. ii., a Framework Masterplan prepared in collaboration with the community should be removed.</p> <p>ii. Policy C2: Meeting Local Housing Needs</p> <p><u>Paragraph 5.14</u></p> <p>4.8 First Homes are referred to in Paragraph 5.14 of the draft Neighbourhood Plan, with a discount of 40% or 50%. There is no evidence to justify this level of discount, and as required by Government Guidance, it is for the Policy-Maker to demonstrate the viability of the discount. This is a serious failing of the Neighbourhood Plan Evidence Base and one that must be rectified before the Neighbourhood Plan is examined. A lack of any evidence to support the approach being taken is likely to mean that the discount sought by the Parish will need to be removed.</p> <p><u>Table 3 and Paragraph 5.24</u></p> <p>4.9 Emerging TWLP Policy H1 (Housing Mix) is not prescriptive on housing mix but does require the overall mix for development proposals to be informed by local housing needs and demand, as set out in evidence base documents, parish surveys and any other relevant reports. The Sevenoaks and Tunbridge Wells Strategic Housing Market Assessment (September 2015) and the Tunbridge Wells SHMA Update (January 2017) identify the need for a greater proportion of two- and three-bedroom open market homes, and one- and two-bedroom affordable units, although highlights that the nature of the development and character of the area are important considerations. To better reflect the Local Plan evidence base, Paragraph 5.24 should be amended to include the need for mid-size houses.</p> <p>4.10 This is particularly important given that the Parish Council appears to have misunderstood the evidence on housing mix set out by the Borough Council. The SHMA identifies all future need, it is not therefore correct for the Parish Council to deduct its current housing stock from the identified future need. Furthermore it is important to highlight that the need for 1 bedroom units in particular tends to be short term in nature and given that this type of accommodation is usually provided in the form of flats it is better suited to town centre locations rather than a location such as Five Oak Green i.e. the largest settlement in Capel Parish.</p> <p>4.11 For all of these reasons the housing mix set out in Table 3 must be revised to bring it into line with the intentions of emerging Policy H1 and also the evidence base set out in the SHMA. In its current form the mix prescribed by the Parish Council fails to meet the Basic Conditions.</p> <p><u>Policy C2</u></p> <p>4.12 In relation to Requirement A. iii., it should be noted that the onus is on the Parish Council to demonstrate the viability of the 40% to 50% discount to be applied to First Homes (NPPG, Paragraph: 004 Reference ID: 70-004-20210524) and not the developer:</p> <p><i>"[...] However, the First Homes Written Ministerial Statement does give local authorities and neighbourhood planning groups the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this. As part of their plan-making process, local planning authorities should undertake a housing need assessment to take into account the need for a range of housing types and tenures, including various affordable housing tenures (such as First Homes). Specific demographic data is available on open data communities which can be used to inform this process. The assessment will enable an evidence-based planning judgement to be made about the need for a higher minimum discount level in the area, and how it can meet the needs of different demographic and social groups."</i></p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>4.13 Rydon Homes acknowledge that Aecom has undertaken a Housing Needs Assessment, which assesses affordability with the discounts. However, viability evidence from a registered valuer should have been provided. In the absence of the necessary evidence, this policy should be amended to reflect the lower, 30% discount or the Parish Council must undertake the necessary viability assessment to establish whether the higher discount can be achieved. Without this evidence this component of the Neighbourhood Plan fails the Basic Conditions and is likely to be removed at the Examination stage.</p> <p>4.14 The Aecom Housing Needs Assessment does however confirm a number of key facts relating to the housing market within Capel Parish, which are particularly important in terms of future planning policy:</p> <ul style="list-style-type: none"> • Market housing, even with the benefit of a higher than average income, is likely to remain out of reach of most. In order to be able to afford the median house price in the Parish a buyer would need an annual income 50% higher than the current average; • This leads to an increased need for some form of discounted or social housing support; and, • As at 2021 there is a need for an additional 105 affordable home ownership dwellings in the Parish. <p>4.15 The above clearly demonstrates that the needs of those on lower quartile earnings is not being met within the Parish, with the need rising on an annual basis.</p> <p>4.16 Whilst the Borough Council had previously suggested that the solution to the housing need crisis in the Parish was the new strategic sites at Tudeley and Paddock Wood given the serious failings identified by the Local Plan Inspector in his Interim Findings Letter these sites will not be able to deliver in the way that the Borough Council intended and in the case of Tudeley are unlikely to come forward at all.</p> <p>4.17 That being the case there is a serious unmet need for new homes in the Parish that the Neighbourhood Plan has an opportunity to address. As Rydon has already set out its proposals at Finches Farm have the capability to assist the Parish Council with a substantial contribution towards meeting the unmet needs arising in the Parish. Rydon would therefore welcome the opportunity to work with the Parish to deliver this scheme as a Neighbourhood Plan Allocation.</p> <p>4.18 The Local Plan context for the Parish has material changed between the Regulation 14 and Regulation 16 consultations and the Parish Council must therefore look seriously at how the Neighbourhood Plan can address the housing crisis in the Parish because the Local Plan will not deliver the solution.</p> <p><u>5. Section 6: Character, Heritage and Design</u></p> <p>i. Policy C3: Reflecting the Character of Capel's Settlements Through High Quality Design</p> <p>5.1 Requirement A is a repetition of the NPPF (2021)² and statutory legislation and as such, should be removed from the policy. With reference to B. ii., as set out above, community engagement is advisory and should be included in the supporting text, not within the policy. Part B. v. should be removed as dark landscapes are only appropriate for sites within the AONB.</p> <p>[² Noting no change has been made in the 2023 version of the NPPF]</p> <p>ii. Policy C4: Meeting the Highest Environmental Standards</p> <p>5.2 Whilst Rydon Homes are dedicated to sustainable design and development, Policy C4 is considered highly aspirational and does not acknowledge the practical implications of the requirements set out, for example, (v.) reducing water consumption through water harvesting and greywater recycling systems, which use disinfectants to cleanse the water that are themselves energy intensive to produce. With the running costs being greater than using a mains water supply and the equipment and disinfectant needed, it is difficult to justify these systems as environmentally sustainable for individual households. This is an</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>onerous obligation to place on both the developer and the end user of the dwellings. No evidence is presented on the viability of this approach, which fails the Basic Conditions.</p> <p>5.3 The Government is clear on aspirational content, stating (PPG, Paragraph 004, Ref: 41-004-20190509) that wider community aspirations need to be clearly identifiable, and should make clear that they will not form part of the statutory development plan.</p> <p>5.4 With these points in mind, it is recommended that compliance is targeted towards meeting the requirements set out in the TWBC Local Plan and Section A. be included within the supporting text or as an appendix, given that it is aspirational content.</p> <p>iii. Policy C5: Mitigating the Impact of Flooding</p> <p>5.5 In accordance with the NPPF (para.16), plans should be prepared positively, in an aspirational but deliverable way. The ambition of the Neighbourhood Plan should align with the strategic need and priorities of the local area. Sustainable drainage solutions should be encouraged in accordance with the drainage hierarchy, but the Neighbourhood Plan cannot prevent development from connecting to the main sewer (Policy C5 C.). It is also important to note that the water companies are responsible for providing network reinforcement to the existing network to ensure that development does not increase the risk of flooding downstream. These reinforcement measures must be provided within 24 months of planning permission being granted as a Statutory requirement.</p> <p>5.6 As presented in the representations to the Regulation 14 Neighbourhood Plan, given that it is the water companies' responsibility to ensure sufficient capacity (Southern Water Position Statement, Provision of Network Reinforcement), it is unreasonable to require agreement in advance and this requirement should be removed from the Plan.</p> <p>5.7 With reference to F., it is not always possible to enhance biodiversity through SUDS provision. The policy wording should be amended to 'seek' to enhance wildlife and biodiversity. It should also be noted that the statutory requirement for BNG is 10% overall, and other than being either habitat or linear BNG, there is no SUDs BNG requirement. This policy, as a result, has no basis for inclusion.</p> <p>5.8 Drainage scheme maintenance and management plans are secured either through the S106 Agreement or by condition. In addition to it being inappropriate for the Neighbourhood Plan to introduce additional requirements, statutory undertakers do not confirm whether they will adopt SUDs until the grant of detailed planning permission (Full Detailed Planning Application or Reserved Matters Application), and as such, the prior submission of a maintenance plan would only present scenarios. It is with these points in mind that G. should be deleted.</p> <p>iv. Policy C6: Conserving Heritage Assets</p> <p>5.9 Policy C6 seeks to conserve heritage assets and includes a list of non-designated heritage assets at Appendix B. Planning Policy Guidance (Paragraph: 039 Reference ID: 18a-039-20190723) is clear on the definition of non-designated heritage assets:</p> <p><i>“Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.</i></p> <p><i>A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as nondesignated heritage assets”.</i></p> <p>5.10 Included on the list of non-designated heritage assets are the Hopper Huts at Finches Farm (No.5 Non-Designated Heritage Assets). Appendix B includes the assessment criteria applied in considering which sites should be included. However, the criteria are neither explained nor as exhaustive as expected. Historic England's Local Heritage Listing: Identifying and Conserving Local Heritage Historic England Advice Note 7 (Second Edition) (2021), sets out that the commonly applied selection criteria for assessing the suitability of assets for inclusion in a local heritage list include:</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<ul style="list-style-type: none"> • Asset Type • Age • Rarity • Architectural and Artistic Interest • Group Value • Archaeological Interest • Historic Interest • Landmark Status <p>5.11 This list is significantly greater than that included within the Capel Neighbourhood Plan.</p> <p>5.12 Historic England's Guidance (para. 39) sets out that the criteria for the selection of non-designated assets and the quality thresholds that they should meet, should be publicly available. Rydon Homes do not consider that this is currently demonstrated.</p> <p>5.13 Rydon Homes note that the Hopper Huts at Finches Farm are included and acknowledge the history of hop picking in the Parish. It is, however, considered that there are more significant examples elsewhere. A non-designated heritage asset allocation of the Hopper Huts is considered unnecessary and inappropriate, and Rydon Homes remain unsure as to what the neighbourhood Plan is trying to control as a result of this designation.</p> <p><u>6. Section 7: Environment and Green Space</u></p> <p>i. Policy C7: Green and Blue Infrastructure and Delivering Biodiversity Net Gain</p> <p>6.1 The PPG advises that a developer must try to avoid the loss of habitat on site and where this is not possible, habitat must be created either on or off-site. If the works cannot be mitigated on or off-site, statutory credits must be bought from the Government, which will be invested in habitat creation elsewhere in the country. It is possible to combine the three options to create Biodiversity Net Gain (BNG).</p> <p>6.2 The policy cannot, therefore, require the delivery of 10% BNG onsite as the only option because this would be in direct conflict with the PPG and the legislative requirements when they come into force. It should also be noted that the 10% requirement is not mandatory on major sites, with the statutory requirement currently being delayed. It is unclear as to what this requirement is trying to control, as it does not relate to the regulations.</p> <p>ii. Policy C8: Managing the Environmental Impact of Development</p> <p>6.3 Ecological Impact Assessments are a statutory requirement and included on the Tunbridge Wells Local Validation Checklist, it is not, therefore, necessary for requirement C8 i. to be included.</p> <p>6.4 Requirement ix. is unrealistic and unachievable and should be removed from the policy. Under the Environment Act, the BNG calculation includes the increase in the quality of hedgerows by 10%, and as a result, this requirement should be removed from the policy. The requirement for lighting (xiv.) conflicts with Policy C9: Dark Skies and should also be removed.</p> <p>iii. Policy C9: Dark Skies</p> <p>6.5 It is unclear as to which locations this policy will apply. It seems reasonable to be applied to sites within the AONB, for example, however if the intention is for this policy to be applied Plan wide, it needs to be justified and fully supported by detailed evidence. Rydon Homes is of the opinion that the Parish Council will not be able to provide the evidence to support the application of this policy across the Neighbourhood Plan Area.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p><u>7. Section 8: Community Facilities</u></p> <p>i. Policy C12: Community and Recreational Facilities to Serve the Parish</p> <p>7.1 It is considered that A. i., iii. and v. should be removed from the policy. As set out in the NPPF, the provision of sports facilities within the Green Belt is an exception to inappropriate development. Green Belt is addressed in Policy C1 and does not need to be repeated here. With reference to iii., consideration needs to be given to how this will be measured or defined. As set out above, community engagement is advisory and cannot be included in policy requirements (B.).</p> <p><u>8. Appendix A – Capel Design Guidelines – Final Report (August 2023)</u></p> <p>8.1 This document is referenced in draft Policy C3 of the Neighbourhood Plan (see comments in Section 7 above).</p> <p>8.2 Rydon has various constructive comments to make on the Design Guidelines document, which are set out in this section of the Representations.</p> <p>8.3 Pages 29 and 34 – It is important to note that the Local Vernacular referenced here is aspirational. It does not accurately reflect the post war development that represents a large number of units in Five Oak Green in particular.</p> <p>8.4 Page 30 and 54 – Figures 21 and 48 – The long distance view annotated north from the B2017 across Finches Farm is not a long distance view. When standing on the north side of the B2017 one can see the immediate fields but the longer views are truncated by the presence of the railway line as a strong linear and visual break in the landscape.</p> <p>8.5 Page 48 – 1c – The objectives on this page would appear to conflict with the NPPF particularly in relation to the objective to make best use of land. This section should be revisited to ensure that any conflicts are removed. The final bullet on this page should be removed completely because it attempts to introduce planning policy consideration into a design guidance document, which is not the right place for planning policy matters to be set out.</p> <p>8.6 Page 49 – The exercise set out on this page in Figures 35-40 needs to be undertaken on a finer grain within the lower order streets in Five Oak Green. The current analysis is incomplete and therefore presents a misleading view of the local character.</p> <p>8.7 Page 50 – 1d – The third bullet point introduces a requirement for the creation of short and long-distance views. There is no reference in the document or the other supporting evidence base for the Neighbourhood Plan as to why views need to be created and what those views would be of/for. This requirement requires further explanation and evidence to demonstrate why the creation of short and long-distance views are necessary to make a development acceptable in design and planning terms.</p> <p>8.8 Page 52 – 1e – The third bullet point should be deleted. It is not appropriate for a design guide to stipulate that existing open spaces and landscape features should be retained. New development can and frequently does take place on existing open spaces and through that development new spaces are established with high quality landscape that benefits the character of the area. The design guide should recognise this.</p> <p>8.9 Page 58 – Figure 54 – Speed cushions are not acceptable on bus routes. The design guide should therefore recognise this.</p> <p>8.10 Page 59 – Figure 55 – There is no representative vernacular within the document to demonstrate why the approach advocated in this figure is appropriate for Capel Parish.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>8.11 Page 60 and 61 – Figures 56, 57 and 58 – These figures are too prescriptive. The design guide needs to be sufficiently broad and flexible to enable the designer to respond to individual site circumstances.</p> <p>8.12 Page 104 – Figure 138 – The linear form of development with large set back from the road advocated in this figure does not represent efficient use of land nor is it necessarily representative of the existing vernacular in the Parish, particularly within Five Oak Green. No evidence has been presented to demonstrate why panel fencing should be avoided. There are many successful examples of this boundary treatment within the Parish and Five Oak Green in particular. The design guide should not preclude the use of this boundary treatment.</p> <p>9. Conclusion</p> <p>9.1 Whilst at the present time the Local Plan does not identify a requirement for housing allocations to be made in the Capel Neighbourhood Plan, the Parish Council will be aware that the Local Plan is currently at examination, where the Inspector has raised several, fundamental concerns that may result in a revised Spatial Strategy, which includes the need for housing allocations to be made in the Neighbourhood Plan.</p> <p>9.2 Rydon Homes considers that adequate flexibility should be built into the Neighbourhood Plan to allow development to come forward in a suitable and sustainable way, taking account of the individual characteristics and context of each site location.</p> <p>9.3 Rydon Homes has, therefore, recommended several amendments to the policies set out in the draft Neighbourhood Plan to enable the Plan to exist alongside the emerging Tunbridge Wells Local Plan and align it with national policy. These amendments are necessary for the Neighbourhood Plan to meet the Basic Conditions and therefore pass the Examination stage in order to be able to proceed to Referendum.</p> <p>9.4 In the event that the appointed Examiner decides to hold a Hearing for the Examination in due course Rydon Homes would like to attend that Hearing in order to present its case on the various flaws in the Neighbourhood Plan as currently drafted and therefore why changes are necessary to meet the Basic Conditions.</p>			
10	Robert Assirati CBE	Whole Plan & Appendix A - Capel Design Guidance	<p>As a member of the working group for the CNP I am fully supportive of the plan and the design guidance. The Parish Council and their consultants have worked tirelessly and professionally to produce an excellent document and to ensure there is strong support within the Parish.</p> <p>While it is not yet clear how TWBC will amend their Strategic Local Plan, I believe that the NDP and design codes provide a good framework for ensuring that any development is suitable for the area. However, I continue to strongly resist any plans to build extensively on the Green Belt, and feel that future development should concentrate on Brownfield sites, and possibly on minor extensions to the LBD of Five Oak Green.</p>	Yes	Yes	
11	Southern Water	Whole Plan	Thank you for consulting us on the Submission Draft of the Capel Neighbourhood Development Plan (Regulation 16 Consultation). We have no further comments to make at this time and look forward to hearing of progress with the Plan.	Did not say	Yes	
12	Sport England	Whole Plan	Government planning policy, within the National Planning Policy Framework (NPPF) , identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process. Providing enough sports facilities of the right quality and type in the right places is vital to achieving this aim. This means that positive planning for sport, protection from the unnecessary loss of sports facilities, along with an integrated approach to providing new housing and employment land with community facilities is important.	Did not say	Did not say	

