

Response to Independent Examiner's questions (dated 5 July 2017)

Whilst we have set out below the formal response to the questions the Examiner posed of the Parish Council as the Qualifying Body (QB), we consider it is most important that the Examiner is aware of the fact that, prior to receipt of the Examiner's questions, the QB had decided, following receipt of the Reg.16 comments from the Local Planning Authority (LPA), the County Council (ESCC) and the Environment Agency (EA) in particular, to formulate a specific response to the salient issues raised (primarily by the LPA).

These comments were incorporated in an email sent to the LPA on 28 June 2017, for onward transmission to the Examiner. A copy of these is attached to this submission, and the Examiner will appreciate that, for the most part, the comments represent agreement with the LPA's suggestions in its Reg. 16 submission, and reflect the recent cooperative and pragmatic relationship between the QB and the LPA. The Examiner will specifically note that the QB's submission of 28 June is referred to as a direct answer to his questions 5, 11, 13, 14, 15 and 17 below.

The headings and paragraph numbers below relate specifically to the Examiner's question numbers:

Introduction

1. Noted
2. Noted

The Economy

3. Reliance is indeed made on Core Strategy RA 1 (iii). There was considerable discussion within the SG about the decline of retail provision in the village over the last twenty years. Evidence could be assembled to show the decline in the sheer numbers of retail establishments in the village but that would only reflect a national trend, even for 'village service centres'. Robertsbridge has fared relatively well, in that new investment over the last six or seven years has created a new bakery and coffee shop to replace a butcher, there still being a butcher and a farm shop within the confines of the village. There is also an additional beauty salon, a refurbished convenience store with Post Office counter; although the old dedicated Post Office closed, it is now the new beauty salon. The losses have been a fish and chip shop, a NatWest bank (which had been open for only six hours per week) and a public house (although there are three others, plus a social centre with a thriving bar still within the village, as well as two restaurants which both serve alcohol).

Whilst the majority of the retail outlets are small businesses, the village does have as its larger convenience store a Tesco subsidiary, trading as One Stop, and a pharmacy which is owned by Boots. This demonstrates that national chains show confidence in the retail heart and potential of the village.

Within the twenty-year period referred to above, the village fought two planning battles against change of use from retail to residential, winning one and losing one.

Salehurst & Robertsbridge Neighbourhood Development Plan 2016-2028

The village celebrates its retail, as well as its community life, once a year with its 'Christmas Capers' festival when the High Street is closed to through traffic and the shops are open from 6 pm to 9 pm, with a host of street events taking place.

<https://www.visit1066country.com/whats-on/events/robertsbridge-christmas-capers-p667771>

Some of the evidence to support this policy is also within the Economy evidence base documents, but we would particularly draw attention to the last of these documents listed below:

- <http://www.robertsbridgeneighbourhoodplan.org.uk/resources.asp>
- [Survey to owners of premises that are rented out \(Landlord Survey\)](#)
- [Survey for all business owners in Salehurst & Robertsbridge Parish \(Business Owner Survey\)](#)
- [Survey on employment for all residents \(Resident Questionnaire Oct.15\)](#)
- [Robertsbridge Enterprise Group Tourism Strategy 2014](#)
- [S&R Neighbourhood Plan Business Report](#)

4. The village has the benefit of having two edge-of-village retail facilities. The one to the south, off the A 21 but very close to built development (and next to one of the proposed housing allocations) is a farm shop selling food, (garden) nursery items and small household items. The other is on the edge of Salehurst hamlet and has two retail establishments, one a butchers and food shop and the other a specialist shop selling goods for wild bird care and study.

Para 28 third bullet of NPPF as well as Para 25 is being relied on here.

It was in light of this experience and that of retail close by at John's Cross to the south of the village, that the Steering Group (SG) wished to define retail outside the village core. It is accepted that all retail is defined by class A1 but it is felt that speciality retail is the type of retail which would be acceptable outside the village, rather than convenience shopping which would threaten existing village retail. John's Cross for example has speciality retailers; one catering for motor caravans and camping accessories and another for equestrian requisites. A size criterion may in those circumstances be difficult to establish. If a size limit is required from the point of view of planning enforceability, an upper limit of 1000m² is reluctantly suggested.

