

# **HAWKHURST NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**A report to Tunbridge Wells Borough Council  
into the examination of the  
Hawkhurst Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

Rosemary Kidd, Dip TP MRTPI

NPIERS Independent Examiner

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## 1.0 Summary

- 1.1 The Hawkhurst Neighbourhood Plan has been prepared to set out the community's wishes for the parish of Hawkhurst to help it to encourage change within manageable limits and retain and strengthen the village's distinctive character.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
- Including a summary of the Local Plan strategy for the parish;
  - Setting out details of the housing allocations and commitments;
  - Deleting Policy HD1 on site selection criteria;
  - Revising Policy HD2 so that it relates to the most recent evidence of housing needs and market requirements and deletes the requirement for the provision of a specific proportion of house types;
  - Revising Policy HD3 to refer to the DCLG Technical Housing Standards and the development of accessible dwellings;
  - Revising Policy LP1 to require developers to assess the impact of their proposals on the landscape setting or views of key landmarks;
  - Designating three of the proposed 26 sites as Local Green Space and revising the wording of Policy LP3;
  - Revising the wording of Policy AM1 to clarify it;
  - Revising the wording of Policy CM4 to refer to the Local Plan policies;
  - Various changes to clarify the wording of policies and their justifications and to avoid the use of the word "must".
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Hawkhurst Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

- 2.1 Neighbourhood planning was introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the parish, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the parish.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the development plan which will include the neighbourhood development plan, unless material considerations indicate otherwise.
- 2.3 Neighbourhood Plans are developed by local people in the localities they understand and as a result each plan will have its own character. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and the other statutory requirements. It is not within my role to re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of aspirations of the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.4 The nature of neighbourhood plans varies according to local requirements. A neighbourhood plan can be narrow in scope. There is no requirement for a neighbourhood plan to be holistic, or to include particular types of policies, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan.

### Legislative Background

- 2.5 This report sets out the findings of the independent examination into the Neighbourhood Plan. The report makes recommendations to Tunbridge Wells Borough Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum.
- 2.6 Tunbridge Wells Borough Council will decide what action to take in response to the recommendations in this report. The Borough Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by Tunbridge Wells Borough Council. If 'made' the Neighbourhood Plan will come into force and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area.

- 2.7 I have been appointed by the Tunbridge Wells Borough Council with the consent of Hawkhurst Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council, the Neighbourhood Plan Steering Group and Tunbridge Wells Borough Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. My appointment has been facilitated by the Neighbourhood Planning Independent Examiners Referral Service.
- 2.8 As an Independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
  - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
  - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
  - (d) the Neighbourhood Plan has been prepared and submitted for examination by a qualifying body.
- 2.9 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development. There are no other neighbourhood plans for the plan area. It would be helpful if the Basic Conditions Statement confirmed these points.
- 2.10 Tunbridge Wells Borough Council has confirmed that the Neighbourhood Plan area is co-terminus with the parish of Hawkhurst and was designated by Tunbridge Wells Borough Council on 10 April 2014 as a Neighbourhood Area. The boundary of the plan area is shown on the Map in Appendix 1. It is also shown on the Local Context Map, however, the key to the map does not include the boundary. It is recommended that the key to the Hawkhurst Local Context Map shows the dot and dash line as the boundary of the plan area. Paragraph 1.13 should be more explicit and state that the boundary of the Plan area is shown on the Local Context Map and the map in Appendix 1.

**Recommendation 1: include the boundary of the neighbourhood plan area on the key to the Local Context Map of the plan. Revise the final sentence of paragraph 1.13 to read “*The boundary of the Plan area is shown on the Local Context Map and the Map in Appendix 1.*”**

- 2.11 Paragraph 1.1 of the plan states that the lifespan of the Neighbourhood Plan is to be until 2033. It is recommended that the lifespan of the plan is shown on the front cover of the plan.

**Recommendation 2: Include the lifespan of the plan 2016 – 2033 on the front cover of the plan.**

- 2.12 The neighbourhood plan making process has been led by Hawkhurst Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Development Plan Committee of the Parish Council.
- 2.13 I am satisfied therefore that the Hawkhurst Neighbourhood Plan satisfies all the requirements set out in paragraph 2.8 above.

**Conformity with Basic Conditions**

- 2.14 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
- 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; and
  - 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. The following prescribed condition relates to Neighbourhood Plans:
    - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended).
- 2.15 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an

alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.

- 2.16 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
- 2.17 Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.18 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.

### **Policy Background**

- 2.19 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.20 Lord Goldsmith has provided guidance that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.21 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.
- 2.22 The third basic condition is for the neighbourhood plan as a whole to be in general conformity with the strategic policies contained in the Development Plan for the area. The current Development Plan comprises of the saved policies of the Tunbridge Wells Local Plan 2006, the Core Strategy 2010 and the Site Allocations Local Plan 2016. Work has recently started on the

preparation of a new Local Plan for the Borough to guide development to 2033; this is in its very early stage of preparation.

- 2.23 I have also considered whether the Neighbourhood Plan would introduce policies and designations that may constitute blanket restrictions that may restrict future development in the area in the forthcoming Local Plan. I have considered whether there is robust evidence to support any proposed designations that would introduce such restrictions.
- 2.24 The Basic Conditions Statement sets out an assessment of how the Neighbourhood Plan policies have had regard to national policy and how it is in general conformity with the local strategic development plan policies.
- 2.25 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

### **EU obligations and human rights requirements**

- 2.26 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.27 Screening Opinions for the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) were not undertaken on the draft Neighbourhood Plan prior to submission. I have given the Qualifying Body the opportunity to undertake the screening reports and held the examination in abeyance whilst they were prepared and consulted on. The SEA screening report concluded that it was unlikely there would be any significant environmental effects arising from the draft Neighbourhood Plan and recommended that a full SEA did not need to be undertaken for the Hawkhurst Neighbourhood Plan. This has been confirmed through the responses from Historic England, Natural England and the Environment Agency.
- 2.28 The screening assessment to determine the need for a HRA concluded that it was unlikely there would be any significant environmental effects arising from the Hawkhurst Neighbourhood Plan. As such, the 'appropriate assessment' stage of the HRA process that ascertains the effect on integrity of the European Site did not need to be undertaken. This has been confirmed through the response from Natural England.

- 2.29 The Basic Conditions statement does not include an assessment of whether the Neighbourhood Plan is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Qualifying Body has provided evidence on how the statutory and non-statutory consultations have been carried out and confirmed that they were undertaken in such a way that all sections of the local community have been given the opportunity to express their views. The qualifying body believes the advertising and publicity strategy for each of the consultation and engagement events during the plan preparation process was thorough and robust.
- 2.30 As far as I can ascertain, the policies of the plan and its preparation have taken account of the need to consider human rights. I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

### **Contributes to sustainable development**

- 2.31 Although not required by legislation, a Sustainability Appraisal has been undertaken of the plan policies against the sustainability objectives used in assessing the Tunbridge Wells Local Plan. This has highlighted the positive and negative impacts of each policy, although there are no overall conclusions. The Basic Conditions Statement has very little to say on the subject. It would be helpful if the Neighbourhood Plan included a summary section on how the plan will contribute to delivering sustainable development in terms of social, environmental and economic enhancement of the plan area.