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>It is essential therefore that the neighbourhood plan reflects and complies with national planning policy for sport as set out in the NPPF with particular reference to Pars 98 and 99. It is also important to be aware of Sport England's statutory consultee role in protecting playing fields and the presumption against the loss of playing field land. Sport England's playing fields policy is set out in our Playing Fields Policy and Guidance document.</p> <p>Sport England provides guidance on developing planning policy for sport and further information can be found via the link. Vital to the development and implementation of planning policy is the evidence base on which it is founded.</p> <p>Sport England works with local authorities to ensure their Local Plan is underpinned by robust and up to date evidence. In line with Par 99 of the NPPF, this takes the form of assessments of need and strategies for indoor and outdoor sports facilities. A neighbourhood planning body should look to see if the relevant local authority has prepared a playing pitch strategy or other indoor/outdoor sports facility strategy. If it has then this could provide useful evidence for the neighbourhood plan and save the neighbourhood planning body time and resources gathering their own evidence. It is important that a neighbourhood plan reflects the recommendations and actions set out in any such strategies, including those which may specifically relate to the neighbourhood area, and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support their delivery.</p> <p>Where such evidence does not already exist then relevant planning policies in a neighbourhood plan should be based on a proportionate assessment of the need for sporting provision in its area. Developed in consultation with the local sporting and wider community any assessment should be used to provide key recommendations and deliverable actions. These should set out what provision is required to ensure the current and future needs of the community for sport can be met and, in turn, be able to support the development and implementation of planning policies. Sport England's guidance on assessing needs may help with such work.</p> <p>If new or improved sports facilities are proposed Sport England recommend you ensure they are fit for purpose and designed in accordance with our design guidance notes.</p> <p>Any new housing developments will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then planning policies should look to ensure that new sports facilities, or improvements to existing sports facilities, are secured and delivered. Proposed actions to meet the demand should accord with any approved local plan or neighbourhood plan policy for social infrastructure, along with priorities resulting from any assessment of need, or set out in any playing pitch or other indoor and/or outdoor sports facility strategy that the local authority has in place.</p> <p>In line with the Government's NPPF (including Section 8) and its Planning Practice Guidance (Health and wellbeing section), links below, consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing planning policies and developing or assessing individual proposals.</p> <p>Active Design, which includes a model planning policy, provides ten principles to help ensure the design and layout of development encourages and promotes participation in sport and physical activity. The guidance, and its accompanying checklist, could also be used at the evidence gathering stage of developing a neighbourhood plan to help undertake an assessment of how the design and layout of the area currently enables people to lead active lifestyles and what could be improved.</p> <p>NPPF Section 8 PPG Health and wellbeing section Sport England's Active Design Guidance</p> <p>(Please note: this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.)</p> <p>If you need any further advice, please do not hesitate to contact Sport England using the contact details below.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
13	Stantec obo Crest Nicholson	<p>Policy C1 (A Green Capel – Promoting Sustainable Development in Capel)</p> <p>Policy C2 (Meeting Local Housing Needs)</p> <p>Policy C3 (Reflecting the Character of Capel's Settlements through High Quality Design)</p> <p>Policy C5 (Mitigating the impact of flooding)</p> <p>Policy C11 (Protection of Locally Significant Views)</p> <p>Policy C15 (Mitigating vehicular impacts at junctions and pinchpoints)</p> <p>Policy C16 (Publicly available electric vehicle charging)</p>	<p>Policy C1: A Green Capel – Promoting Sustainable Development in Capel</p> <p>Figure 5.2 of the Neighbourhood Plan – 'Spatial use and policy designations proposals' identifies Strategic Sites allocated within the emerging Local Plan to be removed from the Green Belt, including land North West of Paddock Wood.</p> <p>Although the strategic site allocation is mostly located within the Capel Parish area, the eastern part of the site that is contiguous with Paddock Wood is within Paddock Wood Town Council area (and therefore is subject to its Neighbourhood Plan policies). The allocation is an extension of Paddock Wood and therefore the proposals for the Site will be planned comprehensively and informed by the local character and distinctiveness of Paddock Wood. The Site is physically separated from Capel Parish by the A228 (which forms the proposed new Green Belt boundary) and therefore it would be appropriate for the site to reflect Paddock Wood in which it is more closely related to, although recognising its location within Capel Parish.</p> <p>As presently worded, the policy does not accord with the Basic Conditions (d) contributing to sustainable development or Basic Condition (e) in general conformity with the strategic policies.</p> <p>Therefore, we request that the policy wording is amended to allow for greater flexibility for the Strategic Site – North West of Paddock Wood (Policy STR/SS1). This is to ensure that the proposed development can reflect the local character and distinctiveness of Paddock Wood and recognise that when developing an urban extension such as west Paddock Wood, retention of existing landscaping will be a priority but cannot be a blanket requirement given the scale and complexities; hence some flexibility is required as suggested below.</p> <p><u>Suggested Policy Wording</u></p> <p>“... B. Where proportionate, major development proposals within Capel Parish should demonstrate that all of the following criteria have been satisfied:</p> <ul style="list-style-type: none"> i. they are informed by garden settlement principles; and ii. a Framework Masterplan is prepared, in collaboration with the local community; and iii. they have considered the context of the overall development of the Capel Parish and can demonstrate that they have not been considered in isolation; and iv. they have positively considered the existing main settlements (Five Oak Green, Capel, Colts Hill, Crockhurst Street, Tudeley Hale, Tudeley, Whetsted), and the smaller hamlets (Badsell, Castle Hill and Postern) and Paddock Wood where applicable with respect to their character, heritage, environment and landscape settings; and ... v. vii. new villages/village extensions/urban extensions should retain existing landscaping where possible in order to enable the visual and physical separation of settlements (including from Paddock Wood, Tonbridge and Five Oak Green) within the natural greenspace of the weald. Any loss of existing landscaping should be compensated through new mitigation planting that reflects the character of the landscape. <p>Policy C2: Meeting Local Housing Needs</p> <p>Policy C2 sets out the local housing needs for Capel Neighbourhood Plan area based on the Capel Local Housing Needs Assessment. We are pleased to see the deletion of the specific housing mix within the policy, but still consider that in relation to the Site at North West Paddock Wood it is important to recognise that as an allocated Strategic Site for Tunbridge Wells borough, it should provide a housing mix that meets the needs and requirements of the borough as a whole, not just Capel.</p> <p>The emerging Local Plan currently allocates Tudeley Village for strategic residential development within TWBC. As a result of the ongoing Examination, due to additional constraints, there is a possibility that the strategic allocation at Tudeley will not be found “sound” and therefore, it is increasingly important that the strategic allocation at North West Paddock Wood provides for the needs of the Borough and not just the immediate Capel area.</p>	Yes	Yes	Refer to Flood Risk and Drainage Review by Ardent Consulting Engineers dated 11.05.2023 in relation to Policy C5 (Mitigating the Impact of Flooding)

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>In addition, the Site is physically divorced from Capel Parish, separated by the A228. The Site forms part of a wider extension to Paddock Wood and therefore the proposals should reflect and be more closely related to Paddock Wood rather than Capel Parish.</p> <p><u>Suggested Policy Wording</u> As such, Policy C2 should acknowledge the difference between Strategic Site STR/SS1 of the Tunbridge Wells Local Plan and other sites covered by this policy.</p> <p><u>Policy C3: Reflecting the Character of Capel's Settlements through High Quality Design</u> This policy seeks to incorporate the principles and guidance set out in the Capel Design Guidance and Codes, the High Weald AONB Management Plan, the High Weald AONB Housing Design Guide, the Kent Design Guide SPD and the Tunbridge Wells Borough Landscape Assessment.</p> <p>At the point when an application is submitted for North West Paddock Wood, the application will be accompanied by a Design and Access Statement which will reflect the principles and guidance set out within the National Design Guide.</p> <p>However, the Site is a strategic allocation which is an extension to Paddock Wood. The Site is physically separated from Capel Parish via the A228 and therefore, the proposals at the Site should reflect the character of Paddock Wood as set out within the Paddock Wood Neighbourhood Plan and Design Guidance. This should be acknowledged within the policy.</p> <p><u>Policy C5: Mitigating the Impact of Flooding</u> Flooding is addressed at a strategic level by Flood Risk Policy EN25 and Sustainable Drainage Policy EN26 of the TWBC draft Local Plan. However, Policy C5 of the Capel Neighbourhood Plan seeks to ensure that development proposals fully consider the natural environment in Capel adequately to manage drainage and sewerage.</p> <p>A detailed Flood Risk and Drainage Review has been produced by Ardent Consulting Engineers, dated 11 May 2023 to understand the accordance of Policy C5 with the Basic Conditions set out within Section 2. The review is appended to this form.</p> <p>In summary, Part B, C, E and G are in accordance with the Basic Conditions. However, Part A, D and F require amendments in order to comply with the Basic Conditions. The amendments are set out below.</p> <p>Policy C5 Part A suggests that all watercourses should remain open, and that land impacted by flooding should be safeguarded to manage existing flood risk. Land drainage policy is generally against infilling of watercourses but where it is necessary to accommodate development or other changes to watercourses, there is a requirement to ensure the relevant mitigation is put in place to ensure no increase in flood risk.</p> <p>This part of the Policy would sterilise development opportunities within Flood Zone 1, 2 and 3. Land currently at flood risk is to be safeguarded for the management of flood risk. This approach is not in line with the draft Local Plan Flood Risk Policy EN25 where it states that "... Proposed for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere. ... Where there is evidence that water from these sources either ponds or flows over the proposed site, the assessment should state how this will be managed, and what the impact on neighbouring sites will be as part of a cumulative assessment." This is also not in line with the NPPF and Planning Practice Guidance.</p> <p>Therefore, this part of the Policy would need to be redrafted to be in line with both local and national policy as set out in Basic Conditions a) and e).</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>Policy C5 Part D requires development proposals to protect and complement the existing drainage networks. Flood Risk Policy EN25 of the draft Local Plan states "Proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be not increase to flood risk elsewhere".</p> <p>Sustainable Drainage Policy EN26 of the draft Local Plan states that "all development applications should include adequate drainage provision". A maintenance and management plan will be required for all surface water/SuDS systems serving new development. The proposals will be more robust in terms of dealing with the latest climate change requirements, however the need for "providing betterment and more robust maintenance of these to impact drainage within the Parish in the long term, will be supported". This would seem to be beyond what Policy EN26 is requesting.</p> <p>There is likely to be a betterment in terms of foul capacity in the existing system which is known to be under capacity as a result of improvements to the foul network to accommodate future development. There is likely to be a reduction in flood risk from surface water and fluvial flooding as a result of flood mitigation serving new development. This will take some pressure off the existing "...watercourses and land drains specifically as well as highway drainage and storm water drains/public sewers.." in terms of frequency of flooding.</p> <p>Finally Policy C5 Part F states that SuDS provision must demonstrate how its design will enhance wildlife and biodiversity as well as minimising the impact of flooding.</p> <p>There are four main categories of benefits that can be achieved by SuDS: water quantity, water quality, amenity and biodiversity. These are referred to as the four pillars of SuDS design. While each pillar is looked at equally, it is minimising the impact of flooding is the focus of most authorities and approving bodies. We request that this part of the policy is re-written as follows, "SuDS provision must demonstrate where reasonable how its design will enhance wildlife and biodiversity or provide evidence on why it cannot be achieved as well as minimise the impacts of flooding." It is not always possible to achieve wildlife and biodiversity benefits with SuDS systems.</p> <p><u>Suggested Policy Wording</u> "POLICY C5: MITIGATING THE IMPACT OF FLOODING A. Existing watercourses (inclusive of all ditches and land drains) should remain open, and the land safeguarded for management of existing flood risk.</p> <p>B. Where practicable, development proposals relating to brownfield sites should remove existing surface water connections to the public foul sewer and all development proposals should pursue sustainable sewerage disposal solutions to dispose of surface water run-off.</p> <p>C. Planning proposals will not be supported unless it can be shown by rigorous analysis that there is sufficient capacity in the local sewerage system and that any new connections will not increase the risk of system back up/flooding or cause any adverse impact to the neighbourhood area environment.</p> <p>D. Development proposals that protect and complement the existing drainage networks (watercourses and land drains specifically as well as highway drainage and storm water drains/public sewers), providing betterment and more robust maintenance of these to improve drainage within the Parish in the long term, will be supported.</p> <p>E. Where a development proposal is required to provide Sustainable Drainage Systems (SuDS), this is expected to be provided on site unless there are clear reasons why this is not possible. Such development is encouraged to demonstrate the use of a wide range of creative SuDS solutions, for example through the provision of SuDS as part of green spaces, green roofs, permeable surfaces and rain gardens. The absence of any on-site SuDS provision will only be permissible in such developments where a specific reason can be evidenced that prevents the use of SuDS.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>F. SuDS provision must demonstrate how its design will enhance wildlife and biodiversity as well as minimise the impacts of flooding. SuDS provision must demonstrate where reasonable how its design will enhance wildlife and biodiversity or provide evidence on why it cannot be achieved as well as minimise the impacts of flooding.</p> <p>G. Applications for major developments, and those in a flood risk areas as identified by Tunbridge Wells Borough Council, shall be accompanied by a drainage scheme maintenance and management plan. Other developments shall be accompanied by details that make clear the responsibilities for the long-term management of all surface and land drainage components on the site."</p> <p><u>Policy C11: Protection of Locally Significant Views</u> Policy C11 seeks to safeguard important views in and across the Parish from inappropriate development. The Neighbourhood Plan identifies 11 locally significant view corridors, clusters and specific views. The Policy requires major development to be supported by a landscape/visual impact assessment which demonstrates the potential impacts and how these will be mitigated.</p> <p>View 6 identifies and seeks to protect the view of Whetsted Woods. The view looks southeast towards Whetsted Woods from public footpath WT176, which is adjacent to the A228 and entrance to the Site. The view is currently described as Ancient Woodland in the east of the parish adjoining Paddock Wood. The view includes the open field and wooded boundaries.</p> <p>The viewpoint is on a well-used footpath in the countryside, and it is acknowledged that the view may have value to the local community, which may be considered consistent with the Neighbourhood Plan description of a locally significant view.</p> <p>However, the viewpoint location carries no designation associated with high quality landscapes, no link to popular visitor attractions or known cultural associations. In addition, no evidence has been provided to support the local designation of the view for why it is significant.</p> <p>As currently worded the policy requires a Landscape and Visual Impact Assessment to accompany any major development proposed within the viewpoints identified within the Policy. However, it is unclear on how the viewpoints were identified and assessed. As such, the evidence to support the designation of the view is missing and therefore it is not possible to assess the importance of the view.</p> <p>However, given the Strategic Allocation on the Site to provide significant residential development. It is currently unclear what constraints the policy is inflicting onto the Site. Further information is required to understand the implications of the policy on the potential to deliver housing as part of the strategic allocation and to understand what design implications this may have on the delivery.</p> <p>There is no reference to Locally Significant Views within the emerging Local Plan, nor the National Planning Policy Framework (NPPF, 2021). Therefore, this policy is not in conformity with the emerging Local Plan of NPPF and does not meet the Basic Conditions for Neighbourhood Plans as summarised in Section 2 of these representations, despite any potential local support.</p> <p>As such, an assessment of the sensitivity of the view has been conducted combined with the susceptibility to the proposed development. Notwithstanding the value to the local community, the overall value of the view is assessed as 'Low'. As stated previously, the View is likely to be experienced by recreational walkers, and due to the proximity to the existing settlements, is well used. As such, susceptibility is assessed as 'Medium'. The overall sensitivity of the View to development on the Site is assessed as 'Medium'.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>Overall, Policy C11 is not in line with the Basic Conditions as set out within Section 2 of the submitted Representations and therefore the evidence base to support this Policy needs to be published and the implications of the designated views needs to be set out. As such, this Policy does not meet the Basic Conditions.</p> <p>Policy C15: Mitigating Vehicular Impacts at Highway Hotspots The purpose of Policy C15 is to ensure that development proposals fully assess both their potential impact and their cumulative impact on the key junctions/congested areas in the Parish that already experiences congestion problems and seek to mitigate this. The Policy seeks to ensure that new development in the immediate vicinity of a school, protects and where possible, enhances the safety of pedestrians.</p> <p>It is understood that the Neighbourhood Plan supports the need for highway infrastructure mitigation to deal with the traffic impact of the TWBC Local Plan. However, in addition to the highway mitigation required to mitigate the impacts of new development, the Policy requires consideration of existing problems.</p> <p>New developments are responsible for their own impacts on the highway network, whereas the assessment of the cumulative effects of allocated developments form part of the TWBC Local Plan evidence base. As such, it is an important principle that the planning obligation tests are expected to cover only the extent of any mitigation proposals that are: necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonable related in scale and kind to the development.</p> <p>As currently worded, Policy C15 suggests that mitigation should potentially go beyond the scope of these planning obligations by requiring developments to deal with existing problems. Therefore, the policy wording needs to be reviewed to ensure that it is compliant with the planning obligation test above.</p> <p>Notwithstanding this, any mitigation proposals brought about by new development will be expected to take due account of underlying baselined conditions on the highway network. This will ensure that any infrastructure proposal is able to be judged against road safety and capacity parameters.</p> <p>A number of highway 'hotspots' have been included within Policy C15. It is understood that these locations have been identified from the Capel Neighbourhood Plan Steering Group consultation. In response, we comment as follows:</p> <p>Collective experiences are a good marker for potential 'hotspots', but it is not a substitute for considered analysis;</p> <p>There is no scale or graduation provided as to how the list was devised; and A Transport Assessment would be required in support of planning applications. The scope of such documents would be agreed with KCC.</p> <p>There is a risk that Policy C15 could be seen to pre-judge the outcome of such scoping discussions. It may therefore be premature to include a 'hotspot' without robust technical justification. Therefore, we recommend that Policy C15 is amended to limit itself to seeking the production of a Transport Assessment.</p> <p>Furthermore, the Policy is seeking an assessment of both the 'direct' and 'cumulative' impact of developments. It is worth noting the TWBC is responsible for assessing the effects of the Local Plan as a whole and for the Council to outline any requirements for strategic mitigation arising from any cumulative assessment.</p> <p>Any strategic highway mitigation would be delivered by means of a CIL type levy. The planning obligations tests suggests that where such strategic impacts are related to a proposed development, it may be possible to secure a financial contribution in a 'proportionate' manner. However, it does not correlate that a Transport Assessment would be expected to include within the</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>scope an assessment of cumulative impacts, particularly if it was able to demonstrate stand-alone delivery of the development, or a specific trigger point for when such a financial contribution is required.</p> <p>As such, the justification for the effectiveness of Policy C15 is questioned as what is requested is beyond the remit of what a development-specific Transport Assessment may be required to look at. The justification for the policy is also called into question given that the requirement to produce a Transport Assessment is satisfactorily covered by existing guidance.</p> <p>Therefore, in line with Policy TP1 of the TWBC Local Plan, a planning application for development at North West Paddock Wood would be expected to be accompanied by a Transport Assessment and Travel Plan. A TA Scoping Report will be prepared and submitted to KCC, which will outline the geographical extent of any assessment.</p> <p>The results of the TA Scoping Report will determine the methodology for assessing the impact of the development, this will dictate the junctions or road links to be assessed in more detail, using capacity tests where the level of impact in traffic terms is judged to be material to the operation and safety of the highway network.</p> <p><u>Suggested Policy Wording</u> “POLICY C15: MITIGATING VEHICULAR IMPACTS AT JUNCTIONS AND PINCHPOINTS A. Development proposals should ensure that they have no unacceptable direct or cumulative impact on identified key junctions through the preparation of a Transport Assessment or Report on the following areas, as identified on Figure 22 and also any potential new hotspots resulting from major development, for example, a new primary and/or secondary school(s):</p> <p>Junctions:</p> <ul style="list-style-type: none"> • B2017/Hartlake Road • B2017/Alders Road • A228/Alders Road/Crittenden Road • A228 Dampiers Corner Roundabout • A228/Whetsted Road • Woodgate Way Roundabout <p>School zones:</p> <ul style="list-style-type: none"> • Capel Primary School • Schools at Somerhill <p>Congested roads:</p> <ul style="list-style-type: none"> • A228 Colts Hill • Dampiers Corner Roundabout (B2017 predominately due to school run & lack of parking at Capel Primary school) <p>B. Such <u>Transport Assessments or Reports</u> must include the impact on the safety of cyclists and pedestrians at the respective local road junction/ stretch of road.”</p> <p><u>Policy C16: Electric Vehicle Charging</u> Policy C16 seeks to ensure that adequate provision is made for electric vehicles (EV) charging, which will assist in effecting a shift towards less polluting vehicles. As well as supporting the installation of EV charging points as a standard in new</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>development, it is important that this is supplemented by charging points at suitable public accessible locations around the Parish.</p> <p>It is noted that the Capel Neighbourhood Plan requires: <u>"As well as supporting the installation of EV charging points as a standard in new development, it is important that this supplemented by charging points at suitable public accessible locations around the Parish"</u>.</p> <p>Planning for the future take-up of EVs is generally supported. However, a requirement for new developments to provide 'off-site' charging points should be reviewed.</p> <p>Support could be gathered for the installation of additional EV charging facilities locally, but any planning gain agreement sought through Policy C16 should be cognisant of the potential for non-compliance against the planning obligation tests laid out previously. The risk is that the links between existing and future users and the new proposed developments is not sufficiently direct.</p> <p>The proposed development will seek to deliver Electric Vehicle (EV) charging infrastructure in line with the relevant TWBC and KCC guidance. The provision will cover both residential as well as other land-uses, such as retail and community focused facilities, to maximise the take-up of EVs in the future.</p> <p>On this basis, the Policy wording should be amended to remove reference to the provision of charging points at suitable public accessible locations around the Parish to ensure compliance with the planning obligations test.</p> <p><u>Suggested Policy Wording</u> "POLICY C16: PUBLICLY AVAILABLE ELECTRIC VEHICLE CHARGING Proposals to provide publicly available vehicle charging points in the Parish will be strongly supported.</p> <p>Such charging facilities should provide parking spaces with future-proofed four hour or faster electric vehicle charging points (or wireless charging facilities) that are affordable, reliable, and open access."</p>			
14	Brenchley and Matfield Parish Council	Whole Plan	<p>Brenchley and Matfield Parish Council (BMPC) congratulates Capel Parish Council on this informative and useful document.</p> <p>BMPC is pleased to see the note that has been added to Policy C15 and the amendment that has been made to Section 12, concerning the Alders Road/Crittenden Road/A228 junction, following BMPC's response to the Regulation 14 draft. Given the importance of this junction for Brenchley and Matfield residents, the fact that the majority of Crittenden Road lies in Brenchley and Matfield parish, and the likelihood that measures at this junction could divert traffic onto even more unsuitable rural lanes within Brenchley and Matfield, it is very important that BMPC should be consulted at an early stage about any proposed changes to the junction. However, Policy C15 seems to have lost some of its sense in the redrafting that has evidently taken place for this Regulation 16 draft: it is now not clear what the "Such transport reports" referred to in part B of the policy are, and notes 1 and 2 should presumably now be omitted.</p>	No	Yes	
15	Andrew Stanley	Comments relate to various parts of the plan	<p>Overall, I believe Capel Parish Council has produced a worthy plan. Unfortunately, it faces a borough council that knows best and that intends to sacrificed the parish for the benefit of others. Residents of Capel live in a rural community and "love where they live" (that could be a strap line).</p> <p>The vision of Capel (page 18 section 3) reflects a heavily supported view by people in and around the parish. The parish does not object to limited development within the parish but this should be for local need and the type of accommodation needed (not the type developers want)(policy 2). The comments throughout paragraph 5 (page 25onwards) are relevant and appropriate. Perhaps more accommodation suitable for elderly people should be prioritised and this could free-up larger housing for others.</p>	Yes	Yes	

