

Lamberhurst Parish Neighbourhood Development Plan

Lamberhurst Parish Council and Neighbourhood Steering Group response to Initial Comments of the Independent Examiner

Prepared by

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XXnd March 2021

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Lamberhurst Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I visited Lamberhurst and the surrounding countryside on Saturday 28th February 2021.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but that may only be necessary, if there are issues that emerge from the responses to this note, which I feel warrant further exploration. If I do have to call a hearing, (which is unlikely), it would have to be via a video conference call, in the current COVID 10 climate.
3. Set out in the following paragraphs are a number of matters that I wish to receive, either clarification or further comments / information from the Parish Council or in some cases from Tunbridge Wells Borough Council. Such requests are quite normal during the examination process and the replies will help me prepare my report and come to my conclusions.

Regulation 16 Comments

4. I would firstly like to offer the Parish Council the opportunity to comment on the representations that were submitted as part of the Regulation 16 consultation. I am not expecting a response in respect of every point, just those that the Parish Council feels it wishes to respond to.
[Lamberhurst Parish Council welcomes all the comments back from the Reg 16 and particular we would like to use this opportunity to respond to particularly to the modification to the submitted NDP Policies. We have attached the Parish responses to the reg 16 submissions. Our draft changes are detailed in a separate document that we are sending with this response.](#)
5. Following on from the email from the Parish Council dated 19th February 2021, I would point out that if it wishes me to consider possible changes to the text of the policies, in response to the representations, then the appropriate time would be at this stage, before I submit my recommendations, as it will not be possible to change the policies later in the process.

[Yes we would like you to consider changes to the text but would like input into this process so that it keeps with the same context. We agree with many of the word changes that TWBC, Kent CC and High Weald AONB have raised as they will enhance our current policies and we would like to take the opportunity to amend these.](#)

Strategic Policies

6. Can the Borough Council confirm which Local Plan policies are, for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general conformity with?

The relevant strategic planning policies are set out in detail in the Basic Conditions Statement, particularly paragraphs 2.6, 2.7 and 2.9 and Tables 4 and 5. If you would like a schedule set out we can provide this.

Format of Policies

7. Can the Parish Council clarify which wording within the yellow boxes constitutes the actual statement of planning policy? There is a heading "Policy Objective" but I am not clear whether it applies to the statement in quotation marks above the yellow box or whether it is found in the first paragraph below.

We agree that this is somewhat confusing and will rectify this by moving the objectives into the proceeding text..

Furthermore, can the Parish Council confirm that the list of policies set out in Chapter 6 is intended to be a precis of the policy rather than the policy wording itself. It may be helpful if there was a paragraph inserted that clarified whether that is the case.

Yes this was intended as a precis but after further discussion we may be better placed just having a list of the Policies and remove the precis to avoid confusion.

SEA and HRA Screening

9. Can TWBC provide me with copies of its respective SEA and HRA screening reports.

Policy L1 - Local Green Space

10. Can TWBC confirm that the local green space (LGS) status on the sites identified in the plan, apart from the two additional sites that the neighbourhood plan is adding, will only be conferred once the Local Plan is adopted? Would it not be better for the NP to actually designate all the identified sites, as it is likely

to be “made” prior to the Policy EN15, thereby becoming part of the development plan on being made. In that case, can maps showing the extent of the LGS designation, as well as their location, be included in the neighbourhood plan.

TWBC response to our Reg.15 consultation says that they “are currently reviewing and updating its LGS designation methodology, with consequent amendments to its LGS Assessment document and the review of the sites proposed for designation in the Reg.19 Local Plan (published March 26 2021) .LPC not in a position to comment until we have seen those documents.

We will be happy to clarify this after we have seen the documents in late March 2021.

11. In terms of the two additional areas proposed for LGS designation, I need to see maps showing again their location and the extent of the areas to be protected and also the evidence to the extent that they are demonstrably special to the community and meet the requirements as set out in paragraph 100 of the NPPF. Perhaps Table 7.1 be amended to include the two sites and also remove the sites which were discounted for LGS status.

Yes –subject to seeing latest documents that we received from TWBC we will endeavour with the support of TWBC to update the table and map.

Policy L2 - Development within the High Weald AONB

12. Is it the plan’s intention that every applicant must demonstrate that their development proposal meets all the criteria, or only those were relevant?