**Recommendation 3: include a paragraph in the introductory section of the Neighbourhood Plan and in the Basic Conditions Statement on how the plan will deliver sustainable development in terms of the enhancement of social, economic and environmental matters.**

- 2.32 I am satisfied that, subject to the modifications proposed, the Hawkhurst Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

### **The Neighbourhood Plan Preparation**

- 2.33 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.34 The Neighbourhood Plan sets out an overview of the consultation process. The preparation of the Neighbourhood Plan commenced in April 2014 following the designation of the Plan area.
- A Visioning Event was held on 30th April 2015 to examine the critical issues in some detail;

- A Three-Day Design Forum was held in May 2015. This was a design-led exercise that examined how change can be accommodated, designed and planned;
- A Progress Meeting was held on 15th July 2015 to inform local residents of the work so far, the contents of the Interim Report and to introduce the emerging policy themes;
- The Interim Report was published in July 2015. This captured the findings of the Visioning Event and the Three- Day Design Forum. The report also set out four emerging policy themes. Comments on the policy themes were sought through an online and offline questionnaire during July and August 2015;
- A Poster Exhibition was held on 17th and 18th September 2015 to inform local residents of the responses made to the Interim Report;
- An exhibition and a series of slideshow presentations was held on the 4th and 5th November 2015. This was used to explain a draft planning policy structure, a vision statement and a set of plan objectives;
- Consultation on the draft plan was carried out during November and December 2015.

- 2.35 Consultation on the pre-submission draft plan took place between April and June 2016. This included a public exhibition and drop in event on 12 – 13 May 2016.
- 2.36 Consultation on the submission draft plan ran from 24 August to 5 October 2016. This resulted in representations and supporting statements from 19 organisations and individuals. The Qualifying Body has confirmed that consultation with the statutory consultations bodies was undertaken during the pre-submission consultation period.
- 2.37 A comprehensive summary of the issues raised at each stage of consultation and the action taken to address them as appropriate is included in the Consultation Statement.
- 2.38 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in The Neighbourhood Planning (General) Regulations 2012.

### **The Examination Process**

- 2.39 The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.40 I have undertaken an unaccompanied site visit to the parish. I have also presented a number of questions to the Qualifying Body and Local Planning Authority seeking further clarification and information in writing.
- 2.41 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental

Assessment and Habitats Regulations Assessment. In my assessment of the plan as a whole and each policy I have commented on how the plan and policy has had regard to national policies and advice and whether it is in general conformity with relevant strategic policies.

- 2.42 This report is the outcome of my examination of the Submission Draft Version of the Hawkhurst Neighbourhood Plan dated July 2016. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. Once the plan is approved by the Borough Council it may proceed to a referendum. If it receives the support of over 50% of those voting then the Plan will be made by Tunbridge Wells Borough Council.
- 2.43 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- that the plan should proceed to referendum on the basis that it meets all the legal requirements;
  - that the plan should proceed to referendum if modified; or
  - that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.44 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
- 2.45 The only sites to be designated in the Plan are for Local Green Space and these are shown in Appendix 2 of the Neighbourhood Plan. Sites referred to in other policies are shown as preferred locations with maps within the policy itself. It is important that the maps of the designated sites should be included in the plan at such a scale that the boundaries of the sites are clear and legible.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*

- 3.2 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that

*“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

- 3.3 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *“the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

- 3.4 National planning advice in NPPF paragraphs 16 and 184 is that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

- 3.5 NPPF paragraph 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The PPG adds the following guidance on rural housing *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”*.

- 3.6 The Basic Conditions require that the Examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies. I now turn to considering whether

the policies in the plan taken together have had regard to national and local strategic planning policies.

- 3.7 Hawkhurst has a population of over 4900. It consists of the older village around The Moor to the south and the larger village to the north around shops and community facilities along Highgate. The Gills Green business and industrial park is located to the north of and outside the village adjacent to the A229. It is noted that the community considers Hawkhurst to be a village, however it is classed as a small rural town in the Tunbridge Wells Core Strategy and Site Allocations Plan. Where I am discussing the policies of the Local Plan in my report I shall use the terminology of the Local Plan, otherwise I shall refer to Hawkhurst as a village.
- 3.8 The Tunbridge Wells Core Strategy and Site Allocations Plan which have an end date of 2026 provide the strategic policies. There are also some saved policies remaining from the 2006 Tunbridge Wells Local Plan which are pertinent to the Neighbourhood Plan. Relevant policies are summarised in my report below when considering specific Neighbourhood Plan policies.
- 3.9 The Neighbourhood Plan runs to 2033 and places the responsibility of allocating sites for further housing development beyond 2026 with the Borough Council taking account of the policies of the Neighbourhood Plan. To this end I have considered whether the Neighbourhood Plan would place any blanket restrictions on future development in and around the village over and above those already in place with the Limit of Built Development and the landscape conservation policies of the AONB.
- 3.10 In my detailed considerations of the policies, I have made recommendations to delete Policy HD1 which seeks to limit the size of housing sites; revised Policy LP1 so that it does not refer to protecting open land; and revised Policy LP3 so that only three sites are designated as Local Green Space.
- 3.11 There are several occasions in the plan where the word “must” is used in both policies and their justifications. This means that the policy sets a requirement and does not provide for any flexibility in its application. National guidance on policy writing advises that the word “should” is appropriate in policies to give a degree of flexibility in the interpretation of policies in the light of varying circumstances. The word “must” should only be used where the policy is setting a requirement.

### **Introductory Sections to the Neighbourhood Plan**

- 3.12 The Background section of the plan sets out information on the strategic location of the village, its historic origins, the services available, heritage and environmental assets and a summary of the community consultation that has taken place in preparing the plan. There is a comprehensive section on the AONB including Character Component Maps. There is a summary of the issues that are to be addressed in the plan and potential opportunities.

- 3.13 However, the plan includes no information about the population, the housing stock or the availability of employment. The Parish Council has confirmed that in 2011 Hawkhurst had a population of 4911 living in 1997 households. 72% of the working age population aged 16-74 were economically active.
- 3.14 It would also be helpful to users of the plan to include a summary of the strategic planning context for the plan area from the Core Strategy (as summarized in paragraph 4.1 below). Natural England has advised that reference to the SSSI should also be included in the introductory text (see paragraph 4.38 below).

**Recommendation 4: Improve the contextual material on Hawkhurst Today by including a summary of the population, housing and employment data for the plan area; describe the location and importance of the SSSI; and include a summary of the strategic planning context for the plan area from the Core Strategy.**

### **The Neighbourhood Plan's Vision and Objectives for Hawkhurst**

- 3.15 The vision of the plan recognises that Hawkhurst has developed slowly over centuries with gradual change blending its environment with the needs of the population. The plan aims to encourage change within manageable limits to retain and strengthen Hawkhurst's distinct history and character.
- 3.16 Eight objectives are set out to act as guiding principles of the plan designed to strike the right balance between protection and enhancement. They address Character and Identity, Local Prioritisation, Choice of Movement, Resource Efficiency, Environmental Protection, Design Quality, Managing Change and Future Infrastructure.
- 3.17 A representation has been made that none of the objectives expressly identify the need to support the delivery of housing, affordable housing or economic development. I have reviewed the objectives and consider that objective 2 Local Prioritisation adequately addresses the matters raised.
- 3.18 A modification is proposed to paragraph 4.2 to improve its clarity.