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>Policy 5 deals with flooding. The policy talks about mitigation and measures to reduce the risk. In my view neither this policy or the views of TWBC reflect the likely escalation in flooding as forecast over coming decades. Unless I have misunderstood climate forecasts it would seem a high risk strategy using Capel as a large scale development area with its long history of significant flooding (& the consequences for adjacent parishes to the north).</p> <p>It appears that highways fall outside the scope of the plan which is unfortunate due to the added destruction of the parish as proposed. Currently, the traffic travelling from north to south on the A228 arrives at the junction/roundabout with the B2017 (Dampiers Corner) at high speed causing accidents and near misses. If the A228 is straightened from the south it will simply make that situation worse. It's the bend in the road that slows the traffic from that direction and should be retained. I certainly agree with traffic calming measures throughout FOG and would also recommend a pedestrian crossing from Falmouth Place to the sole village shop - this would aid pedestrians from Falmouth Place, Whetsted Road and the village centre to cross safely. I cannot see that in the plan. I also agree that weight/size limits to vehicles passing along the B2017 and over Whetsted railway arch should be introduced.</p>			
16	Anna Hawkins - The British Horse Society	Figure 9.1	The cross-parish bridleway project is welcome, as is the inclusion of equestrian interests in the plan, however we would urge you to consider a connected bridleway that is reachable via other safe off-road paths in the Borough. Circular routes are preferable.	No	Yes	
17	Kember Loudon Williams obo Mr and Mrs Whetstone	<p>Policy C6 (Conserving Heritage Assets)</p> <p>Policy C1 (Promoting Sustainable Development)</p> <p>Policy C5 (Mitigating the Impact of Flooding)</p> <p>Policy C11 (Protection of Locally Significant Views)</p> <p>Policy C15 (Mitigating Vehicular Impacts)</p>	<p>Please accept these submissions as formal representations to the Regulation 16 version of the emerging Capel Neighbourhood Plan. These submissions have been prepared on behalf of Mr and Mrs Whetstone who live at Tudeley Brook Farm.</p> <p>Please note that representations were lodged against the Neighbourhood Plan in May 2023 on the Regulation 14 version of the Plan. A copy of our formal submissions are attached for ease of reference at Appendix 1 and should be considered alongside these representations.</p> <p>At that time, we expressed concerns, inter alia, with the Neighbourhood Plan designating all 36 farmsteads within the Parish as non-designated heritage assets and explained that this blanket approach to designation was unqualified and unjustifiable. It is disappointing that the latest iteration of the Plan has not satisfactorily addressed our concerns. Our substantive objection in relation to draft Policy C6 (Conserving Heritage Assets) therefore remains.</p> <p><u>Policy C6: Conserving Heritage Assets</u></p> <p>Before a Neighbourhood Plan can proceed to referendum it must be tested against the "basic conditions" (set out in Paragraph 8 of Schedule 4b of the Town and Country Planning Act 1900 - as amended). In order to meet the basic conditions, the Plan must, inter alia:</p> <ul style="list-style-type: none"> • comply with national policy and advice in guidance issued by the Secretary of State; • contribute to the achievement of sustainable development; • be in general conformity with the strategic policies contained in the development plan for the area; and • be compatible with EU obligations <p>If the Examiner identifies that the neighbourhood plan does not meet the basic conditions as submitted the plan may not be able to proceed to referendum.</p> <p>It is considered that Policy C6 (Conserving Heritage Assets) does not meet the basic conditions test because it does not comply with national policy and advice in relation to identifying non-designated heritage assets.</p> <p>Paragraph 40 Reference ID: 18A-040-20190723 from Planning Practice Guidance deals specifically with the process of identifying non-designated heritage assets, explaining that decisions have to be based on sound evidence.</p>	Yes	Yes	Refer to the Representation s on the Regulation 14 (Appendix 1)

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>Clear and up to date information needs to be accessible to the public including <u>information on the criteria used for selection and information about the location of each asset</u>. An extract of this paragraph is provided alongside for reference.</p> <div data-bbox="1130 590 1813 1402" style="border: 1px solid black; padding: 5px;"> <p>How are non-designated heritage assets identified?</p> <p>There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.</p> <p>Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.</p> <p>It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (See the Historic England website for advice on local lists) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.</p> <p>In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.</p> <p>Paragraph: 040 Reference ID: 18a-040-20190723</p> <p>Revision date: 23 07 2019</p> </div> <p>It is not the purpose of Neighbourhood Plan to unilaterally designate all 36 farmsteads within the Parish as non-designated heritage assets based solely on the fact that the buildings hold a record on a local HER list (Paragraph 6.43). This goes against the Planning Practice Guidance and advice contained in various heritage-related publications, including Historic England listed building selection guides and local listing best practice guidance. Historic England Advice Note 7 (Second Edition): Local Heritage Listing: Identifying and Conserving Local Heritage (2021) for instance states at Paragraph 61 that:</p> <p><i>“The inclusion of a site or structure in an HER does not itself identify it as a non-designated heritage asset: inclusion merely records valuable information about it, and does not reflect the planning judgement needed to determine whether it does in fact have a degree of heritage significance which merits consideration in planning decisions”.</i></p> <p>To accord with Historic England’s advice, it is therefore necessary for the Neighbourhood Plan to undertake a thorough and detailed planning judgement exercise of each and every farmstead in the Parish outlining the degree of heritage significance for each property. Appendix B as currently drafted does not have a description of the quality thresholds chosen for selecting the farmsteads, nor is there is a map in the Neighbourhood Plan showing where these 36 farmsteads reside.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>With regards to Tudeley Brook Farm in particular, there are no special characteristics of circumstances to warrant its designation as a non-designated heritage asset.:</p> <ul style="list-style-type: none"> • The property has not been used as a farmstead for at least 50 years;. • The land ownership now only extends to less than 2 hectares overall; • The property has been significantly altered over the years; and • All the domestic outbuildings have either been replaced or refurbished. <p>Furthermore, Tudeley Brook Farm is included within the strategic site allocation Policy STR/SS1 in the new Local Plan for Tunbridge Wells. It forms a legitimate and important part of the integrated masterplan vision for the western parcel of growth at Paddock Wood. For it to have been included within this allocation, the site has undergone a rigorous assessment exercise by Officers at Tunbridge Wells and also by independent masterplanning advisors - David Lock Associates. Not once throughout this process has there has ever been any mention of including the building onto a list of non-designated heritage assets.</p> <p>The available evidence supporting and justifying the reasoning why Tudeley Brook Farm should be classified as non-designated heritage assets is not therefore sufficiently robust.</p> <p>Similarly, the available evidence underpinning the reasoning as to why the other 35 farmsteads within the Parish Council should be classified as non-designated heritage assets is similarly lacking. As such we have significant concerns that the Capel Neighbourhood Plan would fail to meet the basic conditions necessary in order for it to proceed to a referendum.</p> <p>In order to rectify this, we consider that the following modifications of the Plan are necessary:</p> <ul style="list-style-type: none"> • The final sentence in Paragraph 6.43 should be amended to remove any reference to farmsteads being identified as non-designated heritage assets; • All farmsteads should be removed from Appendix B; and • Policy C6A should be amended to remove reference to identifying all dispersed farmsteads as non-designated heritage assets as follows: <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Policy C6: CONSERVING HERITAGE ASSETS</p> <p>A The following buildings and structures are identified as non-designated heritage assets: for the purpose of implementing Policies EN4 and EN5 of the Local Plan:</p> <p style="margin-left: 20px;">i. List of structures identified in Figure 12 and described in Appendix B. ii. Dispersed farmsteads as identified in Appendix B.</p> </div> <p>General Comments</p> <p>In addition to the above, this letter also comments on four other policies in the draft Neighbourhood Plan: Policy C1 (Promoting Sustainable Development); Policy C5 (Mitigating the Impact of Flooding); Policy C11 (Protection of Locally Significant Views) and Policy C15 (Mitigating Vehicular Impacts).</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents										
			<table border="1"> <thead> <tr> <th>Policy</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>Policy C1</td> <td>Policy C1 set out the main criteria for delivering sustainable development in the Parish. Whilst there is reference in the supporting text for the need to ensure that development is 'comprehensively' planned, disappointingly, this should be carried through into the wording of the policy itself. As such, we respectfully ask that Section B of Policy C1 is expanded to make it clear that planning applications relating to the Strategic Sites should only come forward comprehensively and on an all-inclusive basis so that piecemeal development is not permitted in any form.</td> </tr> <tr> <td>Policy C5</td> <td>One of the main reasons why land has been allocated for significant growth around Paddock Wood is the promise of an opportunity for the betterment of flooding. It is imperative therefore that any policy in the Neighbourhood Plan that deals with the impact of flooding specifically refers to the need for the Strategic Sites to come forward on a comprehensive basis. The overarching site wide flood design strategy for the Strategic Sites need to be outlined and agreed upfront before any development can commence. This strategy needs to be agreed with all stakeholders, including local landowners.</td> </tr> <tr> <td>Policy C11</td> <td>There is still a lack of rationale about a how a view has been nominated as significant and the criteria used to assess why it is considered worthy of protection.</td> </tr> <tr> <td>Policy C15</td> <td>Policy C15 deal with traffic impact. As currently drafted, however, it fails to make sure that any traffic impacts are appropriately mitigated. The policy should require the larger sites to set out the infrastructure improvement measures and sustainable travel interventions that are going to be delivered as part of the associated development. Full details of the improvement schemes and potential trigger points for implementation should be set out clearly in the associated Transport Assessments.</td> </tr> </tbody> </table> <p>Conclusions</p> <p>We would be grateful if you could acknowledge receipt of these comments and confirm that we would like to attend the examination.</p>	Policy	Comments	Policy C1	Policy C1 set out the main criteria for delivering sustainable development in the Parish. Whilst there is reference in the supporting text for the need to ensure that development is 'comprehensively' planned, disappointingly, this should be carried through into the wording of the policy itself. As such, we respectfully ask that Section B of Policy C1 is expanded to make it clear that planning applications relating to the Strategic Sites should only come forward comprehensively and on an all-inclusive basis so that piecemeal development is not permitted in any form.	Policy C5	One of the main reasons why land has been allocated for significant growth around Paddock Wood is the promise of an opportunity for the betterment of flooding. It is imperative therefore that any policy in the Neighbourhood Plan that deals with the impact of flooding specifically refers to the need for the Strategic Sites to come forward on a comprehensive basis. The overarching site wide flood design strategy for the Strategic Sites need to be outlined and agreed upfront before any development can commence. This strategy needs to be agreed with all stakeholders, including local landowners.	Policy C11	There is still a lack of rationale about a how a view has been nominated as significant and the criteria used to assess why it is considered worthy of protection.	Policy C15	Policy C15 deal with traffic impact. As currently drafted, however, it fails to make sure that any traffic impacts are appropriately mitigated. The policy should require the larger sites to set out the infrastructure improvement measures and sustainable travel interventions that are going to be delivered as part of the associated development. Full details of the improvement schemes and potential trigger points for implementation should be set out clearly in the associated Transport Assessments.			
Policy	Comments															
Policy C1	Policy C1 set out the main criteria for delivering sustainable development in the Parish. Whilst there is reference in the supporting text for the need to ensure that development is 'comprehensively' planned, disappointingly, this should be carried through into the wording of the policy itself. As such, we respectfully ask that Section B of Policy C1 is expanded to make it clear that planning applications relating to the Strategic Sites should only come forward comprehensively and on an all-inclusive basis so that piecemeal development is not permitted in any form.															
Policy C5	One of the main reasons why land has been allocated for significant growth around Paddock Wood is the promise of an opportunity for the betterment of flooding. It is imperative therefore that any policy in the Neighbourhood Plan that deals with the impact of flooding specifically refers to the need for the Strategic Sites to come forward on a comprehensive basis. The overarching site wide flood design strategy for the Strategic Sites need to be outlined and agreed upfront before any development can commence. This strategy needs to be agreed with all stakeholders, including local landowners.															
Policy C11	There is still a lack of rationale about a how a view has been nominated as significant and the criteria used to assess why it is considered worthy of protection.															
Policy C15	Policy C15 deal with traffic impact. As currently drafted, however, it fails to make sure that any traffic impacts are appropriately mitigated. The policy should require the larger sites to set out the infrastructure improvement measures and sustainable travel interventions that are going to be delivered as part of the associated development. Full details of the improvement schemes and potential trigger points for implementation should be set out clearly in the associated Transport Assessments.															
18	Save Capel	Whole Plan	<p>A significant amount of hard work has clearly gone into the preparation of the Capel Neighbourhood Plan ("CNP") which is well set out and provides a compelling description of the character and historic nature of the parish. Save Capel ("SC") wishes to congratulate and thank members of the working group (past and present), parish councillors, and the external consultants for this excellent work.</p> <p>The preparation of the CNP has taken place against the backdrop of the new borough local plan ("SLP") which is undergoing independent examination. The Inspector has significant concerns about the strategic sites proposed, mainly in Capel, and has given Tunbridge Wells Borough Council ("TWBC") three options to address the soundness issues; his favoured being the removal of Tudeley Garden Village from the SLP and the reduction in the numbers for East Capel given the flood risk. However, TWBC is gathering evidence to assess each option and officers will eventually recommend a way forward to the Council.</p>	Yes	Yes											