Only those which are relevant.(for example, many planning application sites will not include a watercourse or water feature as in one of the criteria derived from High Weald AONB objectives)

13. Is it the Parish Council’s desire to prohibit the planting of Laurel and Leylandii plants just within landscaping schemes submitted in association with the planning consent or is the policy is seeking the imposition of a planning condition, preventing them being planted on a site, in perpetuity?

We are advising applicants for planning permission that any landscaping in association with development proposals should use native plants and that a planning condition will be imposed to the effect that they should be maintained as such (including in any future re-planting)

Policy L3 – Retaining parish character and conserving the landscape

14. Can the open land between Lamberhurst and Lamberhurst Down be shown on a map?

Please could we have further clarification of whether you mean common land policy L3 simply refers to “open land between Lamberhurst and Lamberhurst Down” without indicating it on the Policies Map (or indeed , any other map in the NDP).We have produced a map of the Commonland across the Parish which is appended.

15. I would ask that the Map L3 be presented at a greater scale, showing clearly the actual locations of the viewpoints, as the yellow dots are not sufficiently precise to identify the viewpoint and importantly the direction of the view that needs to be considered when assessing a planning application. Alternatively, the views in the Viewpoint report could be inserted into the plan document.

We attached a Zoomed in valued views map, and have attached the valued views information to help with your process. This will be added to the Plan once reviewed.

16. To what extent are the views from the golf course considered to be from a public vantage points, or is it a view which can only be enjoyed by golfers?
- 17.
18. Is View 4 a location where the public could legitimately enjoy the view through having public access?

This is on a public footpath which is well used by residents and visitors to Lamberhurst and Scotney Castle. It is highly valued as you can see St Mary’s from this position and other parts of the glorious High Weald. We will provide a better map positioning for this view.

Policy L4 – Bio-diversity

18. The policy refers to the sites being shown on the map in Appendix 3. This map does not however show the location of the unimproved meadow or pasture, the extent of the River Tease corridor or the location of the ponds and wetlands. Can they be added to the existing map or a plan produced showing all the designations which are to be protected by this policy?

We will have provided a priority habitat map and a separate River Teise catchment map with watercourses.

Policy L5 - Water Management and flood risk

19. Can the Parish Council confirm where an applicant would seek information regarding flooding beyond that shown on the Environment Agency's website – when it refers to local flood records. I am unclear whether the information shown on the weblink provided in the plan is identical to the EA information or is it informed by this local information?

The **TWBC Strategic Flood Risk Assessment (Levels 1 and 2) (July 2019)** provides more detailed information on flood risk across the borough, including Lamberhurst and can be found at https://tunbridgewells.gov.uk/data/assets/pdf_file/0008/343844/TunbridgeWellsLevel1Level2combinedSFRAv4July2019.pdf

Special note should be made of paragraph 6.3 (page 31) and appendix C on historic flood information.

We will add this as a reference to assist applicants for planning permission

Policy C1 – Assets of value to the community

20. Can the Parish Council confirm that the community facilities to be supported or protected by the policy, are the ten “designated community assets” and whether it is proposed to also add St Mary's Church, Doctor's Surgery and St Mary's Primary School. If the intention that Bayham Abbey, Scotney Castle, The Vineyard and The Golf Course are intended to be treated as community assets? If they are, I would expect to see evidence as to how they perform a community service.

Our intention was to have the community assets which are formally designated. The other places mentioned are of great economic and social value to the Parish but the intention is not to have them designated.

21. Can these community facilities be shown on a map as some users of the plan in the future may not necessarily be familiar with what local residents may recognise as Chequers Field, Fair Fields and Lamberhurst Playing Fields.

We have attached a community assets map to support your review and which can also be placed on our website <https://www.lamberhurstvillage.org/>

Policy C2 – Broadband and mobile infrastructure

22. Can the Parish Council clarify what the expectations are in terms of non FTTP equipment – is it equipment provided by the broadband supplier – the equivalent of an internet hub to receive a signal, compared to the ductwork that allows cable to reach a property that allows a broadband connection to be provided to the wider network.

The final paragraph of the policy suggests that, in non –FTTP locations, we would seek a cable up the property if that is feasible as that will normally give greater broadband capacity for the occupier

Policy H1 – Location of housing development

23. Could TWBC offer a view whether it is appropriate for the policy to be using the proposed “limit to development” for Lamberhurst which is currently a draft which could be open to objection and change as it goes through the local plan process. Would it be more appropriate for the neighbourhood plan to be establishing that boundary in this document? Would the Parish Council have any views as to whether such a proposal would be acceptable? [The Neighbour Development Plan did not consider a separate Call for Sites and we worked alongside TWBC and reached a consensus on the recommendations that appeared in the Local Plan. Likewise, we would look to TWBC to take the lead on this matter.](#)

Policy H3 – Allocating affordable housing

24. I have reservations as to whether a planning policy can be used to dictate who will be allocated affordable housing as that is normally a matter for the Housing [On reflection, we would like to update this inline with TWBC housing allocation policies.](#)

Authority under the Housing Acts, apart from on rural exception sites. Can the TWBC advise me whether the borough council's allocation policy for affordable housing includes a local connection policy and is there any required linkage between the housing allocation policy and planning policy?