5. In view of the fact that the Mill Site has remained vacant and increasingly derelict since 2004, despite being appropriately marketed since then until recently, the SG does not believe there is any realistic prospect of the whole site coming back into employment use. We believe that NPPF para 111 is relevant here, given the continued dereliction of the Mill Site and the growing threat such dereliction poses

to the two substantial and important buildings which remain on the site, the Oast House and the Mill building itself which the community wish to see brought back into practical use. In the Parish Council (PC) comments on the RDC Reg.16 submission, which is appended to this submission, we have accepted that the Mill Site is appropriate for the provision of some employment space. See our para 7(b).

Education

6. For RDC to reply but the answer is yes.

Environment

7. The Local Green Spaces were identified through various evidence base work including the Placecheck exercise, the parish survey, RDC's green infrastructure study, RDC Conservation Area Appraisal: Robertsbridge + Northbridge Street and various NP consultation events, as well as the Steering Group workshops. It was also discussed at length with the leading policy officer of RDC. Para 77 of NPPF was central to that debate. It is to be observed that the majority of the green spaces identified here fall within the flood plains of either the Rother or the Darvell Stream. It is considered that all the sites identified qualify under the first and third bullets of para 77 of NPPF and the following individual site assessments identify why each site is demonstrably special to the community and has local significance.

See copies of correspondence attached. Please note that the same format (apart from the addressee and the site details) letter was sent to all owners or putative owners of Green Spaces and in the majority of cases no response was received. We have only provided those where a response was received (3 responses – contained in a single document).

Using the numbering in NDP Schedule 1, the following is our detailed examination:

GS01 – amenity trust owned woodland immediately adjacent to an allocated development site with footpaths (28 and 8b) on two sides and an informal path running through the heart of the wood, it is well used, but importantly this and its sister woodland (02) could be the subject of working partnership arrangements with the Parish Council to boost their public use, including the possible creation of an informal performance space, and enhance their biodiversity. *(Response received – copy provided)*

GS02 - See GS01 above, plus that it is the biggest contribution the village made to the Millennium commemoration, as well as the most lasting.

GS03 – A very small space under threat from inconsiderate car parking but important in the architectural context of the Church and surrounding listed buildings and important to ensure the preservation of a very important tree in a very prominent position.

GS04 & 05 - Very well used recreational area, used as a teaching space with a variety of trees, bushes and plants, as well as a haven for birds, including hover point for nightingale(s).

GS06 – Cricket is very important in the life of the village being the home of world renowned cricket bat manufacturer Gray-Nicolls, (see <http://www.gray-nicolls.co.uk/eng/history>) as well as first small factory of a second famous bat maker, Newbery. Although the club was founded in 1887 (11 years after Nicolls started making cricket bats in Robertsbridge), it now boasts a new pavilion, well equipped, and is expanding particularly in the area of junior cricket. *Communication with the chair of the Cricket Club is included, there being no further response received from the Club.*

GS07 – Owned by the PC, it is home to Robertsbridge United Football Club for practice and matches throughout the season, is the site for special events such as the Summer Event (<http://www.robertsbridgesummerevent.co.uk>), boot fairs and the famous Robertsbridge Bonfire (<http://www.visitsoutheastengland.com/events/robertsbridge-bonfire-night-p641171>). It is also used periodically to host a travelling fairground and is used every day for general recreation purposes. It houses play equipment for all ages, outdoor adult exercise equipment and changing rooms and toilets (opened daily) as well as having a dedicated car park.

GS08 – This woodland area is adjacent to Fp27 which is very well used and also forms the back curtain to the Recreation Ground and is valuable as hosting a variety of trees and wildlife.