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			Despite the delays and uncertainties of the emerging SLP, SC notes that the submission version of the CNP allows for any scale of development in Capel that may come forward. SC remains committed to challenging any inappropriate development in the Parish and it is noted that the CNP would be reviewed following adoption of the SLP. SC therefore endorses the adoption of this version of the Capel Neighbourhood Plan whilst reserving the right to oppose any development deemed unsuitable as approved under the next iteration of the SLP.			
19	David Parrish	Design Policy and the Whole Plan	I believe the Capel Neighbourhood Plan supports the future of Capel in such a way that development of the parish will be in a controlled manner. Particularly regarding the disciplines of the Design Policy Concepts for any new development. This would enable the character of the parish to be maintained. It is vital to ensure that the Parish Council has the ability to enforce the Design Policy for any development regardless of size. Development within the parish needs to be primarily on existing brown-field sites only. Not on the Green Belt. And not on flood plains or areas suffering from surface runoff water flooding. Which means worthwhile development within Five Oak Green to benefit the community. Doctors Surgery, Pharmacies, and other infrastructure projects such as sewage improvements etc. Thus, if the principles of the Neighbourhood Plan are adhered to I support the Plan. Dr David Parrish 17/10/2023	Yes	Yes	
20	Kent County Council	Whole Plan	<p>General</p> <p><u>Public Rights of Way (PRoW):</u> As a general statement, the County Council is keen to ensure its interests are represented with respect to its statutory duty to protect and improve PRoW in the county (PRoW is the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic). The County Council is committed to working in partnership with local and neighbouring authorities, councils and others to achieve the aims contained within the County Council Rights of Way Improvement Plan (ROWIP) and the County Council Framing Kent's Future 2022-2026. The County Council intends for people to enjoy, amongst others, a high quality of life with opportunities for an active and healthy lifestyle, improved environments for people and wildlife, and the availability of sustainable transport choices.</p> <p>Various changes to the Neighbourhood Plan have been made since the Regulation 14 consultation stage, and the County Council appreciates the amendments made in response to the County Council's submission to this earlier consultation.</p> <p>The Neighbourhood Plan to PRoW, which is encouraged given the benefits residents can gain from the PRoW network; however, the term is not defined for those uncertain of its meaning. To aid understanding it is recommended that the following is included in the Neighbourhood Plan: Public Rights of Way: the generic term for Public Footpaths, Public Bridleways, Restricted Byways, and Byways Open to All Traffic. These are public highways as much as public roads.</p> <p>The County Council would ask that the Neighbourhood Plan makes reference to the ROWIP, a statutory strategic document. This will assist successful partnership working, deliver improvements to the PRoW network in the town, and help avoid loss of access to funding opportunities.</p> <p><u>Minerals and Waste:</u> The County Council, as Minerals and Waste Planning Authority, notes that the Neighbourhood Plan does accord with the Kent Minerals and Waste Local Plan 2013-30 [early Partial Review 2020] (KMWLP) in its reference to the presence of safeguarded waste management and/or mineral processing facilities in the area and stating that no development will be within 250m of such facilities. Thus, these facilities are not threatened with by either direct loss or the citing of incompatible development.</p> <p>There are safeguarded land-won minerals in the Neighbourhood Plan area. An extract of the Plan area and the Mineral Safeguarding Area proposals map for the Tunbridge Wells Borough Council area in the KMWLP are included below. The Neighbourhood Plan recognises these safeguarded minerals and states that it does not propose any development that would threaten them with coincident sterilisation – the County Council is supportive of this.</p>	Did not say	Did not say	

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<div data-bbox="943 485 2003 968" data-label="Figure"> <p> Sandstone - Tunbridge Wells Sand Formation Sub - Alluvial River Terrace Deposits Sandstone - Ashdown Formation </p> </div> <p>2. About Capel</p> <p><u>Neighbourhood Plan Objectives</u></p> <p><u>Highways and Transportation:</u> In relation to Neighbourhood Plan Objective 5, the County Council, as Local Highways Authority, draws the Neighbourhood Planning Group's attention to schemes for active travel that are included in the Tunbridge Wells Local Cycling and Walking Infrastructure Plan (LCWiP) and in the Tunbridge Wells Borough Council Local Plan Infrastructure Delivery Plan. Funding for such schemes can be sought through development contributions. The Neighbourhood Plan should recognise that Transport Assessments will inform where mitigation is needed to accommodate development generated traffic.</p> <p><u>PRoW:</u> The County Council provided commentary in response to the Regulation 14 consultation regarding Objective 5 and the intention to establish a 'cohesive movement strategy'. Clarity is still awaited on how the Neighbourhood Plan will establish this strategy and whilst Policies C14 - C16 will contribute, they are not in themselves a strategy. Establishing such a strategy would ordinarily be realised through the County Council, Borough Council and others, given the considerable resource and capability required to deliver it, with Capel Parish Council (CPC) being consulted in its preparation. It is, therefore, recommended that the Objective is re-worded to what the local community can itself deliver.</p> <p><u>Sustainable Urban Drainage Systems (SuDS):</u> The County Council, as Lead Local Flood Authority, is pleased to note that the majority of the County Council's comments provided at Regulation 14 stages have been considered in this consultation.</p> <p>However, the Lead Local Flood Authority continues to have concerns relating to paragraph 2.7 (previously 2.11) and specifically in relation to the inferred flooding as a result of the railway embankment (and thus one would assume the associated culvert). The County Council would suggest this is more as a result of the previous culvert between Five Oak Green Road and Finches Farmhouse. The Neighbourhood Plan could include evidence, if available, of the flooding associated with the railway embankment and culvert as an appendix item.</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p><u>4. The Neighbourhood Plan Policies</u></p> <p><u>Highways and Transportation</u>: The transport policies included in Figure 3 are supported by the Local Highways Authority. The County Council supports sustainable development and would seek to ensure development within the Neighbourhood Plan area is well served by alternative modes of travel to the private car.</p> <p><u>6. Character, Heritage and Design</u></p> <p><u>Heritage Conservation</u>: The County Council was pleased to see that the Neighbourhood Plan has taken a considered and thoughtful approach to the heritage of the Neighbourhood Plan area. The review of the heritage of the area presented in the text is comprehensive, the policies are effective, and the contextual information is very helpful. The County Council is particularly supportive of Chapter 6 and the four policies it includes which will help to conserve Capel's important heritage for future generations.</p> <p><u>7. Environment and Green Space</u></p> <p><u>Policy C7: Green and blue infrastructure and delivering biodiversity net gain</u></p> <p><u>Biodiversity</u>: Paragraph 7.8 states that substantial compensation, as quantified by the Defra biodiversity metric, will be considered. However, the County Council highlights that irreplaceable habitats are considered as such and therefore cannot be quantified within the metric. The metric instead indicates that bespoke compensation will need to be designed, and agreed with the relevant consenting body, to justify any losses. The County Council suggests that this paragraph be reworded to indicate that the loss of irreplaceable habitats should only occur in exceptional circumstances (as per the National Planning Policy Framework (NPPF)), and that any losses will need a bespoke compensation strategy.</p> <p>In respect of the proposed policy, the County Council recommends the following amendments:</p> <p><i>"A. Development proposals should be designed to create, conserve, enhance and manage green spaces and connect chains of green and blue infrastructure, as identified on the Policies Maps, with the aim of delivering a measurable net environmental benefit (where net gain involves a post development increase in biodiversity units of 10%) for local people and wildlife. All development (unless exempted¹) will be required to result in a minimum biodiversity net gain of 10%, calculated using the latest Defra biodiversity metric/ Small Sites Metric. Unless exempted, proposals for development must be supported by a biodiversity net gain statement.</i></p> <p><i>Subject to their scale, nature and location, proposals for development must be supported by a biodiversity appraisal, which must demonstrate how negative impacts would be minimised and biodiversity net gain achieved.</i></p> <p>[¹ Some exemptions for very small sites will apply. These will be in line with outcomes of the biodiversity net gain consultation (unless or until changes come into force through further legislation/guidance). The list of exempted sites are available here.]</p> <p><i>B. The appraisal biodiversity net gain statement should demonstrate that where significant harm cannot be avoided, proposed development and other changes should adequately mitigate or, as a last resort, compensate for the harm. The appraisal must demonstrate a measurable biodiversity net gain of 10% by utilising the Defra biodiversity metric (or as amended). Where adherence to the mitigation hierarchy and a minimum 10% biodiversity net gain is not demonstrated, permission for planning or for change of use should be refused."</i></p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>In respect of part B of the proposed policy, the County Council would recommend consideration of Government Guidance on Neighbourhood Planning and need for Neighbourhood Plans to be planned positively.</p> <p><u>Policy C8: Managing the environmental impact of development</u></p> <p><u>Biodiversity:</u> In respect of paragraph 7.13, the County Council recommends the following amendments:</p> <p><i>“The NPPF (para 180) stresses that planning policies and decisions should contribute to and enhance the natural environment including requiring net gain in biodiversity. Natural assets protected within policy and legislation Protected natural assets (also area habitats shown on Figure 44 13) in the neighbourhood area include:</i></p> <p><i>the High Weald AONB</i></p> <p><i>areas of ancient woodland and veteran trees²</i></p> <p><i>RSPB reserve (Tudeley Woods)</i></p> <p><i>Local Wildlife Sites: Somerhill Park, RSPB reserve Tudeley Woods, East Tonbridge copses and dykes and River Medway</i></p> <p><i>Local Green Spaces: as designated in this CNP and the TWBC Local Plan (once adopted)</i></p> <p>Native hedgerows (priority habitat)</p> <p>Woodpasture and parkland (priority habitat)</p> <p>Traditional orchards (priority habitat)</p> <p>Lowland meadows (priority habitat)”</p> <p>The County Council is not able to identify the locations of ancient woodland or important open space on Figure 13, although they are included in the key. The County Council would recommend updating Figure 13 with this information and also including the woodpasture and parkland, traditional orchards and lowland meadows.</p> <p>In respect of paragraph 7.14 the County Council would recommend the following amendment “<i>mature and veteran trees, hedgerows”</i>. Veteran trees are given consideration within the NPPF in the same way as ancient woodland. Most native hedgerows are considered priority habitats for conservation and priority habitats are mentioned within the NPPF paragraph 179.</p> <p>The County Council would recommend that these habitats be included in paragraph 7.13. The section on orchards should also be clarified to make clear the difference between traditional orchard priority habitat and orchards that do not meet this classification.</p> <p>[² Not shown on Figure 13, but those recorded are available on the Woodland Trust Ancient Tree Inventory, accessible here]</p> <p><u>Policy C8: Managing the Environmental Impact of Development</u></p> <p><u>Biodiversity:</u> The County Council would recommend the following addition to this policy:</p> <p>Designated Sites, Priority Habitats and Priority Species:</p> <p>i. It is expected that development will not result in the loss of, or the deterioration in the quality of Local Wildlife Sites; and/or result in significant adverse impacts upon priority species or habitats</p> <p>There are a number of local wildlife sites, priority habitats and species within the Neighbourhood Plan area. These receive consideration within national and local planning policy. Specific mention of these would be of benefit within this policy. It should also be recognised that certain woodlands and hedgerows are priority habitats.</p> <p>Furthermore, the County Council would welcome the following additional text in relation to trees and woodland:</p> <p><u>“Trees and woodland:</u></p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>i. <i>Proposals which include additional native woodland planting on appropriate sites will be supported, in particular where this enables public access.</i></p> <p>ii. <i>There should be no unacceptable loss of, or damage to, existing trees or woodlands during or as a result of development. Ancient woodland, priority woodland and veteran trees should be retained and protected within proposals. Any adverse impacts to ancient woodland and veteran trees will only be acceptable where there are wholly exceptional reasons³ and a suitable compensation strategy has been produced.”</i></p> <p>The County Council understood notable trees in the Regulation 14 consultation referred to mature/semi-mature trees of particular note as identified by an arboricultural consultant, or as defined for example by Tree Preservation Order/Conservation Area. This definition does not appear in this drafting of the Neighbourhood Plan. The County Council would recommend the following amendment:</p> <p>ii. <i>If other notable trees must be removed where fully justified, they should be replaced with trees of a similar potential size and native species elsewhere on the site.</i></p> <p>[³ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.]</p> <p><u>9. Transport and Movement</u></p> <p><u>PRoW</u>: In respect of paragraph 9.3, it is recommended to replace first reference to 'styles' with 'stiles' and remove the second entirely i.e. a 'kissing gate' is not a stile.</p> <p>In respect of paragraph 9.20 this should be amended to refer to Figure 20.</p> <p><u>Policy C15 Mitigating vehicular impacts at highway hotspots</u></p> <p><u>Highways and Transportation</u>: The County Council supports the policy direction to promote a shift towards sustainable travel. New development proposals will be required to mitigate the cumulative impact in line with the NPPF. It is recommended that the wording of Policy C15 is amended to the effect that:</p> <p><i>“Development proposals must address to the satisfaction of the highway authority their direct and cumulative transport impact. Whilst the scope of each assessment will depend on the specific development proposal, it is requested that developers consider the following areas in their submissions....”</i></p> <p><u>Policy C16 Electric Vehicle charging</u></p> <p><u>Highways and Transportation</u>: The County Council supports the policy.</p> <p><u>10. Implementation and Plan Review</u></p> <p><u>PRoW</u>: The existence of a 'made' Neighbourhood Plan can have a significant positive impact on a local community's ambitions being realised, and it is therefore important to ensure any Neighbourhood Plan is monitored and reviewed during its lifespan. This</p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p>is recognised within Section 10; however, in respect of PRow, the Neighbourhood Plan could specifically commit to a monitoring and review procedure and recommends paragraph 10.5 is revised accordingly.</p> <p><u>12. Non Policy Actions</u></p> <p><u>PRow</u>: The County Council welcomes recognition of the PRow network within Section 12, Table 6 Non Policy Actions and for these in future to be constantly reviewed and open to residents feedback.</p> <p>The County Council suggests, however, that the use of future developer contributions solely for the upgrade of existing PRow for shared modal use could unnecessarily limit the use of such funds. It is recommended the project scope is widened to seek and deliver improvement opportunities. The County Council would be pleased to work in partnership when opportunities to improve the PRow network arise.</p> <p><u>APPENDIX A - Capel Design Guidelines</u></p> <p><u>DC.03 Landscape and sustainability.</u></p> <p><u>Biodiversity</u>: The text refers to Figure 85 and the County Council believes this is an error and it should say Figure 86.</p> <p>Reference is made to priority habitats. However, the habitats mentioned in the text are not clearly linked to priority habitats (habitats of principal importance) as defined in the Natural Environment and Rural Communities Act 2006 or within the NPPF. Further clarification is needed.</p> <p>The County Council would recommend correcting the reference to culverts.</p> <p>Reference is made to habitat features such as bat boxes, insect hotels and hedgehog highways. The majority of images appear to show wooden features. Woodcrete boxes are generally recommended for development projects over wooden boxes. Wooden boxes are only likely to last 5-10 years before needing to be replaced to continue to provide a wildlife benefit. A woodcrete box has a much longer lifespan of 20-25 years before needing to be replaced. The County Council would always recommend durable materials be selected for installation in order to minimise maintenance in the long-term and to provide a longer-term assurance of biodiversity net gain in line with the NPPF. The County Council therefore recommends that the design guidelines emphasise the importance of making any wildlife features durable with minimal maintenance requirements.</p> <p>The County Council would recommend the avoidance of 'enhancements' such as bird feeders (shown in Figure 91) as these require very regular maintenance to provide benefits and do little to address wider habitat losses.</p> <p><u>APPENDIX E – Roads and Transport Issues in Capel</u></p> <p><u>Highways and Transportation</u>: Appendix E identifies local highway related issues and it is recommended that the Neighbourhood Plan Working Group engages with the County Council, as Local Highways Authority, with a view of ensuring inclusion in the Highway Improvement Plan (HIP).</p> <p><u>Other busy routes across Capel Parish</u></p>			

