

**INDEPENDENT EXAMINATION OF THE FAWKHAM
NEIGHBOURHOOD DEVELOPMENT PLAN 2023-2040**
EXAMINER: DEREK STEBBING BA (Hons) DipEP MRTPI

Laura Evans
Chair - Fawkham Parish Council

Emma Coffin
Senior Planning Officer
Sevenoaks District Council

Examination Ref: 01/DAS/FNP

30 July 2024

Dear Ms Evans and Ms Coffin

Following the submission of the Fawkham Neighbourhood Plan (the Plan) for examination, I would like to clarify several initial procedural matters. I also have a number of questions for Fawkham Parish (the Qualifying Body) and Sevenoaks District Council (the District Council), to which I would like to receive a written response(s) by **Friday 30 August 2024**, if possible.

1. Examination Documentation

I can confirm that I am satisfied that I have received the draft Plan and accompanying documentation, including the Basic Conditions Statement; the Consultation Statement; the Strategic Environmental Assessment (SEA) Screening Report; the Habitats Regulations Assessment (HRA) Screening Report; and the Regulation 16 representations, to enable me to undertake the examination.

Subject to my detailed assessment of the Plan, I have not at this initial stage identified any very significant and obvious flaws in it that might lead me to advise that the examination should not proceed.

2. Site Visit

I will aim to carry out a site visit to the neighbourhood plan area during the week beginning 19 August 2024. The site visit will assist in my assessment of the draft Plan, including the issues identified in the representations.

The visit will be undertaken unaccompanied. It is very important that I am not approached to discuss any aspects of the Plan or the neighbourhood area, as this may be perceived to prejudice my independence and risk compromising the fairness of the examination process.

I may have some additional questions, following my site visit, which I will set out in writing should I require any further clarification.

3. Written Representations

At this stage, I consider the examination can be conducted solely by the written representations procedure, without the need for a hearing. However, I will reserve the option to convene a hearing should a matter(s) come to light where I consider that a hearing is necessary to ensure the adequate examination of an issue, or to ensure that a person has a fair chance to put a case.

4. Further Clarification

From my initial assessment of the Plan and supporting documents, I have identified a number of matters where I require some additional information from the Council and the Town Council.

I have six questions seeking further clarification, which I have set out in the Annex to this letter. I would be grateful if you can seek to provide a written response(s) by **Friday 30 August 2024**.

5. Examination Timetable

As you will be aware, the intention is to examine the Plan (including conduct of the site visit) with a view to providing a draft report (for 'fact checking') within around 6 weeks of submission of the draft Plan. However, as I have raised a number of questions, I must provide you with sufficient opportunity to reply. Consequentially, the examination timetable may be extended. Please be assured that I will aim to mitigate any delay as far as is practicable. The IPE office team will seek to keep you updated on the anticipated delivery date of the draft report.

If you have any process questions related to the conduct of the examination, which you would like me to address, please do not hesitate to contact the office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter is placed on the Parish Council and District Council websites.

Thank you in advance for your assistance.

Yours sincerely

Derek Stebbing

Examiner

ANNEX

From my initial reading of the Fawkham Neighbourhood Plan 2023-2040 (Submission Version dated April 2024), the supporting evidence and the representations that have been made to the Plan, I have the following six questions for the Qualifying Body and the District Council. I have requested the submission of responses **by Friday 30 August 2024**, although an earlier response would be much appreciated. All of the points set out below flow from the requirement to satisfy the Basic Conditions.

Question 1: Re. Policy FNP5 – Groundwater Source Protection Zone (Page 43)

As drafted, I consider that this Policy is too brief, and fails to provide sufficient guidance for users of the Plan regarding the necessary mitigations that will need to be incorporated in development proposals to ensure that there is no risk of contamination to groundwater sources.

Can the **Qualifying Body** please provide me with a Note setting out the draft text of an extended policy that addresses the important matters that are set out in the supporting justification to the Policy (at Pages 40 and 41 of the draft Plan), that I may consider as a proposed modification to the Plan.

In this regard, I draw the **Qualifying Body's** attention to the representation submitted by the Environment Agency (ref. Rep. No. 42) which should be taken into account.

I also note that the Representation submitted by Southern Water (ref. Rep. No. 7) at the recent Regulation 16 consultation states, inter alia, that "*Southern Water does not provide water supply or wastewater collection services to Fawkham*". Can the **Qualifying Body** therefore please check the accuracy of the information contained in the second paragraph of text on Page 40?

Question 2: Re. Policy FNP7 – Soil Conservation (Page 44)

As drafted, I also consider that this Policy is too brief, and fails to provide sufficient guidance on how it can be implemented through the planning process. Clearly, it will also not apply to all development proposals.

Can the **Qualifying Body** please provide me with a Note setting out the draft text of an extended policy that addresses the matters that should be addressed as part of the relevant development proposals to which the Policy could be applicable and that I may consider as a proposed modification to the Plan.

Question 3: Re. Policy FNP9 – Business Development (Page 55)

Part 3 of this draft Policy states that "*Priority will be given to business uses, or tourist facilities, in the conversion of buildings*".

I consider that this part of the Policy does need to be amplified, for the benefit of users of the Plan, by providing clearer guidance particularly on the nature of the "tourist facilities" that would be considered to be appropriate. For example, does it include tourist accommodation or visitor attractions?

Can the **Qualifying Body** please provide me with a Note setting out the draft text of an extended Part 3 to this Policy which I may consider for the purposes of a proposed modification to the Plan.

Question 4: Re. Policy FNP15 – Land at Small Grains (Page 69)

I note from the representations submitted by the District Council (ref. Rep. No. 59) that all of the land identified on Map 12 for the proposed car parking improvements at Small Grains is owned by the District Council, and that, as the landowner, the District Council states that it does not support this Policy and that the land is not available for the proposal.

In this situation, without the agreement of the landowner, this Policy cannot be implemented. I therefore invite the **Qualifying Body** to confirm that the Policy and accompanying Map 12 should be recommended for deletion from the draft Plan.

I do also note that Project FP2, as listed at Appendix 3 in the draft Plan, also addresses this matter, as a potential future community project to be led by the Parish Council. My examination will not address the various projects that are listed at Appendix 3.

Question 5: Re. Policy FNP12 – Protection of Open Space, Sport and Recreation Facilities (Page 64) and Map 10 (Page 60)

The representations submitted on behalf of the Billings Group (ref. Rep. No. 10) state that the Corinthian Sports Club and the Redlibbets Golf Club are operated as private member sports facilities with no non-paying general public access. As such, the representation states that neither of these sites should fall within the normal definition of ‘open space’ for the purposes of Policy FNP12.

In my assessment, Policy FNP12 does need to distinguish much more clearly between the categories of open space, sports and other recreational facilities within the Parish, and that, as drafted, the term ‘open space’ is not appropriate for all of the typologies of open space, sports and recreation provision that are defined on Map 10 (and also at Appendix 2).

Can the **Qualifying Body** please provide me with a Note setting out draft revisions to the text of Policy FNP12, in the context of the points that I have noted above, and importantly providing a clear distinction between areas of public open space, other open spaces and privately-owned sports and recreational facilities. This will enable me to consider an appropriate proposed modification to the Plan.

Question 6: Re. Emerging Sevenoaks Local Plan (Plan 2040)

Can the **District Council** please confirm that the Regulation 19 Pre-submission Consultation for the emerging Sevenoaks Local Plan (Plan 2040) is scheduled to be undertaken over Winter 2024/2025, as shown in the latest Local Development Scheme (July 2024).