GS09 – This woodland is adjacent to a very well used footpath (Fp 27), probably the most used footpath in the village, particularly used by dog walkers. Its commercial use for growing willow for use in the next-door cricket bat factory adds integrity to the community justification (local jobs, boosting the local economy and increasing visitors).

GS10 – In the context of Station Road and the Darvell Stream, this paddock is most valuable, seen daily by hundreds of people walking from east to west and vice versa in the village, many of whom stop and look when in the middle of the bridge over the Darvell Stream. It acts as a positive green space as well as flood protection area for the village.

GS11 – Allotments close to the centre of a village, where because of medieval house building patterns gardens are rare, are therefore of great social significance and add community value, producing fresh food and giving people the opportunity for healthy and productive exercise. The demand for allotments is high, as demonstrated by the creation of another set of allotments on part of GS15 within the last eight years. The allotments are also home to rare species such as slow-worms.

GS12 - This is a small area created by the PC as a celebration of the Queen's Golden Jubilee. It houses a living willow arch and a wooden sculpture (affectionately known as Noah), carved by artist Sue Nunn and commissioned by Robertsbridge Arts Partnership, and donated to the parish to mark the completion of the Flood Defences in 2004. The garden is used extensively as a quiet stopping place for conversations and/or rest by both young and old.

GS13 – Owned by the PC, crossed by well used footpaths, both designated (Salehurst 43a) and informal, it serves a similar purpose to GS10 as a reminder of greenness within a much-trafficked part of the village. It is also used as a teaching area from time to time by local uniformed groups and parts are managed to encourage the growth of wild flowers. It provides the only access via the footpath to the Village Hall allotments and junior football field which forms part of GS15 below.

GS14 – A small area currently managed by the PC, home to the village war memorial clock tower, which has become part of the logo for the NP (and the Summer Event) as being a very distinctive construction within the many that are the architectural heritage of the village.

GS15 – The grounds of the village hall are now split into three uses: the allotment area as referred to in GS11 and GS13 above, an area which is now used by Robertsbridge Junior Football Club as their dedicated pitch and an area to the side of the hall used for events at the village hall to house tentage for temporary events, such as wedding and birthday parties held at the hall, village events such as the Flower, Produce and Dog Show held annually, charitable events and other fundraising activities. *Please see the included response following consultation with the Village Hall:*
<http://www.robertsbridgevillagehall.co.uk/page3.htm>.

GS16 – This area acts again as a green lung to the village with high and wide visibility from a number of locations within the village. Footpath Salehurst 44 runs across the middle of it and is well used by villagers. Its existence defines the continuing rural and non-urbanised character of the village. It is also appreciated by those walking along Station Road to form a coherent green entity with GS 13 and 14. RDC's 2014 SHLAA referred to the space as follows:

"It is accessible meadows forming valued and locally important green infrastructure and is a key feature of the character of the village, being the backdrop to rural views from the village centre. Its erosion would diminish Robertsbridge's locally distinctive character of the village, and would not be an appropriate response to local context (contrary to Core Strategy Policies RA1(i), EN1, EN2, EN3)."

GS17 – Held by the PC (on a 99-year lease) from RDC this area has been developed over many years as a spectacular wild flower meadow. A small area at the lower end of the field is kept cut short for informal children's play and rustic climbing-log type play equipment has been installed but the bulk is kept as meadow. Crossed by cut-paths, including Footpath Salehurst 41, it is used for informal recreation, dog walking and play. It has been used for organised community events, including kite flying in the past and is very well used.

GS18 – A small area in the midst of (originally social, but now mixed) housing, used as an informal play area particularly by local children.

Some of these areas are Parish Council owned. The green space areas designated were all identified at the public consultation events during the Reg 14 consultation period. All owners were contacted and as a result, two owners indicated they were happy with the designation (Cricket Club and Village Hall). None offered any objections.

Housing

8. For RDC to supply.
9. The sequential approach was adopted as part of the site assessment work and the SEA document which identifies flood risk on the site and took into account the vulnerabilities and potential solutions that reduce the residual flood risk.