Response Number	Name/ Organisation	Which part of Plan does response refer to?	Response	Do you wish to attend examination hearing?	Would you like to be notified of the Council's decision regarding the outcome of the Capel Neighbourhood Plan?	Supporting Documents
			<p><u>Highways and Transportation:</u> With reference to page 163, Postern Lane is referred to as a private lane carrying a public footway; however, the route is a Public Foot path, not a footway and it is recommended that this should therefore be corrected.</p> <p>The County Council would welcome continued engagement as the Neighbourhood Plan progresses. If you require any further information or clarification on any matters raised above, please do not hesitate to contact me.</p>			
21	TWBC	Whole Plan	<p>Link to Reg 16 CNSP (TWBC NP webpage) Link to Reg 14 TWBC officer comments, with a note confirming that they have been taken account of in Reg 16 version Reg 14 TWBC Officer Comments FINAL.docx. This separate table can be submitted to the Independent Examiner.</p> <p><u>GENERAL</u></p> <p>References to the NPPF should be updated to the NPPF 2023 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf</p> <p>There are a couple of instances in the document where improved formatting would be beneficial in terms of the readers experience of the document and understanding. Examples are p.83, para 8.22 – list of pubs could be listed by bullet points as the list is difficult to read. Also at p.97, para 11.2. Bullet points could also be used at 2.14, and also at para 5.5 relating to parameters supporting sustainable development.</p> <p>Some of the images and text should also be made clearer, for instance para 2.4 onwards is grey text.</p> <p>Figure 3 would benefit from being larger and clearer, possibly presented on a landscape page so that it fits and is more legible.</p> <p><u>DETAILED COMMENTS</u></p> <p>[See table on the following page]</p>	Did not say	Did not say	

CNDP Reg 16 Page no./Policy	TWBC Officer Comments	Reason for recommendation
1 INTRODUCTION		
Table 1 Activity Timeline	Page 10	The last box of the table “Draft Plan to submission” could be broken down further to provide a better overview of the planning process to people who may be less familiar, including the two consultations and independent examination process.
2 ABOUT CAPEL	Para 2.13	<p>This refers to the TWBC Submission Local Plan development strategy of 2021. Given the further work, which TWBC is doing to respond to the examination Inspector’s initial findings in November 2022, this section may need to be reviewed/amended (depending on the timing of the NDP next stages) to be more up to date following any decisions taken by members on the TWBC Local Plan in due course (which is likely to be by the end of this year).</p> <p>It is noted that the wording ‘<i>Should the development strategy proposed in the new Local Plan change as a result of the examination, then it is possible that a review of the CNP would be needed/would be beneficial</i>’ is included at relevant points in the CNDP to reflect the potential for some changes in the TWBC Local Plan given that its examination is not complete.</p>
3 A VISION FOR CAPEL		TWBC does not have any comment to make on this section of the Capel NDP.
Figure 4 Key	Limits to Built Development (adopted Core Strategy 2010)	<p>For clarity TWBC notes that the TWBC Core Strategy 2010 did not allocate sites and did not designate/define Limits to Built Development (LBD).</p> <p>The LBD for Five Oak Green is designated in the TWBC Local Plan, ref Policy LBD1 (saved Local Plan policies https://tunbridgewells.gov.uk/_data/assets/pdf_file/0003/343317/Local-Plan-2006-Remaining-Saved-Policies-at-2016.pdf)</p> <p>The LBD for Paddock Wood is designated in the Site Allocation Local Plan Policy, ref AL/STR 1 Limits to Built Development.</p>
4 THE NEIGHBOURHOOD PLAN POLICIES		TWBC does not have any comment to make on this section of the Capel NDP.
5 SUSTAINABLE DEVELOPMENT	Policy C1: A Green Capel - Promoting sustainable	Para 5.2 explains that this ‘ <i>policy would influence strategic development, supplementing strategic allocations in the TWBC Local Plan, once adopted, as well as windfall development (development not specifically allocated)</i> ’ and TWBC supports this approach.

	development in Capel Parish	
	Policy C2: Meeting local housing needs	Para 5.7 explains that this <i>'policy seeks to ensure that there is a range of general housing that is designed to be capable of meeting the specific housing needs of the parish'</i> and TWBC supports this approach.
6 CHARACTER, HERITAGE & DESIGN	Criterion B(iv)	Text here has been changed from 'especially All Saints Church' to 'including All Saints Church', which is supported.
	Figure 11	See comment about the LBD boundary made with reference to Figure 4 above
7 ENVIRONMENT AND GREEN SPACE	Text within box at bottom of page 55	The second part of text is not quite correct in terms of references and could be expressed better and refer to wider guidance. TWBC suggests the following wording: Biodiversity Net Gain is to be established through application of the DEFRA Biodiversity Metric as required by the Environment Act 2021 and Borough Council practice and policies. Ecological assessment should be by suitably qualified people who must utilise the DEFRA metric on all habitats to determine net gain following best practice and published guidance including BS 42020:2013 Biodiversity – code of practice for planning and development.
Figure 13 Key	Important Open Space (as identified in TWBC Core Strategy 2010)	The key should refer to saved Local Plan Policy EN21 (link to Local Plan saved policies as above)
Para 7.14	Photo/text: Hop Gardens	The reference to solar farm proposals at Reeds Farm within this text (<i>'this is subject to a proposal for a solar farm'</i>) may require an update. Planning application 22/03563/FULL Construction and operation of a solar photovoltaic (PV) farm and battery storage facility with all associated works, equipment and necessary infrastructure has not been determined.
	Policy C10: Local Green Spaces	It is noted that site 8 (Tudeley Allotments), site 6 (Five Oak Green Recreation Ground), site 1 (Allotments Five Oak Green), and site 3 (Five Oak Green Community Orchard) are proposed for LGS designation in both the NDP and TWBC's Local Plan (NDP site 3 and 6 form one site in the TWBC Local Plan). Capel's NDP proposes 8 additional sites (that is 12 LGS sites in total are proposed). This includes TWBC sites AS_60 (NDP site 11), AS_64 (of which half is NDP site 7), AS_59 (NDP site 9), AS_58 (NDP site 10), AS_57 (NDP site 5), 27 (NDP site 12), and AS_56 (half of which is NDP site 4). Site 2 (Ellis Close Recreation Area, Five Oak Green (also called 'The Paddock')) is the only NDP proposed LGS site not considered as part of the TWBC Local Plan. The sites proposed in the NDP which are not proposed for LGS designation in the TWBC Local Plan were ruled out by TWBC because they were considered to be either already sufficiently protected under other local and/or national designations and policies (AS_57, AS_60, AS_59, AS_58, and 27), or there was considered to be insufficient evidence that they met

		<p>the NPPF requirement of designations being ‘demonstrably special’ (AS_56), or they are part of an allocated site in the Local Plan to be taken into consideration as part of the required masterplanning work (TWBC Sites 27 (NDP Site 12 Whetstead Woods), AS_64 (of which half is NDP Site 7 Orchard, Tudeley), and AS_60 (NDP Site 11 Goldsmid Family Burial Ground, Tudeley).</p> <p>Sites AS_64 and AS_60 fall within STR/SS3 (Tudeley Village) and 27 falls within STR/SS1 (Paddock Wood and Land in East Capel).</p> <p>The TWBC Local Plan is at examination, and the Council received the Inspector’s initial findings in November 2022. Details of the progress of the Local Plan can be found at https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/examination-of-the-local-plan and https://tunbridgewells.gov.uk/planning/planning-policy/local-plan/examination-of-the-local-plan that was most recently updated on 26 September 2023.</p> <p>Officers will inform the Capel NP independent examiner of any subsequent updates to the progress of the TWBC Local Examination process.</p>
	Figure 15	See comment about the LBD boundary made with reference to Figure 4 above
8 COMMUNITY FACILITIES	Para 8.3	TWBC considers that the reference to ‘ <i>The TWBC SLP says extraordinarily little about provision of community and recreational facilities in Capel Parish</i> ’ is unfounded. TWBC considers that this should be re-worded to reflect the fact that there are a number of references to existing and future provision of a number of community facilities within Capel Parish within the SLP. These are also set out within the Infrastructure Delivery Plan which supports the TWBC Submission Local Plan – see Theme 2 – Education, Theme 6 – Community, public and social services and Theme 7 – Sport and Recreation.
	Page 79	<p>This section on ‘enhancing provision of sport and recreational facilities’ has no mention of the SLP policies OSSR1 or OSSR2 or the evidence base that supports these which are all relevant. Also, the IDP as referred to above.</p> <p>It is the case that some of the NDPs prepared in this borough have referred to the protection of existing open spaces/recreational areas through Policy OSSR1 in the SLP, and also the provision of new facilities through OSSR2. We would advise that the Capel NDP references Policies OSSR1 and OSSR2 in terms of their role in the protection of open space and provision of new facilities.</p>
	Paragraph 8.19	This could benefit from bullet points to separate out the individual requirements/points.
	Policy C13	‘Protection of Public Houses’ – TWBC supports the intention of this policy, however criteria B seems a little muddled in how it is worded and could benefit from review and re-wording to aid clarity. Furthermore, the reference to ‘drinking establishment floorspace’ – it is not clear how this should be established and so reference to the need for a relevant professional to review information submitted would be helpful.

		There is no mention of the TWBC SLP policy in this section and could benefit from reference to Policy ED12.
9 TRANSPORT AND MOVEMENT	POLICY C14: SUSTAINABLE TRAVEL	<p>TWBC support the proposals to promote sustainable travel, including active travel modes.</p> <p>It is noted that there is no reference to access to bus services in Policy C14</p> <p>Note: Infrastructure and movements provision may need review as per rest of the NDP pending the outcome of the TWBC LP.</p>
10 IMPLEMENTATION AND PLAN REVIEW		TWBC does not have any comment to make on this section of the Capel NDP.
11 INFRASTRUCTURE IMPROVEMENTS AND PROVISION		Para 11.2 refers to TWBC possibly introducing CIL. At the present time there are no proposals for TWBC to adopt CIL.
12 NON POLICY ACTIONS		<p>TWBC note the reference to flood alleviation projects and would draw attention to the Councils IDP which refers to the following for Capel Parish – ‘Five Oak Green Flood Alleviation Scheme – the EA are still investigating options for mitigation including Natural Flood Management investigations for the Alder Stream Catchment.’</p> <p>TWBC also note the community and recreation projects that are listed within this section, which have been arrived at through consultation with residents. The IDP which supports the Local Plan states that improvements to football pitches at Five Oak Green Recreation Ground are required.</p> <p>The IDP also states the following – ‘TWBC and CPC in discussions over any additional projects which may arise from its NDP process which is at an early stage. The IDP to be updated at the appropriate time’. Therefore, it will be necessary for the Council’s IDP to include the list of identified projects set out within the NDP when it is next updated. This is the approach that has been taken with NDP’s which have previously been prepared.</p>
Para 12.2	‘The Highway Improvement Plan (HIP) is a document prepared between the Parish Council and TWBC’	Highway Improvement Plans are not produced by TWBC. They are prepared between the Parishes and KCC (the Highways Authority for the borough).
13 POLICIES MAPS		

	General comment	It is noted that some of the designations shown in the maps are subject to change beyond the control of the NDP (such as areas of Ancient Woodland, Local Wildlife Sites, Public Rights of Way, etc.).
Key to policies map: Figures 21 - 24 inclusive	Limits to Built Development	TWBC considers that the NDP should clarify whether these are proposed LBDs, or current adopted ones.
Key to policies map: Figure 22	Limits to Built Development	Given that each policy map in this section has its own key, should this read 'Key to policy map'?
		ADDITIONAL COMMENTS (TYPOS)
Para 1.9	other 'made' neighbourhood plans.	Should read 'made'
Para 1.14	The proposed strategy (at 1 April 2021) relating to Capel Parish is as follows: to Capel are the Strategic Sites	Is there a word omitted after the colon?
Para 1.24	Additionally the 'appropriate assessment' stage of the HRA process that ascertains the effect on integrity of the European Site) does not need to be undertaken.	Bracket needs to be removed (or additional one inserted)
Para 5.5	First bullet	Final bracket to be added
Para 6.11	Criterion (5) ... enhance existing village in terms... Should read villages?	Should read villages?
Policy Box C8	Ecological Impact Assessment, point i.	TWBC suggests that the NDP inserts link to CIEEM best practice Guide.
Policy Box C9	Paragraph 7.24	Final sentence should read "aspect of the parish", currently omits 'the'.
Figure 20:	Rights of Way network and proposed east-west bridleway (shared us for	Should read 'use'

	pedestrians and cyclists) improved link.	
Table 8	'Work with the Capel Community Association (CCA) on the replacement/ and renewal of Capel Village Hall following responses to the community questionnaire'.	Should this read '...on the replacement or the renewal of Capel Village Hall...'?

Supporting information

Response 1 - Colin Smith Planning obo Leander Homes - Previous letter of representation on Regulation 14 dated 19.05.23

Regulation 14 Neighbourhood Plan Consultation.

I refer to the emerging Neighbourhood Plan (NP) and the current Regulation 14 consultation exercise, which ends at 5pm on 26.05.23. I have been instructed by my clients, Leander Homes to review the draft Neighbourhood Plan and make representations. My clients have an interest in land to the northern edge of Five Oak Green, and have previously been in communications with the Parish Council in relation to it. The site is known as land to the rear of 50 Whetsted Road, Five Oak Green, and is identified as site 11 in the Tunbridge Wells Strategic Housing and Economic Land Availability Assessment (SHELAA), which is used as part of the evidence base for the current emerging Local Plan. Please accept this letter as my client's representations.

Procedurally, the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan. It appears that the draft NP has been developed in the anticipation that the current Regulation 19 draft Local Plan, published by Tunbridge Wells Borough Council, will be adopted by the Council. However, as you will be aware, the Inspector appointed to examine the draft development plan has expressed serious concerns regarding the strategic objectives and policies of the draft Local Plan, in particular the allocation of Tudeley Village and land to the east of Paddock Wood as major components of the housing supply requirement. I note that the Parish Council objected to the allocation of Tudeley Village as a housing site, and the allocation of land to the east of Paddock Wood in your Regulation 18 response to the draft Local Plan for a variety of reasons, including that they were unsustainable sites.

On behalf of my client, I also made representations at the Hearing sessions to the Inspector on the basis that the allocation of the sites should be reconsidered for a number of reasons, not least the impact on the openness of the Green Belt. As the Parish Council's Regulation 18 objection set out in respect of the Tudeley Village allocation,

"The release of Green Belt described in this plan in Tudeley and East Capel is not justified in any way and is certainly not the result of "exceptional circumstances"The Green Belt Strategic Study commissioned by TWBC states that

building houses at Tudeley and East Capel would cause the maximum level of harm possible to the Green Belt. CPC believe that there is a suitable alternative site for the Tudeley development outside the Green Belt (for example in Horsmonden) and the East Capel development is not required to expand Paddock Wood.....Capel Parish Council does not believe the exceptional circumstances exist to justify releasing land from the Green Belt in Tudeley and East Capel."

My clients are aligned with the Parish Council's view that there are no exceptional circumstances to justify the removal of the proposed allocated sites from the Green Belt, and this is a view shared by the Inspector on his Initial Findings. As a result of the views expressed by the Inspector in his Initial Findings, the Borough Council are reviewing the evidence for the allocation of these sites, and may well come to an alternative conclusion and revise the strategy. In the letter issued by TWBC on 17.02.23 setting out the Next Steps, the Borough Council anticipate reviewing the evidence base, making suggested changes to the draft Local Plan and then having a series of Focussed Hearings in November 2023, which will give interested parties (such as my clients and the Parish Council) an opportunity to make further representations on the proposed changes to the Inspector.

It is therefore somewhat surprising that the Parish Council is assuming that the draft development plan allocations will remain as they are, and consulting on a NP based on them. There is a chance that the revised strategy and proposed changes to the draft Local Plan will not be found sound by the Inspector, resulting in changes to the allocated sites and possibly a change to the "Garden Village" strategy. If this is the case, the Borough Council will need to rethink their strategy and allocate alternative sites to meet the housing need.

It is my clients view that it is not considered to be an appropriate strategy to release large areas of Green Belt land, and also to not provide development opportunities on the edge of existing settlements which would help to support and enhance the existing services and facilities locally. The release of smaller areas of Green Belt land would result in less of a compromise of the Green Belt, particularly in area BA4 of the Green Belt Study, which includes the area around Five Oak Green.

My client's site is one of a number of sites located to the edge of Five Oak Green which could provide for new homes and result in less of an incursion into the Green Belt and would also provide modest growth that would support and sustain local services and facilities. My client's site (site 11 in the SHELAA) would result in a modest increase in dwellings (approximately 40-45 dwellings), which would help to support and sustain the local village. Whilst the SHELAA identifies issues with highways and noise for the site, work has been carried out, and previously presented to the Parish Council, which has demonstrated that the highway concerns (related to the single carriageway bridge into the village from the site) can be resolved with highway measures. Also, mitigation can be included in the development of the site to prevent noise from the railway resulting in an adverse impact on the future occupiers of the site.

It is submitted that the development of Site 11 would meet the NP objective, set out in paragraph 3.4 of the draft plan, of;

“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.”

An alternative strategy of identifying small scale sites that extend existing settlements in order to support and enhance their growth is, in my client’s view, justified, more sustainable, and would avoid the significant harm to the Green Belt proposed by the Borough Council’s current housing allocations at Tudeley Village and East of Paddock Wood. It was clear, from the Hearing sessions held by the Inspector, that the Borough Council had not fully considered “reasonable alternatives” to their strategy set out in the draft Local Plan, and this is a matter that could result in the draft Local Plan being found not sound. If this was the case, the NP would need to be reviewed and revised in order to ensure that it is in general conformity with the strategic policies of the development plan.

In addition to the concerns set out above in relation to the general approach of the NP, my clients are of the view that the site that they have an interest in (Site 11) should be an allocated housing site, and, notwithstanding the above comments, merits inclusion in the NP as an allocated site. The site was assessed as part of the draft Local Plan process, but discounted by the Borough Council, although it was submitted to the Inspector that this was because the Borough Council had already decided on the “Garden Village” strategy, and had not considered fully the reasonable alternatives.