**Recommendation 5: Revise paragraph 4.2 to read “*The planning policies are written to help the plan deliver these objectives.*”**

- 3.19 The policies in the plan fall into four themes: Housing & Design, Landscape & Environmental Protection, Access & Movement, and Community Infrastructure. A table demonstrates how each policy supports the delivery of the objectives. The plan includes a section on monitoring with indicators to be used in monitoring the delivery of the plan.
- 3.20 It is considered that the vision and objectives are clear and distinct and are addressed through policies in the Plan.

## 4.0 Neighbourhood Plan – The Policies

### Strategic Context for Residential Development in Hawkhurst

- 4.1 Hawkhurst is located within the High Weald Area of Outstanding Natural Beauty which washes over the settlement and considerably constrains the plan area. The Core Strategy classifies Hawkhurst as a small rural town and aims to provide sufficient development to support and strengthen the village as a local service centre serving the rural area. Limits to Built Development are defined in the Local Plan around the built up area. Core Strategy Policy 13 provides the strategic framework for planning in Hawkhurst. It proposes approximately 240 net additional dwellings to be delivered in the village on allocated sites and those released in accordance with Core Strategy Policy 1 for the period 2006 - 2026. Affordable housing is to be provided on sites of 10 or more dwellings. Particular regard is to be given to conserving and enhancing the character of the conservation areas and the setting of the village in the AONB.
- 4.2 The Site Allocations Local Plan allocates four sites for housing development in the plan area to accommodate about 111 additional homes, with capacities ranging from 15 to 40 dwellings. In addition an appeal was allowed in 2015 adjacent to Highgate Hill for 62 dwellings. Together with 94 dwellings that have been developed or have planning permission, there is a total of about 267 allocated or committed dwellings in the plan area.

### Housing and Design Policies

- 4.3 The Examiner's responsibility is to consider whether the Neighbourhood Plan has met the Basic Conditions and it would be appropriate to make the plan. It is not the same as the test of soundness for Local Plans. With this regard I have considered whether the Neighbourhood Plan policies for housing development are in general conformity with the strategic policies contained in the adopted development plan for the area.
- 4.4 Paragraph 7.2 in the introduction to this section seeks to summarise the supply of housing development sites in the plan area. However the wording is unclear, confusing and emotive. It is recommended that it is rewritten to be a factual record of the sites that have been allocated and those that are committed to demonstrate that sufficient land is available to deliver the adopted Local Plan's housing requirement to 2026.
- 4.5 A representation has been made concerning the wording of paragraph 7.2. The representation highlights evidence presented to the Highgate Hill appeal that the Core Strategy housing target was out of date and did not reflect the borough's changing population figures and housing growth predictions.
- 4.6 I am required to consider whether the Neighbourhood Plan is in general conformity with the strategic policies of the Local Plan which sets a figure of approximately 240 net additional dwellings to be delivered in the village. I am

also mindful of national planning policy and ministerial advice about the need to boost housing delivery and for Neighbourhood Plans not to place blanket restrictions that would restrict housing delivery in future Local Plans.

- 4.7 Hawkhurst is identified in the adopted Local Plan as a small rural town with a good range of services, as such it is likely to be a location that could potentially deliver additional housing and employment opportunities in the future to meet the continuing needs of the population of the area, taking into account the environmental constraints of the area.

**Recommendation 6: Revise paragraph 7.2 to 7.3 to read:**

***“The Tunbridge Wells Core Strategy requires that approximately 240 net additional dwellings be developed in Hawkhurst during the period 2006 – 2026. At (date) xx dwellings have been completed, xx are commitments with planning permission and the following sites are allocated for development in the Tunbridge Wells Site Allocations Local Plan 2016:***

- ***Former Springfield Garden Centre (approximately 40)***
- ***Land at Woodham Hall (approximately 12 – 15)***
- ***Hawkhurst Castle (approximately 30)***
- ***Birchfield, Rye Road (approximately 26)***

***“This totals approximately 267 net additional dwellings (check figure) which is sufficient to deliver the Core Strategy’s housing requirement to 2026 with a degree of flexibility.***

***“The housing requirement to 2033 and site allocations to deliver this will be determined by Tunbridge Wells Borough Council through the Local Plan review taking account of the policies in the Neighbourhood Plan.”***

### **Policy HD1 Site Selection Criteria**

- 4.8 This policy sets out three criteria to be used in the selection of sites for housing development that prioritise previously developed land and underdeveloped land over greenfield sites; support small scale infill sites within the built up area and limit greenfield sites to those suitable for 5 – 10 dwellings on the edge of the existing developed parts of the parish.
- 4.9 The justification to the policy explains that there is a strong desire to avoid large scale housing developments, sets out three benefits of small scale development and highlights the need to carefully phase new housing clusters. Paragraphs 7.8 – 7.11 refer to a number of additional matters which are not included in the policy itself, including encouragement to the careful phasing of new developments (without explaining how this is to be delivered), and design requirements such as a sense of enclosure, access to the countryside, the provision of on-site open space, and the integration of sustainable modes of

travel. Paragraphs 7.12 – 7.13 refer to the selection of sites on agricultural land.

- 4.10 Hawkhurst is one of the three small rural towns in Tunbridge Wells Borough that have a good range of services. The Core Strategy and Site Allocations Local Plan demonstrate that the village is capable of accommodating a modest level of development averaging a little over 20 dwellings per annum with allocations on a small number of sites of between 12 and 40 dwellings. Affordable housing is required to be delivered on sites of 10 or more dwellings.
- 4.11 A representation has been made that Policy HD1 is a highly restrictive policy that seeks to limit housing schemes to 5 units on brownfield land within walking distance of shops (and fails to define walking distance) and up to 10 units on greenfield sites. It notes that the policy may prohibit the delivery of any affordable housing in the parish. The representation comments that paragraphs 7.4 and 7.6 promote the view that the plan is seeking to restrict growth and expresses concern about the favour it gives to local buildings firms and architects which is anti-competitive. The use of the word “must” in paragraph 7.10 is considered to be overly restrictive. Paragraph 7.13 is considered to be unclear as it does not define poorer quality land.
- 4.12 A representation has been made that the policy would only encourage “garden grabbing” and will not help to provide affordable housing. It also comments that no consideration has been given to revising the Limits to Built Development to facilitate some expansion.
- 4.13 No factual evidence about future housing need or the availability of sites has been provided to justify the restriction on the size of further development sites to 5 or 10 dwellings and the reasons for the policy appear to stem solely from feedback from the community consultation. Larger sites have been allocated in the Local Plan and other potential sites may become available in the future. Furthermore the impact the policy would have on delivering the mix of housing sought under Policy HD2 appears not to have been considered.
- 4.14 It is considered that the policy would set blanket restrictions on the size of future housing development sites setting an arbitrary upper limit of 5 dwellings for brownfield sites and 10 for greenfield. Such a policy does not have regard for the guidance in the PPG on Rural Housing which states that blanket policies restricting housing developments should be avoided unless their use can be supported by robust evidence.
- 4.15 Core Strategy Policy 1 prioritises the allocation or release of sites of previously developed land within the Limits to Built Development (LBD). Further it states that selected greenfield sites within and/or adjacent to the LBD in small rural towns would be allocated or released where appropriate to maintain a sufficient supply of housing land.