The proposed Policy sets out the housing site selection criteria. It establishes that in doing so, the Plan can demonstrate it will contribute to the achievement of sustainable development and not depend on greenfield sites outside of the boundary for this purpose. By definition, the policy accepts that in applying a Sequential Test there are “wider sustainability objectives” to justify the identification of sites with a higher probability of flooding than other sites that do not meet its criteria. The development provides wider sustainability benefits to the community that outweigh flood risk.

The evidence base for NDPs should be proportionate and as such, the positive engagement during the entire process has enabled us to collaborate with the landowners on a comprehensive redevelopment which has been expanded not only to include housing development, brownfield remediation, restoration of a listed building and a much-loved village landmark (the Mill building) but also now provides substantial employment space in an area indicated, as favoured by RDC. Moreover, it is now an active planning application. This site is therefore suitable, available and deliverable whilst also benefiting the community and safeguarding the Mill building (which is not currently listed).

The development capacity assessment work undertaken on each site indicates that all sites allocated are capable of making satisfactory arrangements to manage future flood events, including principles of defensive house building. In the event that future planning applications cannot, in due course, make such provisions to the satisfaction of the local planning authority or are refused consent, then this will be taken into account in a future review of the Plan. On that, please see second para of NP Policy HO2: the NP has anticipated such a situation.

It is pertinent to note that the representations regarding sequential tests were only made at Reg.16 consultation, and that this issue has been raised because of the specifics of the current Mill Site application which was submitted after the submission by the PC of its Reg 15 version of the NP. We have discussed with the agent acting for the Mill Site and can inform the Examiner that their relevant documents including their submitted sequential and exception test are now available on the application website at

<http://planweb01.rother.gov.uk/OcellaWeb/showDocuments?reference=RR/2017/382/P&module=pl> .

We consider that this information, together with documents already submitted by the Mill Site agent and any which may be subsequently requested by the LPA, deals with the question of safe access and any other relevant planning development matters concerning the full development of the Mill Site.

10. The allocation of Grove Farm 1 site for development in the previous iteration of the Rother Local Plan was heavily circumscribed. It should be noted that it was subject itself to Policy DS 6 para (iv) which makes it very clear that the site was only a reserve site allocated up to the end of 2011. No application was made prior to that cut-off date, so it is clear that the site cannot be considered as allocated post that date, however many times applicants and RDC seem to ignore this fact. It could not therefore have been 'saved' by the 2014 Core Strategy, since it had already lapsed. Even if the lapsed allocation were only to be used as guidance, the area allocated in 2006 has been subject to significant change since then; the barn has been listed (in 2005) this not having been taken into account in the 2006 Local Plan; part of the site was included in the revision of the Robertsbridge Conservation Area in 2009 and the site, the subject of recent planning applications, is significantly larger (approx. 30%) than the site originally allocated; also the existence of both a large water main and important electricity cable underground on the site have been identified limiting the developable area.

Two further significant considerations have happened since the allocation of Grove Farm phase 1 in 2006: first the availability of a large brownfield site for development for alternative uses including the restoration of two significant historic (one listed) buildings (the Mill Site). The site was made known to the Inspector of the 2006 Rother Local Plan too late for him to make reference to it in his final version of that Plan.

Second, the process of the Neighbourhood Plan with its attendant consultation processes has identified a greenfield site, equivalent in housing numbers to Grove Farm but meeting much more the approval of the residents and stakeholders in the village. Also, it needs to be pointed out that the so-called allocation of Grove Farm is now over 10 years ago and has not been reviewed subsequently on any occasion by the LPA, as is required by NPPF, (NPPF para 22 second sentence). It has only been reviewed by the current NP process.

In addition, the site has been the subject of two recent planning applications, both of which were withdrawn because of considerable difficulties they encountered during the planning process. Very recently and post closure of the Reg. 16 consultation process (21 July) a third application has been published by the LPA for the site.