As part of an alternative strategy, the allocation of Site 11 would be suitable and justified and would bring significant planning benefits, not least homes to meet local (i.e. Five Oak Green) needs. Of the nineteen sustainability objectives that the site was assessed against by the Borough Council, the conclusions reached by the Council in relation to fourteen of them are not disputed. The five that are not agreed with are set out below, together with the reasons why.

Business Growth- The Council scored this objective as “0” (neutral). The decision aiding questions set out that “in most cases the contribution of new customers to support existing business was considered insignificant”. However, this impact appears to be somewhat underplayed by the Council. The village of Five Oaks has a range of services and facilities that support the local community. Strategic developments at Tudeley to the west and Paddock Wood to the east, which would include shopping, employment and social infrastructure opportunities, could potentially draw people from Five Oak Green to the detriment of the local services and facilities. The provision of development immediately adjacent to the village, and easily accessible to the centre, where most of the facilities are located,

would help to sustain and enhance those facilities. This would be a positive impact to the local economy. As a result, rather than the score for this objective being neutral, it should be positive.

Land Use- the score for land use is identified as “negative/slightly negative”. This is largely because the site is within the Green Belt. The commentary below the scoring chart sets out that the sites location within Green Belt parcel BA4 would have a very high impact. However, at page 87 of the Sustainability Appraisal, in the table that considers the strategic settlement locations, in section 2, under the heading Capel, it is identified that the site (for the strategic settlement) is *“entirely within the Green Belt and the most recent Green Belt Study concludes the overall harm rating of releasing this land from the Green Belt is high. However, there is scope for compensatory measures such as new hedgerow planting, enhanced pedestrian routes or conversion of fields from arable to grassland”*. Similar comments are made in the table at pages 89/90 in relation to the Paddock Wood strategic site.

It is not clear why the planting of hedgerows, the enhancement of pedestrian routes and the conversion of fields from arable to grassland would compensate for the loss of such a large area of Green Belt to deliver the strategic site. None of the compensatory measures identified contribute to the purposes of including land within the Green Belt.

The decision aiding questions for this objective include whether a policy would detract or respect or enhance the five purposes of the Green Belt. In addition, the decision aiding questions set out that positive scores should be applied to policies that propose development on brownfield land. The northern part of my client’s site was a former commercial yard, and there is still some fixed surface infrastructure present, and underground fuel tanks. The site is, in part, a brownfield site, and therefore should have a positive score applied to it.

The development of site 11 and its release from the Green Belt would make a contribution to the housing delivery for the Borough but would also be a logical extension to the village and would allow development within a clear and defensible boundary (the railway line to the south and the field boundary/drainage channel to the east). As a result, it is submitted that the Land Use score should be neutral, or neutral/slightly positive, as although the land would be released from the Green Belt, there are exceptional circumstances to justify this- namely the delivery of housing units and the support of local services and facilities, and the site is in part a brownfield site. The release of this parcel of land would certainly have a lower impact on the Land Use score than the chosen strategic settlement at Tudeley.

Landscape- the Council score this objective as “neutral/slightly negative”. However, the quality of the land is very low. The site consists of a single run-down bungalow, with garden and paddocks to the rear. A large proportion of the northern part of the site was previously in commercial use as a vehicle and delivery yard. Underground fuel storage tanks are still present on the site. Apart from this, much of the site is low quality paddock grassland with patches of partially broken up hardstanding in the vicinity of the existing dwelling. There are few trees within the site or to the eastern boundary, and those that are, are poor quality and unmanaged.

The site is, in part a brownfield site, having some remaining fixed surface infrastructure. There is therefore an opportunity to improve and enhance the landscape setting of the site, particularly to the eastern boundary, with the planting of additional hedgerows and trees (including native species). In particular, the topography of the site is such that the northern section is at a lower level, and it would be proposed to drain the site to this area and create a water feature. This would improve the landscaping and appearance of the site, but also enhance the biodiversity.

It is submitted that the Landscape score should be positive.

Noise- the noise score set out in the table at Appendix H is “slightly negative/negative”. The commentary identifies that this is because of the presence of the railway line to the southern boundary. However, in assessing the site, the landowner has commissioned work to establish suggested layouts for the site and measures to mitigate the impact of noise. It has been demonstrated that the mitigation measures would not result in harm to any potential occupiers of the site. As a result, this score should be neutral.

Water- the score for this objective is “neutral/slightly negative”. However, the decision aiding questions set out that development in Flood Zone 1 should be scored as very positive. The site is within Flood Zone 1 (having regard to the Council’s SFRA), and therefore the score should be very positive. The redevelopment of the site would provide the opportunity to improve the quality of the run off leaving the site by using a sustainable drainage system (SuDS).

In summary, the scores attributed to five of the sustainability objectives of the site should be “upgraded” as summarised below:

Site 11 Disputed SHELAA Sustainability Objectives		
Sustainability Objective	Council Score	Revised Score
Business Growth	Neutral	Positive
Land Use	Negative/slightly negative	Neutral/slightly positive
Landscape	Neutral/slightly negative	Positive
Noise	Slightly negative/negative	Neutral
Water	Neutral/slightly negative	Very Positive

Having regard to the comments made above, this would result in the site scoring fewer neutral and negative scores and a greater number of positive scores. This would, it is submitted, make the site a suitable choice for allocating for residential development in the Local Plan.

My client has concerns in relation to policy C2, which is designed to ensure that housing development meets local housing needs. Whilst it is acknowledged that this is a significant issue for the Parish Council, the policy appears to be unduly prescriptive, and the inclusion of a degree of flexibility in recognition of viability issues would be helpful. However, my clients have no substantial objection or comment to the other detailed development management policies of the draft NP and would support the general approach of new development being required to incorporate a high quality of design, which responds and integrates well with its surroundings, meets the changing needs of residents and minimises the impact on the setting and natural environment. The requirement for the scale, form, siting, appearance and character of developments to respect the landscape and its features, valued views into and out of the settlement, the local villagescape and heritage assets is supported, as is the requirement to reflect the prevailing architecture found locally, using materials that are in keeping with those used in existing buildings in the immediate locality.

In conclusion, my clients would question the timing and the strategy of the draft NP at this stage. Whilst there is still some considerable degree of uncertainty regarding the strategic policies of the draft Local Plan, and allocation of housing sites at Tudeley Village and East of Paddock Wood, the progression of the draft NP may be premature at this stage.

In addition, it is my client's position that the strategy identified by the Borough Council should not be found to be sound as there has not been a proper assessment of the reasonable alternatives, and the option of distributing housing development across the settlements of the Borough at a scale that would support and sustain local services and facilities is more sustainable and suitable. In the light of that position, it is submitted that Site 11 should be considered in the draft NP as an allocated housing site.

(End of letter)



Kent, South London and East Sussex

Neighbourhood Plan Advice Note

Updated: February 2021

Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking development with enhancements to the environment. This document sets out the key environmental issues, within our remit, which should be considered.

Together with Natural England, English Heritage and Forestry Commission we have published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans. This is available at: <https://neighbourhoodplanning.org/wp-content/uploads/Environment-Toolkit-20181220.pdf>

We also recommend your Plan takes account of relevant Local Planning Authority's policies, plans and strategies including Local Planning Authority's Strategic Flood Risk Assessment, flood risk strategies (<https://www.gov.uk/government/collections/flood-risk-management-current-schemes-and-strategies>), and the South East River Basin Management Plan (<https://www.gov.uk/government/publications/south-east-river-basin-management-plan/>) Thames River Basin Management Plan (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/289937/geth0910bswa-e-e.pdf) as appropriate.

The information below explains the key issues we would consider in reviewing your Plan. We aim to reduce flood risk, while protecting and enhancing the water environment.

Flood risk

Development must be safe and should not increase the risk of flooding.

Neighbourhood Plans should conform to national and local policies on flood risk:

If a Neighbourhood Plan is proposing sites for development please check whether there are any areas of Flood Zones 2 or 3 within the proposed site allocations.

You can view a site's flood zone on the Flood Map for Planning on our website: <https://flood-map-for-planning.service.gov.uk/>

If the proposed allocation is located within Flood Zone 2 or 3 you should consult the Flood Risk and Coastal Change pages of the National Planning Policy Guidance (NPPG): <http://planningguidance.communities.gov.uk/blog/guidance/flood-risk-and-coastal-change/>

Here you can determine whether the flood risk vulnerability of the proposed development and the flood zone are compatible. In accordance with national planning policy the Sequential Test should be undertaken to ensure development is directed to the areas of lowest flood risk. This should be informed by the Environment Agency's floodmap for planning and the Local Planning Authority's Strategic Flood Risk Assessment (SFRA), if they have one. We recommend you contact the Local Planning Authority to discuss this requirement further.

We would have concerns if development is allocated in this high risk flood zone without the Sequential Test being undertaken.

It is important that your Plan also considers whether the flood risk issues associated with these sites can be safely managed to ensure development can come forward.

www.gov.uk/environment-agency

We can provide any flooding information which we have available – such as predicted flood levels and historical flood data. Please note that there may be a charge for this information. Please contact our Customers and Engagement Team at ksle@environment-agency.gov.uk for further details.

In addition to the above you should also check with the Local Planning Authority's Neighbourhood Planning team with regards to other sources of flooding (such as surface water, groundwater, sewers and historic flooding) as detailed in their Strategic Flood Risk Assessment (SFRA). The Lead Local Flood Authority (LLFA), now has responsibility for local flood risk management and may hold flooding information that is not identified on our Flood Map.

Climate Change Allowances

The Local Authority's Strategic Flood Risk Assessment should indicate the extent of flood zones with likely climate change.

On 19 February 2016, we published new guidance for planners and developers on how to use climate change allowances: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

Flood Defences

Areas of your Neighbourhood Plan area, or proposed sites, may be given protection by a flood defence/alleviation scheme. Where this is the case the Plan should acknowledge this and identify the level of protection provided (including any climate change allowance). It should be noted that flood defences are intended to protect existing properties and are not to facilitate new development in areas that would otherwise be impacted by flooding. Any assessment of development behind flood defences should consider the impacts of a breach or overtopping. Where it is determined that new development should be behind a flood defence financial contributions may be sought to maintain or improve the structure.

Thames Estuary 2100 (Tidal Defences)

In line with requirements set out in the Thames Estuary 2100 ([TE2100](#)) plan, developments in this location will need to demonstrate how the flood defence could be raised in the future to meet the demands of climate change.

No activities on site should preclude access to the flood defence from maintenance or prevent the future raising of flood defences. In some cases we hold technical drawings of flood defence structures which may be of use. To request these you should contact our Customers and Engagement Team at ksle@environment-agency.gov.uk

Ecology

Proximity to watercourse/ Ecology

Main rivers can be viewed on the Environment Agency's map: <https://environment.maps.arcgis.com/apps/webappviewer/index.html?id=17cd53dfc524433980cc333726a56386>

We normally require a buffer zone of 8 metres (fluvial) and 16 metres (tidal) between any new development and the top of the bank of the main river. The permanent retention of a continuous unobstructed area is an essential requirement for emergency access to the river for repairs to the bank and for future maintenance and/or improvement works. A buffer between new development and the river wall is also required to ensure no adverse loading which could impact the stability of the channel wall. This buffer zone will help provide more space for flood waters, provide improved habitat for local biodiversity and allows access for any maintenance requirements.

Where development is proposed next to the river we recommend that it includes a green buffer strip alongside the watercourse. Where such a buffer strip does not currently exist, we normally seek that it is established. This is a key way in which we carry out our legal duty to further and promote the ecological and landscape value of rivers and land associated with them. In urban areas, in particular, rivers have

customer service line	incident hotline	floodline
03708 506 506	0800 80 70 60	0345 988 1188

www.gov.uk/environment-agency

often been degraded by past development, and we expect that any new development should go some way to redress the balance.

The provision of green infrastructure, particularly along rivers, and the inclusion of sustainable drainage techniques can help reduce the risk of flooding. This can also provide recreational and wildlife benefits. Opportunities to incorporate biodiversity in the Plan will be encouraged. In accordance with national policy, any development proposal should avoid significant harm to biodiversity and seek to protect and enhance it, delivering biodiversity net gain. We would not support development proposals if there was shown to be a likely detrimental impact on the water environment.

Water Management and Groundwater Protection

Local level actions and decision making can help secure improvements to the water environment. This is widely known as the catchment-based approach and has been adopted to deliver requirements under the Water Framework Directive (WFD). It seeks to:

- deliver positive and sustained outcomes for the water environment by promoting a better understanding of the environment at a local level; and
- encourage local collaboration and more transparent decision-making when both planning and delivering activities to improve the water environment.

Neighbourhood Plans provide an opportunity to deliver multi-functional benefits through linking development with enhancements to the water environment. Local WFD catchment data can be obtained from: <http://environment.data.gov.uk/catchment-planning/RiverBasinDistrict/>

Overall deterioration in water quality and promoting improvement in the ecological status of any water body. Actions to achieve this are listed in the Thames River Basin Management Plan (RBMP) and the South East River Basin Management Plan <https://www.gov.uk/search?q=River+Basin+Management+Plans>

Where appropriate, a WFD Assessment (<http://planningguidance.communities.gov.uk/blog/guidance/water-supply-wastewater-and-water-quality/water-supply-wastewater-and-water-quality-considerations-for-planning-applications/>) should assess any potential impacts on the watercourse and demonstrate that the required enhancements will be delivered. Any development that has the potential to cause deterioration in classification under WFD or that precludes the recommended actions from being delivered in the future is likely to be considered unacceptable to us.

Groundwater Quality

Development must not cause pollution to the water environment.

Aquifers and Source Protection Zones

Some of your local area, and specific potential site allocations, may be located upon or within aquifers and Source Protection Zones (link below). SPZ 1 is especially sensitive. You might consider these within your Plan and when allocating sites. The relevance of the designation and the potential implication upon development proposals should be seen with reference to our Groundwater Protection guidance:

<https://www.gov.uk/government/collections/groundwater-protection>

To see if a proposed development is located within a Source Protection Zone, please use our online map: <https://www.gov.uk/guidance/groundwater-source-protection-zones-spzs>

Land Contamination

You must consider land contamination when preparing your plan. Managing it during development is key to addressing past contamination and preventing further impacts during development.

customer service line
03708 506 506
www.gov.uk/environment-agency

incident hotline
0800 80 70 60

floodline
0345 988 1188

You can establish if a site may be contaminated in several ways. Your Local Authority may hold a register of sites it knows to be contaminated. A list of potentially contaminated sites can be accessed on the following link:

<https://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/76-key-documents/198-doe-industry-profiles>

We recommend you contact your Local Authority's Environmental Health team who may hold records on known/potential land contamination. Please note our primary concern is with regards to water quality. Your Local Authority's Environmental Health team will advise you on issues related to human health.

Further information can be accessed on the following links:

Guiding principles for the Land Contamination

<https://www.claire.co.uk/useful-government-legislation-and-guidance-by-country/192-guiding-principles-for-land-contamination-qplc>

Model Procedures for the Management of Land Contamination:

<https://webarchive.nationalarchives.gov.uk/20140328160926/http://cdn.environment-agency.gov.uk/scho0804bibr-e-e.pdf>

Approach to Groundwater Protection:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

Water supply and foul drainage

When allocating sites in your Plan, you will need to consider if the water supply and foul drainage infrastructure can accommodate the development. Your local water company can provide further information about water supply and sewerage capacity.

Surface water drainage

The inclusion of Sustainable Drainage Systems (SUDS) should always be a consideration within any development to reduce the risk of surface water flooding on and off site. The Lead Local Flood Authority, is the main contact for SUDS issues. However, we have interest in SUDS from a groundwater protection perspective and those areas of critical drainage.

The collection and dispersal of clean surface water to ground to recharge aquifer units and prevent localised drainage or surface systems flooding in heavy rainfall is encouraged. However, dispersal into the ground through soakaways or other infiltration systems requires a site-specific investigation and risk assessment. Generally, we would accept roof drainage going to soakaway (or other systems), but other surface drainage may need to go through treatment systems or to foul main, for instance vehicle parking. Infiltrating water has the potential to cause mobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of underlying groundwater resources. Where contamination is known or suspected, remedial or other mitigating measures will likely be required so that it can be demonstrated that there is no resultant unacceptable risk to Controlled Waters.

We advise applicants to follow our guidance – Groundwater Protection. This is a report that highlights the importance of groundwater and encourages industry and other organisations to act responsibly and improve their practices. This can be found at: <https://www.gov.uk/government/collections/groundwater-protection>

The design of the drainage systems should be in line with G1, G9, G12 and G13 position statements:

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

customer service line
3708 506 506
www.gov.uk/environment-agency

incident hotline
0800 80 70 60

floodline
0345 988 1188

Infrastructure Delivery

We would recommend that environmental infrastructure, including habitat enhancements, water storage areas, and green space, is taken into account if the Plan looks to fund local infrastructure.

Environmental Permitting Regulations

To see if a proposed development requires an Environmental Permit under the Environment Permitting Regulations please refer to our website:

<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

Under the Environmental Permitting (England and Wales) Regulations 2016, a flood risk activity permit (FRAP) may be required for work:

- in, over or under a main river;
- within 8m of the bank of a main river, or 16m if it is a tidal main river;
- within 8m of any flood defence structure or culvert on a main river, or 16m on a tidal main river.

Flood risk activities can be classified as: exclusions, exemptions, standard rules or bespoke. These are associated with the level of risk the proposed works may pose to people, property and the environment. Local Authorities should advise developers to refer to the [flood risk activity permit section](#) of gov.uk for further information.

Please note

This document is a response to a Neighbourhood Plan consultation and does not represent our final view in relation to any future planning application made in relation to any site.

You should seek your own expert advice in relation to technical matters relevant to any planning application before submission.