- 4.16 It is considered that Policy HD1 would place restrictions on the delivery of sites that would otherwise be acceptable under CS Policy 1 without being substantiated by robust evidence.
- 4.17 The wording of Policy HD1 is unclear as it does not define “the existing built area” or “walking distance from shops and amenities” or the “edge of the existing developed parts of the parish”. Paragraph 7.13 refers to “poorer quality land” being preferred but this is not defined.
- 4.18 It is considered that the policy has not had regard to PPG guidance that a neighbourhood plan policy should be clear and unambiguous with sufficient clarity that a decision maker can apply it consistently and confidently when determining planning applications.
- 4.19 It is recommended that Policy HD1 should be deleted as it has not had regard to national policies.

**Recommendation 7: Delete Policy HD1 and the policy justification in paragraphs 7.4 to 7.13.**

**Policy HD2 Future Housing Mix**

- 4.20 Policy HD2 requires a range of housing tenures and sizes to be delivered on all new housing developments to meet local needs and sets out the mix of house sizes to be delivered on new housing developments. The justification to the policy refers to “*the type, tenure and size of future housing reflects local needs and demands of the parish*”.
- 4.21 A representation has been received that questions the requirement for 52% of new developments to be one bedroomed units. It states that the mix proposed bears no resemblance to that recommended in the SHMA 2015.
- 4.22 A representation has been made in support of smaller sized properties in Policy HD2. The need to ensure that affordable housing is provided is highlighted.
- 4.23 I have asked the Qualifying Body for their evidence to support the requirement in the policy for 85% of new housing to be one or two bedroomed. They have noted that the last Housing Needs Analysis was conducted by Tunbridge Wells Borough Council in 2009. This was a survey of those in housing need rather than every household in the parish. It is anticipated that a further Housing Needs Survey will be undertaken by the Borough Council next year. The justification to the policy relies on the responses to the 2012 Village Appraisal and comments from the Neighbourhood Plan consultation event in June 2014.
- 4.24 The most recent Housing Needs Analysis was conducted more than 5 years ago and is considered to be out of date. It is evident from the responses to the consultation that there is a demand for smaller housing units, however,

this is anecdotal evidence only. In order to set a specific mix of house sizes in a policy such as proposed in the second part of Policy HD2, there is a requirement that it be supported by recent evidence from a properly researched survey of the needs and aspirations of the housing market as a whole such as that undertaken through a Housing Market Assessment and Housing Needs Survey. Such evidence is not presently available.

- 4.25 In the circumstances, it is recommended that the policy be revised to delete the mix of house sizes in part two as it is not substantiated by robust evidence. The policy should instead refer to the mix of housing types, sizes and tenures being provided in accordance with the findings of the most recent Housing Market Assessment and Housing Needs Analysis.

**Recommendation 8: Revise point 1 of Policy HD2 to read:**

***“A mix of housing types, sizes and tenures shall be provided on housing developments to support the delivery of housing that meets the local housing needs and demands demonstrated in the most recent Housing Market Assessment and Housing Needs Analysis for the plan area.”***

**Delete point 2 of the Policy HD2.**

**Replace the word “must” with “should” throughout the justification.**

**Revise the final sentence of paragraph 7.12 to read “.....based on *the most recent Housing Market Assessment and Housing Needs Analysis.....connection.*”**

### **Policy HD3 Modern Living**

- 4.26 Policy HD3 requires new housing developments to comprise a variety of house types, designs and details to create homes fit for modern living. Minimum space standards are set out. Bungalows are encouraged to provide easier access for the disabled and elderly.
- 4.27 DCLG published its Technical Housing Standards in March 2015 which included minimum space standards for new housing development. These are more detailed than those proposed in Policy HD3 and also include storage space. They relate to Gross Internal Areas. PPG advises that where a local planning authority or qualifying body wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard. Evidence should be provided to justify the need for applying the standards.
- 4.28 The Housing - Optional Technical Standards sets out standards for Accessibility and Wheelchair Housing. The requirement for such housing should be set in Local Plans and supported by robust evidence.

- 4.29 No evidence has been provided on the need for bungalows and no reason has been given why the need for accessible dwellings could not be met by other forms of housing including accessible flats. This part of the policy is written in the terms of encouragement and not a requirement and therefore has had regard to national policy. It is recommended that it be framed in the terms of “accessible housing” as there is no reason that it should be restricted to bungalows.
- 4.30 Policy HD2 refers to the requirement for a mix of house types. There is no need to repeat this again in this policy.
- 4.31 The justification to the policy explains how the term “modern living” is to be interpreted.
- 4.32 The justification to the policy includes a number of requirements that are additional to those set out in the policy including meeting Lifetime Homes standards and promoting efficient use of water, electricity and energy, locally sourced and recycled materials. These should be set out in the policy itself or cross referenced to a relevant strategic policy such as Core Strategy Policy CS5.

**Recommendation 9: Revise Policy HD3 as follows:**

1. ***“New housing development shall comprise a variety of housing designs and details to create homes fit for modern living.”***
2. **Delete point 2.**
3. ***Accessible homes suitable for the elderly and disabled, in particular bungalows, will be encouraged.***
4. ***New housing should be designed to meet Lifetime Homes standards and should encourage the efficient use of water and energy, and locally sourced and recycled materials.”***

**Replace “must” with “should” throughout the justification**

**Delete paragraph 7.17 and replace with: *“New housing development should be built to the space standards set out in the DCLG Technical Housing Standards.”***

**Revise the second sentence of paragraph 7.18 to read: *“The development of accessible dwellings, including one storey bungalows will be encouraged.”***

**Policy HD4: Design Quality**

- 4.33 The policy requires new development to be designed to take account of the vernacular architecture of the parish in the main, although the policy specifically states that innovative or thoughtful modern or contemporary architecture is encouraged.

- 4.34 The policy has had regard to advice in paragraph 58 of the NPPF that neighbourhood plans should set out robust and comprehensive policies that set out the quality of development that will be expected in the area.
- 4.35 A section on Design Guidance follows Policy HD4. This sets out key design criteria that are to be considered by all new development proposals. The design criteria are also to be used to further inform the site selection criteria set out in Policy HD1. Reference to Policy HD1 should be deleted in view of the recommendation to delete the policy.
- 4.36 A representation has been received concerning the requirement set out in paragraph 7.21 and 8.8 and the design guidance on sustainability that new dwellings should include a working chimney so that log burners can be provided. It is agreed that this is an excessive requirement and may not be feasible or practical on smaller properties. The requirement for the provision of log burners should be deleted from paragraphs 7.21 and the sustainability section of the design guidance. These sections should be reworded to give encouragement to the provision of working chimneys where appropriate to the design of the dwelling.
- 4.37 Other revisions are recommended to improve the clarity of the text and to better explain the status of the design guidance. The word “must” should be replaced with “should”.

**Recommendation 10: Revise the justification to Policy HD4 and the Design Guidance as follows:**

**Replace “must” with “should” throughout the justification.**

**Revise the final sentence of paragraph 7.21 to read: “*The inclusion of working chimneys will be encouraged where appropriate to the design of the dwelling.*”**

**Delete “but” from the third sentence of paragraph 7.22.**

**Revise paragraph 7.23 to read: “*The following section sets out design guidance to support Policy HD4. All new development proposals will be encouraged to take account of the design guidance.*”**

**Revise paragraph 7.24 to read “*This design guidance should also be used to inform the selection of sites.*”**

**Delete the second sentence from the section on sustainability in the guidance.**

## **Landscape and Environmental Protection**

- 4.38 A representation has been made by Natural England that it would be useful to identify Robins Wood SSSI as a constraint. It would be helpful to Plan users

to include reference to the SSSI in the introductory section on the Landscape Context.