11. The PC has already, in its submission of 28 June (which it intended be forwarded to the Examiner by RDC), indicated it is happy to include a specific employment area within the allocation for the Mill Site.

The difficulty with a lower figure for housing being indicated for the Mill Site is simply one of viability. We understand the owners have submitted a viability

assessment as part of their current application to RDC but this is not available to the SG. The SG however are of the realistic view that the restoration of a long disused brownfield site, the restoration of two very significant and attractive heritage buildings, the provision of employment space as well as additional benefits such as the creation of a footpath to the rail station and the handing over of recreational land to the PC, represent very significant benefits to the community which are extremely expensive to provide. Whilst we are not aware of the economics of development on this site, including the developer's margin, it does seem realistic to assume that a much smaller number of dwellings on the site would not enable the positive community benefits listed above to be delivered, as well as providing the community and RDC with a significant number of dwellings. The site, in the view of the SG, has to be seen as a whole, taking fully into account all the community benefits listed above as well as the provision of a significant number of dwellings within, for the most part, the current development boundary of the village. The SG has the benefit of the direct experience and understanding of one of its members having been responsible for achieving redevelopment of redundant brick factories for housing on behalf of his employer in different parts of the UK, including Exeter and Leighton Buzzard.

The SG does not therefore believe that it is appropriate to make a further allocation for housing. It (SG) and the community along with it, wish to see a redevelopment of a very major brownfield site, derelict now for 13 years, which is located in a key part of the village. Such redevelopment would chime with NPPF para 17, 8th bullet point.

RDC to comment on the NPPF para 22 point but the SG believe that the time elapsing since the closure of the Mill in 2004 does suggest very strongly that this site will never come back into full employment use.

<http://www.ryeandbattleobserver.co.uk/news/jobs-go-a-firm-announces-closure-1-1390239>

12. The SG employed a recently retired senior Highways Authority engineer to assess the site access constraints and his conclusion was positive in favour of the number of dwellings suggested. This is recorded in the documentation submitted by the PC. The Highway Authority (East Sussex County Council) commented on access to the Vicarage site at Reg 14 stage and concluded '*Therefore at this stage the site is not ruled out from a highway perspective.*' Full extract from ESCC attached as 'ESCC on Vicarage access'.
13. This point has been conceded in the PC comments of 28 June. See comment 23 re Policy HO6.

Infrastructure

14. This point has been conceded in the PC comments of 28 June. See comment 25 re Policy IN1.
15. This point has been conceded in the PC comments of 28 June. See comment 25 re Policy IN8.

Final Matters

16. The PC wishes very much to meet the deadline suggested by the Examiner but given the fact of holidays during this period and other pressures, this has made it difficult to capture every item of information; in the event that more information is thought necessary by the Examiner, the PC will endeavour to do all it can to assist.
17. The Examiner will now have seen the response the PC has made, dated 28 June, to the submissions made at Reg. 16 stage by RDC. The difficulty experienced by the SG had been that comments at this stage made by RDC were of such a sheer volume, incomparable with those made by the same authority at Reg. 14 stage, when the SG would have been more able to comment on, and make adjustments if thought fit, to the Reg. 15 submission.

In relation to the three specific objections made by East Sussex County Council at Reg. 16 stage, the Examiner will see that the objections to Policies IN1 and IN8 have been conceded (the PC's comments 25 and 29). The third objection, re Policy EDI, has been refined by the SG in response to RDC's comments. The SG does feel that special reference needs to be made to Robertsbridge Children's Services (RCS) and its capacity issues. ESCC is not statutorily responsible for pre-school education and therefore does not fully consider either the need for such education, or the fact that it is currently provided by RCS at a very high level indeed. RCS has consistently (every time) been rated outstanding by Ofsted, and clearly is keen to retain that accolade, and so provision of adequate premises is a vital consideration.

18. This has already been done so far as SRNP is concerned.

Salehurst and Robertsbridge Parish Council
25 July 2017