If you have any questions please contact the Kent and South London Sustainable Places team:

kslplanning@environment-agency.gov.uk

customer service line
03708 506 506
www.gov.uk/environment-agency

incident hotline
0800 80 70 60

floodline
0345 988 1188

5 of 5

Parish Office
Capel Village Hall
Falmouth Place
Five Oak Green
Kent
TN12 6RD

Turnberry

Our ref: Capel Parish Office 25.05.23

Your ref:

25th May 2023

Dear Sir/Madam,

**Capel Parish Neighbourhood Plan (Regulation 14 Version)
Response on behalf of Hadlow Estate**

I write on behalf of Hadlow Estate in response to the Regulation 14 Version Capel Parish Neighbourhood Plan (hereafter referred to as 'the NP').

You will be aware the Estate is promoting the allocation of Tudeley Garden Village (hereafter referred to as TGV) through the emerging Tunbridge Wells Local Plan, which is currently at Examination.

The Estate will be submitting further information to the Examination in response to the Inspectors Initial Findings which were published in November 2022. This further information will address the issues raised by the Inspector in respect of TGV, and demonstrate that the allocation is deliverable. This further information will also demonstrate that the allocation of TGV is a critical part of the emerging spatial strategy.

It is within this context that the Estate is responding to the NP.

Status of the Emerging Borough Local Plan

With regard to the status of the emerging Borough Local Plan, it is noted that the NP states at paragraph 1.15:

“The Inspector issued his initial findings on the SLP in November 2022, which has raised a series of questions about the proposed strategic growth in Capel Parish. Further work is being undertaken by TWBC. In light of this, the SLP can only carry limited weight at this stage”.

The Estate notes that this approach is contrary to the NPPF para 48. which states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan, (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”*

As noted above, the Estate believes that the questions raised by the Inspector in his initial findings on the SLP in respect of Capel Parish can readily be addressed, and that the proposed spatial strategy remains sound. Consequently the SLP, given its very advanced stage, should be afforded significant weight in the preparation of the NP.

Whilst the Estate considers that the SLP should be afforded significant weight, it acknowledges that there is some uncertainty around the process. To this end the Estate notes the guidance set out in the NPPG:

“When strategic housing policies are being updated, neighbourhood planning bodies may wish to consider whether it is an appropriate time to review and update their neighbourhood plan as well. This should be in light of the local planning authority’s reasons for updating, and any up-to-date evidence that has become available which may affect the continuing relevance of the policies set out in the neighbourhood plan”. (Paragraph: 103 Reference ID: 41-103-20190509)

It might therefore be suggested that the NP should not be progressed at this stage of the Borough Local Plan Examination.

Conformity with the Emerging Borough Local Plan

Notwithstanding the above, it is acknowledged that the NP seeks to manage the uncertainty. Reg 14 Para. 219 states:

“In the context of the uncertainty around the adoption of the emerging Local Plan, there was a general consensus that the Neighbourhood Plan should seek to influence development of whatever size and nature and to consider how aspects and impacts on the Parish and its communities might be best mitigated and ideally improved.”

The NP has been drawn up on this basis, and thereby **does** allow for the eventuality that the SLP is adopted, and substantive development is brought forward within the Parish. Notably, Chapter 3 seeks to embed garden settlement principles into the plan. There is also support for high quality, locally distinctive design, reflective of the approach proposed at TGV. There is also support for high quality public transport, again reflective of the approach proposed at TGV.

At a high level the Estate considers this approach to be sensible. In particular the estate recognises that the Neighbourhood Plan Group has sought to engage with the development strategy set out

in the emerging Local Plan. If this approach had not been taken there would have been a strong risk that the NP would not have met the basic conditions.

Non-conformity with the Emerging Borough Local Plan

Whilst the NP does, to some extent, positively engage with the emerging Borough development strategy, we note some details that are not in conformity with the emerging Borough Local Plan. The Estate notes the following points in particular:

Vision

The Vision states:

“The individual settlements within Capel Parish will remain separate from one another and from nearby towns and be a satisfying, rural and sustainable community of villages and hamlets including protected and diverse countryside with wildlife at its heart.”

Whilst this vision is not directly contrary to the emerging development strategy, we note that TGV would result in a change of the settlement pattern, including some changes to existing villages. To be in conformity with the emerging Borough Plan this must be acknowledged by the Vision.

Policy 11 – Local Significant Views

The Estate is concerned that this draft policy is likely to be unduly restrictive and could restrict the delivery of a properly designed and planned development at TGV. The Policy would thereby be contrary to emerging policy STR/SS3 in the submission Local Plan.

It is important to note that locally significant views will be assessed and protected through the development management process in any event, where proper consideration (and weight) will also be given to the strategic allocation.

Design Code

The Estate notes the considerable amount of work that has been undertaken to inform the preparation of the Capel Design Guidelines and Code, and believes that the document will be a useful resource going forward, particularly with respect to the detailed design of TGV.

This notwithstanding the Estate notes this comprises guidance only. It is important that this guidance is applied pragmatically and allows for design creativity and innovation in the future. The Estate reserves the right to comment further on the Design Guidelines and Codes at the next stage of the Neighbourhood Plan process.

Policy C10 – Local Green Spaces

In addition to the comments above concerning conformity of the NP with the emerging Borough Local Plan, the Estate also notes that several of the proposed 'Local Green Spaces' identified under Policy C10 are on land controlled by the Estate. The Estate has reviewed these proposed

Local Green Space allocations and provides details comments which are attached to these representations.

In summary, the Estate considers that the following proposed Local Green Space allocations are not justified and should not be allocated:

- 6. Orchard Tudeley
- 8. Tudeley Allotments
- 11. Goldsmid Family Burial Ground, Tudeley

We trust these comments are constructive and will assist the Neighbourhood Plan Group in progressing through the neighbourhood planning process in accordance with the basic conditions, and having regard to the position of the emerging Borough Local Plan which should be afforded significant weight. We would be happy to engage further with the Neighbourhood Plan Group should that be of assistance.

Yours sincerely

J Coulson

Local Green Spaces, Proposed Allocations. (With added post consultation commentary in blue - Oct 2023)

Paragraph 102 of the NPPF set out the criteria that green space **must** meet in order to be designated as Local Green Space:

The Local Green Space designation should only be used where the space is:

- a) In reasonably close proximity to the community it serves;*
- b) Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
- c) Is local in character and is not an extensive track of land.*

The Neighbourhood Plan assess these criteria in Appendix C of the plan.

The Hadlow Estate / Hadlow Place Farms owns part or all of some of these areas and responds accordingly.

5. St Thomas a Becket Churchyard and Glebe

The estate owns the northeast corner of this proposed allocation. It has allowed the land to be used for parking and landscaping for the grade 1 listed church for a long time and continues to do so to date.

As the neighbourhood plan points out the site as a whole has historic significance, recreational value, beauty and tranquility (but less wildlife value than the plan seems to suggest). These factors make the site demonstrably special to the local community and give it a particular local significance.



The Criteria for allowing this allocation have been met and so it can be allocated as a Local Green Space.

The estate is not opposed to this allocation.

6. Orchard Tudeley

- This area of land consists of a wet wooded shaw (Ancient Woodland) and an old orchard, both in the occupation of Hadlow Place Farms.
- There is no authorised public access to this area.
- The overgrown nature of the area makes it hard to see into from the B2017 and there is practically no view into it from the mentioned footpath, running as it does, behind the church and associated buildings nearby. Most would be hard pressed to identify it as an orchard from the B2017, to all intents and purposes it presents as just another roadside shaw.
- The site separates All Saints Tudeley and the associated buildings there from the Goldsmid cemetery. There is no link through the site from one side to the other.

Is it “in reasonably close proximity to the community it serves”

The Neighbourhood plan makes no assessment of how it serves the community (or indeed what community it serves) apart from noting the position of a footpath.

Is it “Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife;”

The site certainly has some wildlife value (being Ancient Woodland / old orchard)

No evidence is provided to show that it has any historic value beyond being an orchard for many centuries (as many orchards in the area have been).

The neighbourhood plan does not show how these factors make this unmemorable or “*forgotten corner*” so **demonstrably special** to the local community or how it has **particular local significance**.

The Criteria for allowing this allocation have not been met and so it should not be allocated as a Local Green Space.



View south from north end of site



View north from south end of site



View from footpath (red line shows site)

Additional Comments on and after section 2.3 of the consultation statement.

No new evidence or explanation was given as to why this site was allocated. The consultation document refers us back to the original work: Appendix C describes the site as:

“Historic: Historic Orchard”

No reasoning is given as to why it has historic value. This area of land has been in agriculture for a long period of time, the orchard itself is old. However age does not necessarily indicate historic value and it is wrong to conflate the two. The site has no historic value.

“Beauty: As an orchard, the site contributes to the character of the parish.”

The site is unidentifiable by most as an orchard from either the footpath or the road, how can its orchardness therefore contribute to the character of the parish? It looks like a wooded shaw, not unlike the many other shaws in and around Tudeley.

“Tranquillity: As a forgotten corner in the Parish, the site offers a tranquil spot away from the settlements.”

This tranquillity despite being right next to the B2015 (a busy road and hotspot 3 according to this plan)? This is not credible.

“Wildlife Value: The site has been an orchard for many centuries. The ancient woodland and priority habitat (orchard) provide for a range of flora and fauna.”

We agree there is wildlife value in this site. The consultation statement describes it as “a valuable natural asset that is typical of the local area”. We agree it is typical of the many shaws in the vicinity of Tudeley.

But in order to be designated it must be demonstrably special and of particular local significance - not just “typical”.

There are no sensible reasons to make this allocation.

8. Tudeley Allotments

- This site is in the possession of the Hadlow Estate.
- Interest in working this site declined about thirty to forty years ago, although it is still described as allotment land on maps. Currently three individuals have two licences to be on the land. About 95% of the ground is uncultivated, being mowed grass & standards.
- There is no general right of access to this area by members of the public. There is a footpath that runs north to south along the west boundary.



Best view from footpath



View from north east corner of the site facing south west (unavailable to the general public)

Is it “in reasonably close proximity to the community it serves”

The neighbourhood plan makes no attempt to assess the proximity of the community this site serves although it describes the land as providing “*a well-used series of allotments*”.

The site serves three people directly (as the licensees) – a community of three individuals.

About 90% of the land serves a licensee resident in Tonbridge, the balance serves a couple resident in Tudeley.

If three people can form a community (in the sense meant by para 102 of the NPPF) then the majority of the land could be described as not in close proximity to the community it serves, although the majority of the served community live nearby.

Is it “Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.

Contrary to the neighbourhood plan’s assertion that the site is “*well used*”, it is not. The majority of the land is uncultivated.

The neighbourhood plan does not provide any explanation as to why this site is an important habitat apart from using the generic formula “space provides an important habitat for a range of flora and fauna”. Grassland of this type has limited wildlife value.

The neighbourhood plan refers to a “BBQ” and “picnic area”. These are private facilities and are no more for public use than would be similar facilities found in someone’s back garden.

The neighbourhood plan does not show how these factors make this site so **demonstrably special** to the local community or how it has **particular local significance**.

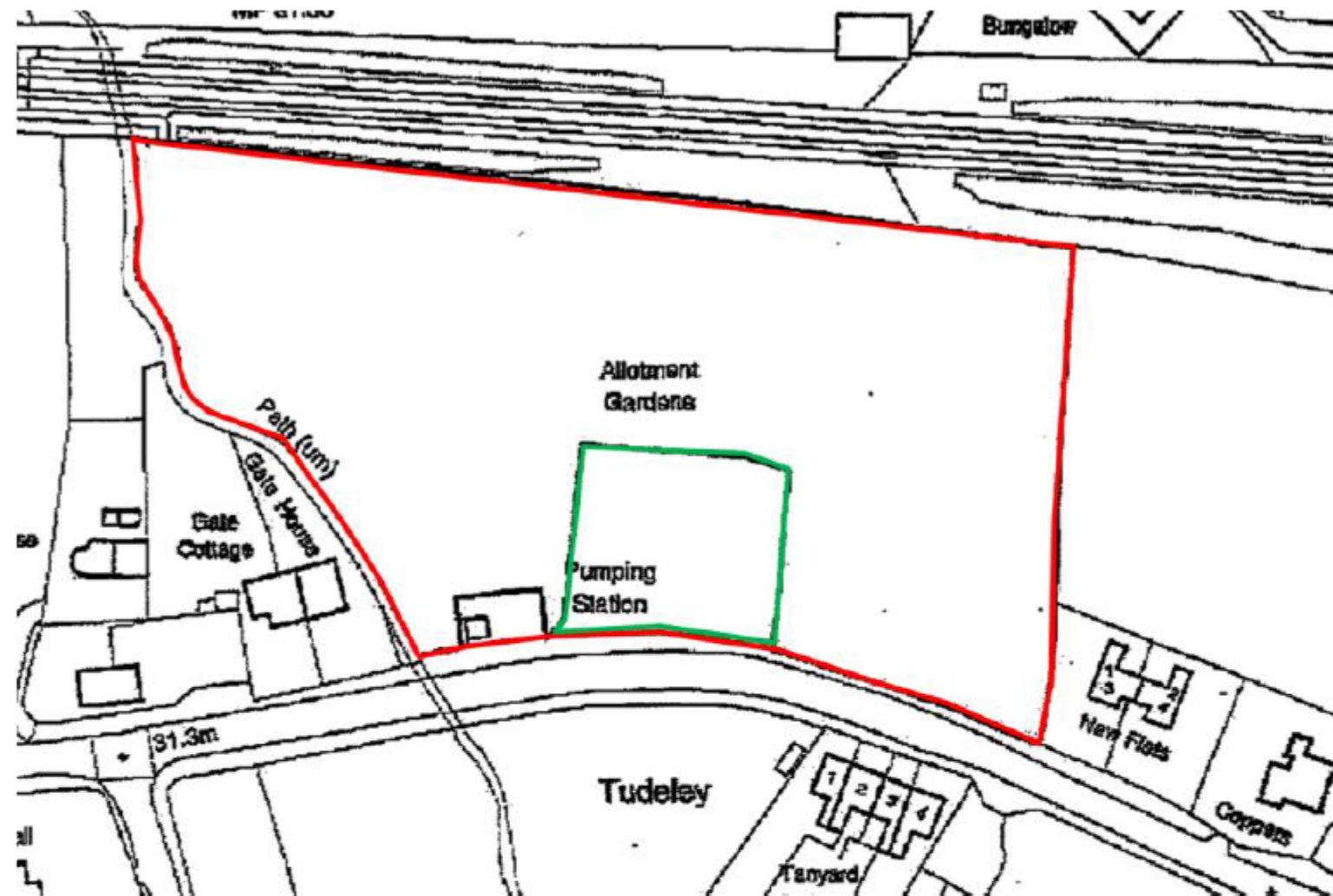
The Criteria for allowing this allocation have not been met and so it should not be allocated as a Local Green Space.

As a matter of public policy the council should consider the value in designating such sites. The setting aside of land for the private cultivation of vegetables etc is a public good recognised within the NPPF. Private landowners are encouraged to contribute by bringing land forward for third parties to work. The process is costly to manage and returns rarely cover the landowner’s costs. The imposition of onerous local designations on such land neither acts as an incentive for further land to come forward nor protects the designated land’s current use from change.

Additional Comments on and after section 2.3 of the consultation statement.

The Working Group have considered the small number of residents this site serves to be immaterial to the allocation of this site, in this case a couple living together (the third licensee is not resident in the parish).

However the NPPF requires sites to be demonstrably special to “a local community” and in reasonably close proximity to “the community it serves”. A couple cannot be described as a community or a local community. If there is no community there can be no allocation.



Notwithstanding this point the Working Group goes on to comment *“By its very nature as an allotment it creates a wildlife habitat and is a valued asset in the community”*. Presumably where this is not true, it is not the case.

If the allocation is made it should be restricted to the area of land that actually fulfils the Working Groups own criteria for making the allocation i.e. the area of land used by the community as an allotment.

This area is shown in green below (the original boundary is shown in red),

11. Goldsmid Family Burial Ground, Tudeley

- This site is in the possession and ownership of the Hadlow Estate.
- It is a locked private cemetery.
- There is no right of access to this area by members of the public.

Is it “in reasonably close proximity to the community it serves”

The neighbourhood plan makes no attempt to assess the proximity of the community this site serves.

The community the graveyard currently serves are permanently resident. Others who may join the community at some point in the future live about 3km away as the crow flies.

Is it “Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.

The design of the cemetery certainly adds to the beauty of the area, as do most listed structures in the parish. No other reason is given as to why this cemetery is **demonstrably special** or has **particular local significance**.

The Criteria for allowing this allocation have not been met and so it should not be allocated as a Local Green Space.

Response 6 - Upper Medway IDB Supplementary information overleaf on the Board's policy and consenting process

How to Apply for Land Drainage Consent
<p>To apply for Land Drainage Consent please complete an application form. Our application form can be found on the 'Development' section of the Board's website, here: https://medwayidb.co.uk/development/consents/.</p> <p>For any additional help please call us on 01622 934500 or email planning@medwayidb.co.uk.</p>
Byelaws
<p>Upper Medway IDB Byelaws can be found via the following link: https://medwayidb.co.uk/wp-content/uploads/2023/06/Planning-Bylaw-Strategy-To-Be-Approved-Nov22.pdf.</p>
Mapping
<p>Mapping of the district can be viewed via the following link: https://medwayidb.co.uk/watercourses/.</p>
Planning and Byelaw Strategy
<p>The Board's Planning and Byelaw Strategy seeks to provide:</p> <ul style="list-style-type: none">• Guidance on how (and why) the Board will review and comment on planning applications.• Information on the policies against which the Board will assess and determine applications.• Guidance to riparian (waterside) landowners regarding watercourse maintenance. <p>The Planning and Byelaw Strategy can be found via the following link: https://medwayidb.co.uk/wp-content/uploads/2023/06/Planning-Bylaw-Strategy-To-Be-Approved-Nov22.pdf.</p>

Maintained Watercourses

The map on the Board's website shows which watercourses are designated as **Maintained Watercourses** by the Board. You may also have heard these watercourses referred to as 'Adopted watercourses' or 'Arterial Watercourses'. The designation is an acknowledgement by the Board that the watercourse is of arterial importance to the Internal Drainage District and as such will normally receive maintenance from the IDB using the Board's Permissive Powers. Although the Board opts to proactively maintain this arterial network, there is no change in the ownership or liability associated with the watercourse resulting from this designation.