**Recommendation 11: Include a description of Robin Woods SSSI with a location map in the Landscape Context section.**

4.39 The representation also refers to NPPF advice concerning policies to protect wildlife or geodiversity sites or landscape areas which states that distinctions should be made between the hierarchy of internationally, nationally and locally designated sites. I have concluded that the Neighbourhood Plan does not include a specific policy on the safeguarding of nature conservation sites. This subject is addressed in Core Strategy Policy CP4 and there is no need to repeat it in the Neighbourhood Plan.

**Policy LP1 Views Between Village and Countryside**

4.40 Policy LP1 seeks to protect short and long range views across the parish from harm from development.

4.41 The justification recognises that there are various points in and around the village where there are clear sight lines to open countryside and back from the countryside to the village. However these are not defined on a plan. Paragraph 8.3 states that the plan provides protection to the open land that allows these viewing experiences.

4.42 The Qualifying Body has explained that a map was included in the Regulation 14 draft of the Neighbourhood Plan and this was subsequently removed in favour of the generic policy.

4.43 A representation has been received requesting an additional view to be included. I have concluded that as Policy LP1 is worded in a generic manner and does not refer to specific viewpoints, no change is necessary in response to this representation.

4.44 It is considered that due to the lack of information about key viewpoints, it is unclear how this policy is to be interpreted on a consistent basis. The policy would be considered to be unduly restrictive if it protected extensive areas of open land in the plan area from development as proposed in the final sentence of paragraph 8.3. Paragraph 8.4 proposes that development proposals should demonstrate that they do not cause adverse visual impacts on the landscape setting of the parish.

4.45 The recommendation is made to ensure that the policy is clear and can be implemented consistently and does not result in a blanket restriction on development in accordance with PPG advice.

**Recommendation 12: Revise Policy LP1 to read:**

***“Developers should demonstrate that their proposals will not have an unacceptable adverse visual impact on the landscape setting of the village or views of key landmarks.”***

**Delete the final sentence of paragraph 8.3.**

**Policy LP2 Area of Outstanding Natural Beauty**

- 4.46 Policy LP2 requires development in the parish to demonstrate compliance with the Countryside and Rights of Way Act 2000, the High Weald AONB Management Plan 2014 – 2019 and the Landscape Character Assessment and Capacity Study.
- 4.47 A representation has been made by the High Weald AONB Unit in support of the Neighbourhood Plan policies to conserve and enhance the AONB.
- 4.48 CS Policy 4 sets out the strategic policy framework for the environment. It aims to manage, conserve and enhance the landscape as a whole making use of the AONB Management Plan and Landscape Character Assessment and Capacity Study.
- 4.49 The three documents do not set out planning policy. They provide legislation on access and the procedure and purpose of designating AONBs (amongst other things), a management plan and background evidence to help the future conservation and enhancement of the landscape. It is not considered necessary for development proposals to be required to demonstrate compliance with these documents. Revisions to the policy are proposed to better reflect the strategic policy approach to the AONB.

**Recommendation 13: Revise Policy LP2 as follows:**

***“The management, conservation and enhancement of the High Weald AONB is encouraged making use of the following documents or their replacements: ....points 1 – 3.”*** Delete final sentence.

**Delete the final sentence in paragraph 8.8 concerning log burners.**

**Policy LP3 Designated Green Spaces**

- 4.50 Policy LP3 proposes that 26 sites should be designated as Local Green Spaces.
- 4.51 A representation has been received that proposes additional small grass verges to be designated.
- 4.52 There is no single national definition of green space; it can include a wide range of land including public parks, sports and recreational areas,

allotments, cemeteries and areas with nature conservation importance. The PPG gives examples of types of green space including land with sports pavilions, boating lakes, land around war memorials, allotments or urban spaces that provide a tranquil oasis. National guidance and Local Plan policies seek to protect and enhance green infrastructure to support healthy lifestyles and to enhance the local environment. The NPPF provides local communities with the opportunity to designate areas that are particularly important to the local community as Local Green Space.

- 4.53 NPPF paragraph 76 enables local communities to designate Local Green Spaces in neighbourhood plans for special protection which will rule out new development on them other than in very special circumstances. Paragraph 78 states that the local policy for managing development within a Local Green Space should be consistent with policy for Green Belts.
- 4.54 Paragraph 77 states that Local Green Space designation will not be appropriate for most green areas or open spaces. The designation should only be used where:
- *“the green space is in reasonably close proximity to the community it serves;*
  - *the green area is 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*
  - *where the green area concerned is local in character and is not an extensive tract of land”.*
- 4.55 PPG advises that where land is already protected by a designation such as an AONB, consideration should be given as to whether any additional local benefit would be gained by designation as Local Green Space.
- 4.56 Twenty six areas are proposed as Local Green Space in the Hawkhurst Neighbourhood Plan. The sites are shown on maps and the characteristics of each site are listed using the green space typographies set out in NPPF paragraph 77 and an additional one of “green edges”. No further descriptions or assessment of the sites are provided in the background evidence and no evidence has been provided as to why the sites are considered to be demonstrably special to the local community. The Qualifying Body has confirmed that it has consulted all the landowners of the sites identified that are known to them; in addition extensive publicity has been undertaken during the plan making process.
- 4.57 I have visited all the sites and considered the appropriateness of designating them as Local Green Space. In the table below I have commented on each site.
- 4.58 I have noted that many of the sites are already protected under various policies in the Local Plan including saved Policies EN15, EN21 and EN22.

There are also sites designated as Ancient Woodland and that lie within the Conservation Area.

- 4.59 The Qualifying Body has explained that as the list of important green spaces in the Local Plan is under review it is keen to ensure that all green spaces are protected. However, I have noted that there are other green areas safeguarded in the Local Plan in the parish that have not been proposed as Local Green Space.
- 4.60 The aims of the Qualifying Body to safeguard the green spaces in the parish is laudable. However, there are a number of approaches to protecting green areas, open space and woodland, of which the designation as Local Green Space is only one. NPPF paragraph 77 states that Local Green Space designation will not be appropriate for most green areas or open spaces and sets out tests that must be met to demonstrate that an area is suitable. The Neighbourhood Plan includes a cursory assessment of the areas identifying them against the typographies set out in the NPPF. However, no information has been included to describe the nature of the sites; neither has an assessment of their qualities or local significance been undertaken to show how the green areas are demonstrably special to the local community and why they hold a particular local significance.
- 4.61 I have recommended that the highway verges should not be designated as they are small areas that are unlikely to be developed other than where necessary to improve accessibility.
- 4.62 I have recommended that the areas of woodland outside of the village should not be designated as the designation is likely to add little to the protection of the areas in view of their location within the countryside in the AONB and designation as Ancient Woodland. If additional protection is deemed necessary, there are alternative mechanisms such as Tree Preservation Orders that are more appropriate for areas of woodland.
- 4.63 Planning permission has been granted on appeal on Site 9 at Highgate Hill. It is not appropriate to designate it as a Local Green Space.