Policy H5 – Replacement Dwellings

25. This is a most unusual planning policy that seeks to prevent homeowners wishing to demolish and rebuild their homes, except in cases where there is some heritage interest. Can the Parish Council provide me with evidence as to why such a policy is justified, as a matter of planning principle, say if an owner aspired to a more energy efficient house or one that makes better use of a site for example.

On reflection we think the opening paragraph is a bit clumsy and the scope for replacement dwellings could be widened out to cover buildings which are demonstrably more sustainable (lower energy , water or waste) or allows a better designed building which fits in better with its locality

Policy H6- Conversions of existing buildings

26. Can the Parish Council clarify whether reference, in the first paragraph, to an asset of community value - refers to a building that is registered as an Asset of Community Value with the Borough Council, a designation that lasts, I believe, only 3 years or is it referring to buildings covered by Policy C1?

It is referring to buildings covered by policy C1, therefore we agree that we need to tighten the wording in H6

Policy D1 – Design of New Development

27. Can TWBC clarify the categories of planning application that are required to be accompanied by a Design and Access Statement?

28. Can the Parish Council clarify the status I should give to the unpublished Character Assessment, which is not part of this submission – is it intended that it be produced before the referendum version of the plan or is it anticipated that it will be prepared as part of a formal review of the plan sometime in to the future?

Yes we do have a final version of the Character Assessment and we would like it to be part of this submission.

Policy D7 Conservation Areas

29. Can the Parish Council confirm that it wishes the neighbourhood plan to be designating the 11 Local Heritage Assets as non-designated heritage asset? If it is seeking designation through the neighbourhood plan, I would need to see them identified on a plan and also be provided with evidence as to their historical significance. As these are included in the chapter covering conservation areas can it be conformed that they all are situated within the 2 conservation areas or

would it be better for them to be designated as part of Policy D6 – Historic Environment.

Most of the Local Heritage Assets are in the two conservation areas, but not all of them, so our preference is for them to be designated under NDP policy D6.

Yes we can provide a map to show their location and (in an appendix) a description to explain their history and heritage significance

Policy D8 – Parking

30. Can the Parish Council point me to the evidence which justifies why development in the parish of Lamberhurst requires a different parking requirement than the remainder of Tunbridge Wells borough?

We welcome TWBC introducing a higher parking provision in rural areas but this will not come into effect until the Local Plan is agreed. Like many of the rural villages we have around 37% of our housing stock with no parking and recently we have had new builds which again have not been given sufficient parking and will lead to greater danger on our roads and for our residents. The Parish also has limited off-road carparking facilities for overnight parking. We therefore feel that any new developments should be able to hold sufficient spaces to accommodate the number of residents living in the homes. With the advent of electric vehicles this will be of even greater concern. Parking is one of our biggest issues that residents have highlighted.

Policy T1- Sustainable Transport

31. Is the requirement of the third bullet point, seeking developer contributions to support the viability of existing or future bus services –only to be sought from properties close to the existing or proposed routes or from any development in the parish?

The third bullet point is not seeking developer contributions as such, merely that location of development affords potential additional passengers which will help local bus services to be more sustainable. We could clarify this wording.

Policy B2 – Tourism, hospitality and retail

32. Can the Parish Council confirm whether the presumption against the loss of tourist facilities include a presumption against the loss of bed and breakfast accommodation?

Yes, if the B&B accommodation is the primary use of the building rather than a room or two let out in a residential property and ancillary to that main residential use

Concluding Remarks

33. I am sending this note direct to Lamberhurst Parish Council, as well as Tunbridge Wells Borough Council. I would request that the two parties' response to my questions should be sent to me by 5 pm on **30th March 2021** and also copied to the other party.
34. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also Tunbridge Wells Borough Council's website.

John Slater BA (Hons), DMS, MRTPI

35. John Slater Planning Ltd

Independent Examiner to the Lamberhurst Neighbourhood Plan.

2nd March 2021