Why we have commented on this application:

By engaging with the planning process the Board is seeking to:

- Reduce flood risk to communities within the Internal Drainage District
- Promote sustainable development in sustainable locations by supporting sound planning decisions in accordance with the National Planning Policy Framework (especially [Paragraph 167](#)) and the [Non-standard technical standards for SuDS](#).
- Reduce the potential for conflict between the planning process and the Board's regulatory process.

For further information please refer to the Board's Planning and Byelaw Strategy.



CAPEL PARISH NEIGHBOUHOOD PLAN – Flood Risk & Drainage REVIEW

PREPARED BY : **Brian Cafferkey**

SUBJECT : **Land at NW Paddock Wood**

DATE : **11 May 2023**

CIRCULATION : **Jane Piper (Stantec)**
Amy Woodward (Stantec)
Matt Parsons (Crest Nicholson)

Capel Parish Neighbourhood Plan Pre-Submission Version for Consultation at Regulation 14

1.0 Purpose

This purpose of this technical document is to provide a drainage and flood risk response following the invitation to comment on the Capel Neighbourhood Plan (CNP) - April 2023.

This note considers the Pre-Submission Version of the CNP (Regulation 14), which was also informed by supporting Design Guidelines and Codes (October 2022).

This technical document also takes account the Schedule 4B process for making of neighbourhood development orders, specifically Paragraph 8(2).

2.0 Capel Neighbourhood Plan

The relevant drainage and flood risk policy contained in the pre-submission CNP are as follows:

- Policy C5: Mitigating the Impact of Flooding

Review of Policy C5: Mitigating the Impact of Flooding

"A. Existing watercourses (inclusive of all ditches and land drains) should remain open, and the land safeguarded for management of existing flood risk."

This part of the policy would suggest that all watercourses should remain open and that land impacted by flooding (all sources river flooding, groundwater, surface water flooding etc.) should be safeguarded to manage existing flood risk. Land

drainage policy is generally against infilling of watercourses but where it is necessary to accommodate development or other changes to watercourses, there is a requirement to ensure the relevant mitigation is put in place to ensure no increase in flood risk.

This part of the policy would sterilise development opportunities within Flood Zone 1, 2 and 3. Land currently at flood risk is to be safeguard for the management of flood risk. This approach is not in line with the draft Local Plan Flood Risk Policy EN 25 where it stated that “.. *Proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere. ..Where there is evidence that water from these sources either ponds or flows over the proposed site, the assessment should state how this will be managed, and what the impact on neighbouring sites will be as part of a cumulative assessment.*” This is also not in line with the NPPF and its Planning Practice Guidance.

Therefore, we feel this part of the policy would need to be redrafted in line with both local and national policy as set out in Schedule 4B, paragraph 8(2) a) and e).

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

Misconnected pipes are illegal, as Section 109 of the Water Industry Act 1991 states that it is unlawful to discharge foul water into a sewer provided for surface water where separate public sewers are provided for foul water and surface water. This part of the policy is acceptable. National and local policy (Policy EN 26 Sustainable Drainage of the draft Local Plan) promote the use of sustainable drainage systems to dispose of surface water run-off. This part of the policy is in line with national and Local policy and therefore acceptable.

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

The above part of the policy is acceptable and in accord of what you would have to do to show any development would not be increasing flood risk off site. The above we believe relates mainly to the capacity of the foul sewer system and the sewerage treatment works. For developments of this size, infrastructure delivery plans would advise of phasing and timing of infrastructure reinforcement works to support development.

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

Flood Risk Policy EN 25 of the draft Local Plan "*Proposals for new development should contribute to an overall flood risk reduction, and development will only be permitted where it would not be at an unacceptable risk of flooding on the site itself, and there would be no increase to flood risk elsewhere.*" Sustainable Drainage Policy EN 26 of the draft Local Plan states that "*All development applications should include adequate drainage provision.*" A maintenance and management plan will be required for all surface water/SuDS systems serving new development. The proposals will be more robust in terms of dealing with the latest climate change requirements, however the need for "*providing betterment and more robust maintenance of these to improve drainage within the Parish in the long term, will be supported.*" Would seem beyond what Policy EN 26 is requesting.

There is likely to be a betterment in terms of foul capacity in the existing system which is known to be under capacity as a result of improvements to the foul network to accommodate future development. There is likely to be a reduction in flood risk from surface water and fluvial flooding as a result of flood mitigation serving new development. This will take some pressure off the existing "*..watercourses and land drains specifically as well as highway drainage and storm water drains/public sewers..*" in terms of frequency of flooding.

However, we would need to be careful when it comes to the statement “*..providing betterment and more robust maintenance of these to improve drainage within the Parish in the long term, will be supported.*” We are not obliged to do this but would obviously support this approach. However, we would look to reword this last line along the lines “*providing betterment and more robust maintenance of these to improve drainage within the Parish in the long term, will be supported.*”

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

The above is in line with National and Local policy (Sustainable Drainage Policy EN 26 of the draft Local Plan), therefore this part of the policy is acceptable.

F. SuDS provision must demonstrate how its design will enhance wildlife and biodiversity as well as minimise the impacts of flooding.

There are four main categories of benefits that can be achieved by SuDS: water quantity, water quality, amenity and biodiversity. These are referred to as the four pillars of SuDS design. While each pillar is looked at equally, it is minimising the impact of flooding is the focus of most authorities and approving bodies. We would probably be more comfortable with this part of the policy if it was written as follows, “*SuDS provision must demonstrate **where reasonable** how its design will enhance wildlife and biodiversity **or provide evidence on why it cannot be achieved** as well as minimise the impacts of flooding.*” It is not always possible to achieve wildlife and biodiversity benefits with SuDS systems.

G. Applications for major developments, and those in a flood risk areas as identified by Tunbridge Wells Borough Council, shall be accompanied by a drainage scheme maintenance and management plan. Other developments shall be accompanied by details that make clear the responsibilities for the

long-term management of all surface and land drainage components on the site.

The above part of the policy is acceptable. Each development will need to produce a maintenance and management plan for their surface water and SuDS systems. This could fall between a private management company, Southern Water, Kent County Council as Lead Local Flood Authority (LLFA), Kent Highways and the Upper Medway Internal Drainage Board (IDB).

Note that with any approval for the surface water drainage strategy, this will be reviewed by the LLFA and IDB.

Policy C5: Mitigating the impact of flooding – Commentary on supporting information to Policy C5

The aim of the policy is to ensure that development proposals do not create new or exacerbate existing flood issues; also, to mitigate the impact of flooding on or arising from new developments. It will endeavour to reduce the further effects of climate change using innovative ideas such as nature-based solutions.

The main risk of flooding is surface water flooding as a result of runoff from the south of the catchment. There is also a risk of fluvial flooding from the River Medway to the north.

The Alders Stream overtopping or the Culvert at B2017 becoming blocked:

The Alders Stream is a designated main river and takes the majority of water from the uplands above Five Oak Green to the River Medway. If the stream over tops above Ellis Close or the Culvert is not cleared of debris then the centre of Five Oak Green could flood. Any works on lands to the west of the Paddock Wood Site will not assist in reducing flood risk at Five Oak Green. There appears to be two issues, i) capacity of the culvert and ii) maintenance of the screen either by the Environment Agency or Kent County Council Highways Authority.

Rainwater getting into sewage system:

This mainly affects Five Oak Green. During heavy rain sewage surcharge due to a pump failure or the system not having the capacity to remove the mixture of rainwater and sewage. Any works on lands to the west of the Paddock Wood Site will not assist in reducing flood risk at Five Oak Green.

Water from the roads:

Road drainage system not disposing of water due to blocked gullies and drain runs; the water then finds its way into front gardens and into properties. The most common cause of blocked gullies is the annual leaf fall and historic lack of maintenance. This is an existing issue in terms of maintenance. However, the proposed flood alleviation works serving lands to the west of Paddock Wood would indirectly reduce flood risk or frequency of flooding in Paddock Wood as indicated by the Ardent Modelling.

As indicated in Part D of the Flood Risk policy, we would look to be proportionate with our proposed maintenance and management strategy.

Climate Change

All flood mitigation proposals and surface water drainage and SuDS designs will take account of climate change in their design in accord with national and local policy. This work will be ratified by the Environment Agency and Kent County Council in their roles as statutory consultees.

A growing population, urban expansion with increased development density in existing and new settlements and Changes within existing neighbourhoods:

Flooding is addressed at the strategic level by Flood Risk Policy EN 25 and Sustainable Drainage Policy EN26 of the Tunbridge Wells draft Local Plan SLP. However, Policy C5 of the CNP seeks to ensure that development proposals fully consider the natural environment in Capel to adequately manage drainage and sewerage.

The measure put forward to mitigate flooding as outlined in paragraph's 6.32 to 6.34 are generally in line with nation a draft local policy, however under paragraph 6.34, second bullet point where it is stated that:

"Developments must keep runoff rates to existing greenfield levels and to avoid channelling of water..." Where the site is located, in an IDB area, they will seek to apply a constant discharge rate for all storm events rather than a variable discharge for different return periods example below in Table 1. As land west of Paddock Wood sits in an IDB area, this will need to be challenged.

Table 1: Different approach to discharge rates IDV verse LLFA

	1 in 1 yr (l/s/ha)	1 in 30 yr (l/s/ha)	1 in 100 yr (l/s/ha)
IDB	7	7	7
LLFA	4	8	20

Non-Policy Actions

These are flooding projects that have been raised through the engagement process that complement the delivery of the Neighbourhood Plan but are not planning policies in themselves.

Flooding has been raised as a major concern in the Parish and the flooding project that is likely to have implications for land west of Paddock Wood is the flood relief scheme first drawn up by the Environment Agency (EA) in 2010 but remains unfunded. Refer to Paragraph 12.4 of the CNP page 98.

3.0 Capel Design Guidelines and Codes

The design guidelines and codes are reasonable in terms of their aspirations.

4.0 Sequential and Exception Test

While the sequential and exception tests have been mentioned in the draft Local Plan Flood Risk Policy EN 25, they have not been mentioned in the CNP.

The inspector's view is that all housing be located in Flood Zone 1, however, this is subject to further work being undertaken by the council to sequentially test other sites.

The council did assess this option (which was Option 3) and was discounted because it represented an 'extreme' application of the sequential test and would impact on viability (it would result in around 610 fewer homes) and we concur with this view. The fact that the sequential approach and sequential test to development was not undertaken by the council as part of the Local Plan process resulted in the inspector not having enough information to make an informed decision which resulted in the inspector taking a draconian view when applying the sequential test.

25th May 2023

Dear Sir or Madam,

Pre-Submission (Regulation 14) Version of the Capel Neighbourhood Plan (2023)

We write on behalf of our clients, Mr and Mrs Whetstone, in response to the Parish Council's consultation exercise on the Regulation 14 version of the Capel Neighbourhood Plan (CNP).

Mr and Mrs Whetstone live at Tudeley Brook Farm and were therefore surprised to see that the CNP, as currently drafted, seeks to designate their home as a non-designated heritage asset, under draft Policy C6 'Conserving Heritage Assets'. It is a private domestic residence with modern ancillary outbuildings. It is our view that it is not considered worthy of designation and, as a result, we are specifically writing, inter alia, to request for Tudeley Brook Farm to be removed from the list of non-designated heritage assets.

Whilst writing, we have also taken the opportunity to comment on some of the other draft policies in the draft CNP including: Policy C1, C5, C11 and C15 and the 'Non-Policy Actions' as set out in the appropriate sections of the draft CNP.

Policy C6: Conserving Heritage Assets and Appendix B

Draft Policy C6 (and Paragraph 6.41) states that all 36 farmsteads within the Parish (as referenced within Appendix B) should be considered non-designated heritage assets.

While non-designated heritage assets can be identified through the neighbourhood plan making process, the Planning Practice Guidance for the Historic Environment is clear that decisions to identify non-designed heritage assets **must be based on sound evidence**. (Paragraph 040 Reference ID: 18a-040-20190723). It is our assertion that this sound evidence is lacking.

The text accompanying Policy C6 attempts to justify the inclusion of all 36 farmsteads within the Parish as non-designated heritage assets because of their identification on the Kent County Council Historic Environment Record (HER). The fact that a building holds a record on a local HER list should not be the sole determining factor for including a building onto a heritage list. Indeed, Historic England Advice Note 7 (Second Edition): Local Heritage Listing: Identifying and Conserving Local Heritage (2021) states at Paragraph 61 that:

“The inclusion of a site or structure in an HER does not itself identify it as a non-designated heritage asset: inclusion merely records valuable information about it, and does not reflect the planning judgement needed to determine whether it does in fact have a degree of heritage significance which merits consideration in planning decisions”.

To accord with Historic England's advice, it is therefore necessary for the Working Group to undertake a thorough and detailed planning judgement exercise to determine the degree of heritage significance for each and every farmstead in the Parish.

To accord with Planning Practice Guidance (Paragraph 40) it is also vital that the CNP provides the following:

1. Information on the criteria used to select non-designated heritage assets (i.e. a description of the quality thresholds chosen for selecting these assets); and
2. Information on the location of each non-designated heritage asset.

In the case of Tudeley Brook Farm, the property has not been used as a farmstead for at least 50 years. The agricultural land was sold off many decades ago, and the land ownership now only extends to less than 2 hectares overall. A plan showing the property and associated outbuildings has been provided at **Appendix 1** for ease of reference. All

the land and outbuildings are now solely used for private residential purposes and no farming or commercial activity is undertaken thereon.

Since Mr and Mrs Whetstone moved into the property, approximately 25 years ago, it has been significantly altered over the years and a brick wall has been erected around the site. All the outbuildings have either been replaced or refurbished using modern materials. In 2002, planning permission was granted to demolish one of the outbuildings and replace it with a garage and workshop building (LPA Ref: 02/015858). At that time no special characteristics or circumstances were cited to warrant the retention of that building.

It is also pertinent to note that the house has recently been included within the Strategic Site allocation Policy STR/SS1 in the new Local Plan for Tunbridge Wells. It forms a legitimate and important part of the integrated masterplan vision for the western parcel of growth at Paddock Wood. For it to have been included within this allocation, the site has undergone a rigorous assessment exercise by Officers at Tunbridge Wells and also by independent masterplanning advisors - David Lock Associates. Not once throughout this process has there has ever been any mention of including the building onto a list of non-designated heritage assets.

Overall, therefore, there are no special characteristics of circumstances to warrant the designation of Tudeley Brook Farm as a non-designated heritage asset and as such we respectfully request that this property is removed from the list at Appendix B.

General Comments

Policy	Comments
Policy C1	<p>Policy C1 set out the main criteria for delivering sustainable development in the Parish. Whilst there is reference in the supporting text for the need to ensure that development is ‘comprehensively’ planned, disappointingly, this should be carried through into the wording of the policy itself.</p> <p>The Policy should make it clearer that the large Strategic Sites need to come forward in a comprehensive manner. All land included within these allocations are fundamental to achieving sustainable development. As such, we respectfully ask that Section B of Policy C1 is expanded to make it clear that planning applications relating to the Strategic Sites should only come forward comprehensively and on an all-inclusive basis so that piecemeal development is not permitted in any form.</p>

Policy C5	<p>One of the main reasons why land has been allocated for significant growth around Paddock Wood is the promise of an opportunity for the betterment of flooding. In order for this to work, the entirety of each Strategic Site has to be comprehensively developed. Where development is not properly coordinated there is a real risk that developers will just design their own flood mitigation strategies, pushing water from one site to the next and so on. It is imperative therefore that any policy in the Neighbourhood Plan that deals with the impact of flooding specifically refers to the need for the Strategic Sites to come forward on a comprehensive basis.</p> <p>The overarching site wide flood design strategy for the Strategic Sites need to be outlined and agreed upfront before any development can commence. This strategy needs to be agreed with all stakeholders, including local landowners.</p>
Policy C11	<p>There needs to be a clearer explanation as to why the 11 views chosen as part of this Policy are considered worthy of protection. As currently drafted Appendix D does not do this and is lacking in content.</p>
Policy C15	<p>Policy C15 deal with traffic impact. As currently drafted, however, it fails to make sure that any traffic impacts are appropriately mitigated. The policy should require the larger sites to set out the infrastructure improvement measures and sustainable travel interventions that are going to be delivered as part of the associated development. Full details of the improvement schemes and potential trigger points for implementation should be set out clearly in the associated Transport Assessments.</p>

<p>Flooding - related projects</p> <p>Table at 12.4</p>	<p>As an extension to the first measure on Table 12.4 (ongoing flooding in the Parish) it would be helpful to make it clear that there should be a regular dialogue with the Strategic Site Master Developers to inform the development of the master flood mitigation strategy. Local landowners are well placed to delivery sound advice on local flooding issues and this dialogue should help to improve flood design efficiency.</p>
<p>Community Facilities</p> <p>Table at 12.5</p>	<p>There is nothing for local children to do when the weather is bad. There should be engagement with local teenager groups to design concepts that will appeal to that age group.</p>

Conclusions

We hope you have found these representations helpful and constructive. Once you have had a chance to review and digest, we would appreciate a response, particularly with regards to the issue of removing Tudeley Brook Farm from the list of non-designated heritage assets. In the meantime, if you have any questions, please do not hesitate to contact me.