**Table 1 – Recommendations on Proposed Local Green Space**

	<b>Site</b>	<b>Comment</b>	<b>Recommendation</b>
1	St Lawrence Church green verges	Small areas of highway verge with little green space value. In Conservation Area.	Do not designate
2	The Moor and verges	Area of grassed public open space protected under LP Policy EN21. Small areas of highway verge opposite church is	Do not designate.

		separate from main area protected under LP Policy EN22. In Conservation Area.	
3	The verge around Merton – Neale Close	Roadside verges fronting Camerons and within estate with little green space value.	Do not designate
4	Stream Lane verges	Roadside verges. North side are mown and marked with stones/ logs. Others under trees are bare. Little green space value. In Conservation Area.	Do not designate
5	Queens Road opposite Park Cottages	Raised verge with mature trees.	Do not designate
6	Sawyers Green	Large roadside triangle with rough grass and semi-mature trees. In Conservation Area.	Do not designate
7	Philpotts Cross	Large roadside triangle with rough grass and semi-mature trees.	Do not designate
8	Frontage of All Saints Church	The church is a Grade II listed building and the churchyard forms its curtilage and setting. Safeguarded under LP Policy EN21.	Do not designate.
9	Circus Field	Agricultural land with mature trees around and within the site. Footpath across the site. Planning permission granted for housing on the site.	Do not designate.
10	Stream Lane Nature Reserve and Pond	Small area of woodland that has been donated by former owner to Kent Wildlife Trust as Nature Reserve. A larger area is safeguarded under LP Policy EN15.	Do not designate

11	Church Pond	Small pond with surrounding banking. Wildlife can be viewed from roadside. Sign stating wildlife that has been seen recently. A tranquil oasis. In Conservation Area.	Designate
12	All Saints Pond	Woodland with pond enjoyed by local people with car park. The southern part of the site is safeguarded under LP Policy EN15.	Designate.
13	Dunks Alms Houses Frontage	Attractive garden in front of historic almshouses. Safeguarded under LP Policy EN21. In Conservation Area.	Do not designate
14	Tesco Landscaped edge	Small landscaped area on frontage of supermarket and property adjacent. Partly safeguarded under Policy EN21. Partly in Conservation Area.	Do not designate
15	Waitrose Landscaped edge	Small landscaped area on frontage of supermarket. In Conservation Area.	Do not designate
16	Horns Corner	Small triangle of highway verge with one tree	Do not designate
17	Gill Green inc green bank and steps	Steep grass banking from road with steps up to industrial estate	Do not designate
18	The triangle at Four Wents	Two small grass roadside triangles with salt box and post box.	Do not designate
19	Lightfoot Green	Sloping roadside verge triangle with rough grass	Do not designate
20	Little Switzerland inc bridge and valley	Overgrown wilderness area sloping down to stream. Footpath through	Designate

		the site. Small part ancient woodland.	
21	White's Wood	Extensive woodland outside of the village. Part ancient woodland.	Do not designate.
22	Fowler's Wood	Part of a wooded area outside the village.	Do not designate.
23	Fowlers Wood Wetland	Smaller area of woodland / wetland extending from area 21 outside of village. Ancient woodland	Do not designate.
24	Fowlers Park Wood	Smaller area of woodland extending from area 21 outside of village.	Do not designate.
25	Duvall's Farm Woodland	Smaller area of woodland extending from area 21 outside of village. Part ancient woodland.	Do not designate.
26	Spring Field	Overgrown wilderness area sloping to stream. Safeguarded under LP Policy EN21	Do not designate

- 4.64 The wording of Policy LP3 is considered to be imprecise and does not take account of the advice in NPPF paragraph 78 that the local policy for managing development within a Local Green Space should be consistent with policy for Green Belts. The recommendation is made to reflect this advice.
- 4.65 A representation has been received from Southern Water that the policy could create a barrier to statutory utility providers from delivering essential infrastructure.

**Recommendation 14: Revise Policy LP3 to read:**

***“The areas shown on map XX are designated as Local Green Space. Proposals for development of these areas will only be permitted where it is demonstrated that there are very special circumstances that justify the need for the development and there are no suitable alternative sites.”***

**Designate Sites 11, 12 and 20.**

**Include examples of the exceptional forms of development that may be permitted by the policy as very special circumstances within the justification such as utility infrastructure.**

## Access and Movement

### Policy AM1 Highgate Hill Junction

- 4.66 The policy states that contributions will be sought towards the improvement of the Highgate Hill crossroads to ease traffic flow, improve conditions for cyclists and pedestrians whilst retaining the village character. A conceptual design for possible improvements to the junction is included in the plan for illustration purposes. The second part of the policy relates to the implementation of the policy and states that the Parish Council will work with the Borough and County Councils to test the concept design.
- 4.67 The Highgate Hill crossroads is an important junction in the middle of the historic part of Hawkhurst. The junction is difficult to negotiate and the current layout poses difficulties for all forms of transport.
- 4.68 The concept design for the junction improvements is clearly shown as illustrative only, as such it is suggested that it should be included in an appendix to the plan. The Qualifying Body has confirmed that discussions have been held with the Kent County Council, the Highway Authority, who have agreed to fund a technical feasibility study for the junction improvements.
- 4.69 A representation has been received from a public transport operator that the proposals to improve the junction are welcomed, however they consider that the layout shown on the illustrative design would not be realistic for larger vehicles.
- 4.70 A representation has been made to this policy and CM1 – CM3 that seek improvements to community infrastructure and facilities. The representation finds it difficult to understand how these aspirations will be paid for in the context of the restrictive approach to new housing development.
- 4.71 A representation has been made stating that the Civic Square would result in the loss of parking for the Royal Oak.
- 4.72 The policy sets out the aspirations of the community to improve traffic flow at this key junction and retain the character of the area. There is clearly further work to be done to develop a deliverable layout and design for the improvements and joint working is underway to develop them. It is not clear how such proposals will be funded, nevertheless it would be appropriate to include the proposed scheme in the neighbourhood plan. The need for improvement of the junction is highlighted in paragraph 5.270 of the adopted Core Strategy.
- 4.73 The recommendation is proposed in order to clarify the wording of the policy by deleting reference to the “contributions being sought” and “testing out the concept design”. The emphasis of the policy should be on seeking the traffic improvements and “enhancing” the environment of the village centre rather

than “retaining it”. As the second part of the policy relates to the implementation of the scheme, it would be more appropriate to include it in the justification.

**Recommendation 15: revise Policy AM1 to read:**

***“Improvements to the Highgate Hill A229-A268 crossroads will be sought to ease traffic flow and improve conditions for pedestrians and cyclists and to enhance the character and environment of the village centre.”***

**Delete the second part of the policy. Include reference in the justification to the Parish Council working with the District and County Council to develop a feasible design for the highway and environmental improvements. Note that consultations with the community and transport operators will be carried out in the future on design options. Place the illustrative design in an Appendix and update paragraph 9.4.**

### **Policy AM2 Improve the Pedestrian Environment**

- 4.74 The policy supports improvements to footpaths and footways, including widening and resurfacing.
- 4.75 It is considered that the policy meets the Basic Conditions and no modifications are proposed.

### **Policy AM3 Countryside Access**

- 4.76 The policy supports improved public access to the countryside around the built up parts of the village.
- 4.77 It is considered that the policy meets the Basic Conditions and no modifications are proposed. However, paragraph 9.11 of the justification concerns the design of new housing development on the edge of the village and is not relevant to explaining how the policy is to be implemented. The second sentence of paragraph 9.13 appears to suggest that opening up new recreational routes will prevent the growth of the settlement and is considered to be misleading.

**Recommendation 16: Delete paragraph 9.11 and the second sentence of paragraph 9.13 from the justification to Policy AM3.**

### **Policy AM4 Walking and Cycling Strategies**

- 4.78 The policy supports the creation of a network of walking and cycling routes within the village and the surrounding countryside.

- 4.79 There appears to be a degree of duplication between this policy and Policies AM2 and AM3 in the context of pedestrian routes. Whilst it is considered that Policy AM4 meets the Basic Conditions, it is suggested that the three policies could be reviewed and amalgamated.
- 4.80 Paragraph 9.17 refers to the provision of space for storage and parking of bicycles and electric assisted cycles. This matter is not set out in the policy itself. The Qualifying Body has confirmed that the parking standards adopted by Kent County Council will be applicable. A modification is proposed to make this explicit.
- 4.81 A representation has been received that seeks links from Hawkhurst to other towns and villages including route 18 and Bedbury Forest. I have concluded that as Policy AM4 is worded in a generic manner it will provide a suitable framework for considering the proposals suggested; no modifications are necessary to address this concern.

**Recommendation 17: Add the following to the end of paragraph 9.17:**

***“The cycle parking standards for residential areas are set out in Kent County Council’s Supplementary Planning Guidance on Parking Standards.”***

## **Community Infrastructure**

### **Policy CM1 Sports Provision**

- 4.82 The policy supports the maintenance, enhancement and improvement of the sports facilities at the Moor through the improvement of the sports pavilion and pitches.
- 4.83 A representation has been made by Sport England that indoor and outdoor sports facility needs should be specifically mentioned in the plan in line with NPPF paragraph 74 and Sport England advice “Planning for Sport Aims and Objectives”. It is advised that it would be helpful to include reference to the identified needs in the justification to the policy.
- 4.84 The Qualifying Body has confirmed that the two football pitches are in need of improved drainage. The tennis court is underused and it is proposed to replace it with a Multi Use Games Area to provide the opportunity for a greater variety of sports. The Sports Pavilion has inadequate changing facilities.
- 4.85 The policy includes the phrase subject to the “quality of the proposed design”. To improve the clarity of this statement it is recommended that reference be made to the standard of design that would be sought and the design Policy HD4 in the justification.

**Recommendation 18: revise the justification to Policy CM1 as follows:**

**Include reference to the detailed design requirements of the new pavilion being of a high quality in accordance with Policy HD4.**

**Revise paragraph 10.3 to include reference to the specific sports facility needs of the Plan area that have been identified.**

### **Policy CM2 New Community Hall**

- 4.86 The policy proposes that the existing community hall be replaced with a larger improved facility. The justification and map show the preferred location as the former All Saints Church. The policy does not allocate the site for the proposed use.
- 4.87 A representation has been made about the practicalities of utilising All Saints Church for community use.
- 4.88 Revisions are proposed to the policy to improve its clarity.

**Recommendation 19: revise Policy CM2 as follows:**

***“The replacement of the existing community hall with a larger, improved facility will be supported.”***

### **Policy CM3 New Medical Centre**

- 4.89 The policy sets out the aspirations initiated by the GPs to provide a new health centre within the parish.
- 4.90 A representation has been made that help in identifying a suitable site is required.
- 4.91 Revisions are proposed to the policy to improve its clarity.

**Recommendation 20: revise Policy CM3 as follows:**

***“The replacement of the existing GP practices with a single, larger practice with additional medical facilities and support facilities (or health centre) will be supported.”***

### **Policy CM4 Preservation and Enhancement of Community Services**

- 4.92 The policy seeks to protect and enhance existing employment, retail and ancillary facilities, to resist the loss of town centre uses in the Highgate central area and to develop the employment hub at Gill Greens. A map shows

seven properties that are to be protected under Policy CM4 which paragraph 10.18 refers to as key services.

- 4.93 A representation has been made by Sport England that indoor and outdoor sports facility needs should be specifically mentioned in the plan in line with NPPF paragraph 74 and Sport England advice “Planning for Sport Aims and Objectives”. It is advised that it would be helpful to include reference to the identified needs in the justification to the policy.
- 4.94 Policy AL/HA7 of the 2016 Site Allocations Local Plan identifies a Town Centre Boundary and a Primary Shopping Area at Hawkhurst.
- 4.95 Saved Policy CR12 of the 2006 Local Plan sets out the policy for the Primary Shopping Area. It seeks to retain the area for appropriate town centre uses and to protect against the excessive concentration of uses outside Class A1 which might cause significant interruptions to the shopping frontages.
- 4.96 Policy AL/HA6 of the 2016 Site Allocations Local Plan identifies Gills Green as a Key Employment Area. Policies ED1, ED2 and ED3 of the 2006 Local Plan define the type of businesses that would be permitted / directed to the area. A representation has been made that supports the protection and enhancement of the Gills Green Business Park.
- 4.97 It is considered that the adopted Local Plan policies adequately and clearly address the matters that are covered in Neighbourhood Plan Policy CM4. No additional matters are included in the Neighbourhood Plan policy. It is considered that Policy CM4 is not worded with sufficient clarity that a decision maker can apply it consistently and with confidence in determining planning applications. For example, it does not specify how retail, community assets and other facilities are to be protected and the measures that may be sought or required before a change of use that would result in the loss of a facility would be permitted. Additionally neither the Highgate Central Area nor Gills Green Employment Area are identified on a map.
- 4.98 It is recommended that the policy refers to the relevant Local Plan policies (or their replacements).

**Recommendation 21: revise Policy CM4 as follows:**

***“Town centre uses should be located within the Town Centre Boundary as defined in the Tunbridge Wells Local Plan. Changes of use in the Primary Shopping Area will be considered against Policy CR12 of the Local Plan 2006 (or its replacement).*”**

***“The Gills Green Employment Area is defined as a Key Employment Area in the Local Plan. Development proposals within the area shall be considered against Policies ED1, ED2 and ED3 of the 2006 Local Plan (or its replacement).”***

**Revise the justification to reflect the revised policy. Include reference to the sports facility needs of the Plan area that have been identified in the justification.**

**Revise paragraph 10.18 to refer to “The key *community assets to be safeguarded* are shown on the map on page xx.” Revise the wording under the map to refer to “*safeguarded by Policy CM4*”.**

### **New Policy**

- 4.99 A representation has been made by Southern Water that the Plan should include a new policy on new and improved utility infrastructure as follows: *“New and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community.”*
- 4.100 Core Policy 1 seeks contributions from new development towards the provision of infrastructure for which they create a need. Any specific requirements for new developments are set out in the Site Allocations Local Plan.
- 4.101 The provision of utility infrastructure is a matter that is being addressed on a Borough wide basis through the Local Plan and on a site by site basis in relation to major development proposals. It is considered that it is not necessary to include a specific policy on utility infrastructure in the Neighbourhood Plan.

## 5.0 Referendum

- 5.1 The Hawkhurst Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 5.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area;
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 5.3 **I am pleased to recommend to Tunbridge Wells Borough Council that the Hawkhurst Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 5.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Tunbridge Wells Borough Council on 10 April 2014.

## 6.0 Background Documents

6.1 In undertaking this examination, I have considered the following documents

- Hawkhurst Neighbourhood Plan Submission Draft Version July 2016
- Hawkhurst Neighbourhood Plan Basic Conditions Statement
- Hawkhurst Neighbourhood Plan Consultation Statement
- Hawkhurst Neighbourhood Plan SEA and HRA Screening Reports
- Hawkhurst Neighbourhood Plan Sustainability Appraisal
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Tunbridge Wells Local Plan 2006
- Tunbridge Wells Borough Core Strategy 2010
- Tunbridge Wells Borough Site Allocations Local Plan 2016
- DCLG Technical Housing Standards March 2015
- Sport England Land Use Planning Policy Statement “Planning for Sport Aims and Objectives”
- Kent County Council Supplementary Planning Guidance SPG 4 Kent Vehicle Parking Standards July 2006

## 7.0 Summary of Recommendations

**Recommendation 1:** include the boundary of the neighbourhood plan area on the key to the Local Context Map of the plan. Revise the final sentence of paragraph 1.13 to read *“The boundary of the Plan area is shown on the Local Context Map and the Map in Appendix 1.”*

**Recommendation 2:** Include the lifespan of the plan 2016 – 2033 on the front cover of the plan.

**Recommendation 3:** include a paragraph in the introductory section of the Neighbourhood Plan and in the Basic Conditions Statement on how the plan will deliver sustainable development in terms of the enhancement of social, economic and environmental matters.

**Recommendation 4:** Improve the contextual material on Hawkhurst Today by including a summary of the population, housing and employment data for the plan area; describe the location and importance of the SSSI; and include a summary of the strategic planning context for the plan area from the Core Strategy.

**Recommendation 5:** Revise paragraph 4.2 to read *“The planning policies are written to help the plan deliver these objectives.”*

**Recommendation 6:** Revise paragraph 7.2 to 7.3 to read:

*“The Tunbridge Wells Core Strategy requires that approximately 240 net additional dwellings be developed in Hawkhurst during the period 2006 – 2026. At (date) xx dwellings have been completed, xx are commitments with planning permission and the following sites are allocated for development in the Tunbridge Wells Site Allocation Plan 2016:*

- *Former Springfield Garden Centre (40)*
- *Land at Woodham Hall (12 – 15)*
- *Hawkhurst Castle (30)*
- *Birchfield, Rye Road (26)*

*“This totals 267 net additional dwellings (check figure) which is sufficient to deliver the Core Strategy’s housing requirement to 2026 with a degree of flexibility.*

*“The housing requirement to 2033 and site allocations to deliver this will be determined by Tunbridge Wells Borough Council through the Local Plan review taking account of the policies in the Neighbourhood Plan.”*

**Recommendation 7:** Delete Policy HD1 and the policy justification in paragraphs 7.4 to 7.13.

**Recommendation 8: Revise point 1 of Policy HD2 to read:**

***“A mix of housing types, sizes and tenures shall be provided on housing developments to support the delivery of housing that meets the local housing needs and demands demonstrated in the most recent Housing Market Assessment and Housing Needs Analysis for the plan area.”***

**Delete point 2 of the Policy HD2.**

**Replace the word “must” with “should” throughout the justification.**

**Revise the final sentence of paragraph 7.12 to read “.....based on *the most recent Housing Market Assessment and Housing Needs Analysis.....connection.*”**

**Recommendation 9: Revise Policy HD3 as follows:**

- 1. “New housing development shall comprise a variety of housing designs and details to create homes fit for modern living.***
- 2. Delete point 2.***
- 3. Accessible homes suitable for the elderly and disabled, in particular bungalows, will be encouraged.***
- 4. New housing should be designed to meet Lifetime Homes standards and should encourage the efficient use of water and energy, and locally sourced and recycled materials.”***

**Replace “must” with “should” throughout the justification**

**Delete paragraph 7.17 and replace with: “*New housing development should be built to the space standards set out in the DCLG Technical Housing Standards.*”**

**Revise the second sentence of paragraph 7.18 to read: “*The development of accessible dwellings, including one storey bungalows will be encouraged.*”**

**Recommendation 10: Revise the justification to Policy HD4 and the Design Guidance as follows:**

**Replace “must” with “should” throughout the justification.**

**Revise the final sentence of paragraph 7.21 to read: “*The inclusion of working chimneys will be encouraged where appropriate to the design of the dwelling.*”**

**Delete “but” from the third sentence of paragraph 7.22.**

**Revise paragraph 7.23 to read: “*The following section sets out design guidance to support Policy HD4. All new development proposals will be encouraged to take account of the design guidance.*”**

Revise paragraph 7.24 to read ***“This design guidance should also be used to inform the selection of sites.”***

Delete the second sentence from the section on sustainability in the guidance.

**Recommendation 11: Include a description of Robin Woods SSSI with a location map in the Landscape Context section.**

**Recommendation 12: Revise Policy LP1 to read:**

***“Developers should demonstrate that their proposals will not have an unacceptable adverse visual impact on the landscape setting of the village or views of key landmarks.”***

Delete the final sentence of paragraph 8.3.

**Recommendation 13: Revise Policy LP2 as follows:**

***“The management, conservation and enhancement of the High Weald AONB is encouraged making use of the following documents or their replacements: ....points 1 – 3.”*** Delete final sentence.

Delete the final sentence in paragraph 8.8 concerning log burners.

**Recommendation 14: Revise Policy LP3 to read:**

***“The areas shown on map XX are designated as Local Green Space. Proposals for development of these areas will only be permitted where it is demonstrated that there are very special circumstances that justify the need for the development and there are no suitable alternative sites.”***

Designate Sites 11, 12 and 20.

Include examples of the exceptional forms of development that may be permitted by the policy as very special circumstances within the justification such as utility infrastructure.

**Recommendation 15: revise Policy AM1to read:**

***“Improvements to the Highgate Hill A229-A268 crossroads will be sought to ease traffic flow and improve conditions for pedestrians and cyclists and to enhance the character and environment of the village centre.”***

Delete the second part of the policy. Include reference in the justification to the Parish Council working with the District and County Council to develop a feasible design for the highway and environmental improvements. Note that consultations with the community and transport operators will be carried out in the future on design options. Place the illustrative design in an Appendix and update paragraph 9.4.

**Recommendation 16:** Delete paragraph 9.11 and the second sentence of paragraph 9.13 from the justification to Policy AM3.

**Recommendation 17:** Add the following to the end of paragraph 9.17:

***“The cycle parking standards for residential areas are set out in Kent County Council’s Supplementary Planning Guidance on Parking Standards.”***

**Recommendation 18:** revise the justification to Policy CM1 as follows:

**Include reference to the detailed design requirements of the new pavilion being of a high quality in accordance with Policy HD4.**

**Revise paragraph 10.3 to include reference to the specific sports facility needs of the Plan area that have been identified.**

**Recommendation 19:** revise Policy CM2 as follows:

***“The replacement of the existing community hall with a larger, improved facility will be supported.”***

**Recommendation 20:** revise Policy CM3 as follows:

***“The replacement of the existing GP practices with a single, larger practice with additional medical facilities and support facilities (or health centre) will be supported.”***

**Recommendation 21:** revise Policy CM4 as follows:

***“Town centre uses should be located within the Town Centre Boundary as defined in the Tunbridge Wells Local Plan. Changes of use in the Primary Shopping Area will be considered against Policy CR12 of the Local Plan 2006 (or its replacement).***

***“The Gills Green Employment Area is defined as a Key Employment Area in the Local Plan. Development proposals within the area shall be considered against Policies ED1, ED2 and ED3 of the 2006 Local Plan (or its replacement).”***

**Revise the justification to reflect the revised policy. Include reference to the sports facility needs of the Plan area that have been identified in the justification.**

**Revise paragraph 10.18 to refer to “The key *community assets to be safeguarded* are shown on the map on page xx.” Revise the wording under the map to refer to “*safeguarded by Policy CM4*”.**