

John Slater Planning Ltd

# Salehurst and Robertsbridge Neighbourhood Development Plan 2016-28

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## **Submission Version**

A Report to Rother District Council on the Examination of the Salehurst  
and Robertsbridge Neighbourhood Development Plan

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## Introduction

Neighbourhood planning is a process, 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 allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside Rother District Council's Local Plan and Core Strategy. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Salehurst and Robertsbridge Parish Council. A Steering Group was appointed in February 2015 to undertake the plan preparation. Salehurst and Robertsbridge Parish Council is a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Salehurst and Robertsbridge Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Rother District Council, the Local Planning Authority for the neighbourhood plan area.

## The Examiner's Role

I was formally appointed by Rother District Council in May 2017, with the agreement of Salehurst and Robertsbridge Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 39 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Rother District Council and Salehurst and Robertsbridge Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

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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.
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Salehurst and Robertsbridge Neighbourhood Plan area.

In examining the Plan, the Independent Examiner is expected to address the following questions

- a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
- c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by Rother District Council, for the Salehurst and Robertsbridge Neighbourhood Plan on 13<sup>th</sup> April 2015

I can also confirm that it does specify the period over which the plan has effect namely the period from 2016 up to 2028.

I can confirm that the plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Salehurst and Robertsbridge Parish Council as a parish council is a qualifying body under the terms of the legislation.

## The Examination Process

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 if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I carried out an unaccompanied visit to Salehurst and Robertsbridge and the surrounding countryside on 28<sup>th</sup> June 2017. This enabled me to familiarise myself with the villages.

Following my site visit I issued a document "Questions from the Independent Examiner" dated 5<sup>th</sup> July 2017. I received a response from both the Parish Council and the LPA. On the basis of my initial consideration of the documents and the responses, I decided that I did need to hold a hearing and I set out the reasons in my document, "Initial Comments of the Independent Examiner", dated 8<sup>th</sup> August 2017. Following comments from the QB and the LPA, I extended my list of invitees to the hearing in an amended version, issued on 14<sup>th</sup> August. I issued my questions that I wished the hearing to address, in a Guidance Note and Agenda issued on 21<sup>st</sup> August 2017. The hearing took place on Thursday 28<sup>th</sup> September 2017 and was held at Robertsbridge Youth Centre. The accompanied site visits were carried out the following day, 29<sup>th</sup> September 2017.

At the hearing, two issues arose which required further action. One area related to the robustness of the Sustainability Appraisal and the consistency of the site assessment. The Parish Council was offered, and accepted the invitation to review and amend the SEA. This was to be prepared during October and was the subject of a new round of consultation in November. The second task related to the possibility of securing an emergency access to the Hodson Mill site on land to the north of the site which was outside the flood plain. I gave the site owners a period of two months to pursue these options. I summarised the actions in a Post Hearing Note that was issued on 5<sup>th</sup> October 2017.

I am indebted to the assistance in conducting this examination by Cheryl Poole, Project Officer at Rother District Council, who has acted as my Programme Officer and managed the examination process most efficiently and effectively and has co-ordinated the deadlines for submissions and ensured that all documents were placed on the websites as appropriate. I must thank all parties who attended the hearing for the courtesy shown to me and good natured, positive approach shown by all parties around the table.

## **The Consultation Process**

The Parish Council started considering the possibility of preparing a neighbourhood plan in late 2014. A public meeting was held in early January 2015, which was attended by approximately 60 residents, to gauge support for preparing this plan. This allowed the Parish Council to make a decision to proceed and apply for the whole parish area to be designated as a neighbourhood plan area. This was subsequently granted by Rother District Council on 13<sup>th</sup> April 2015.

There was an early call for sites, launched in April 2015 and contact was also made with various village groups. The Steering Group started receiving presentations from developers, promoting their individual sites, which were assessed against a common set of criteria. There was a Sites Information Open Day held on 4 July 2015.

In September 2015, questionnaires were distributed around the plan area and various initiatives were taken to engage the public. I would specifically applaud the work of the Steering Group in seeking to generate young people's engagement with the neighbourhood plan process. The plan preparation process was also assisted by a Placecheck exercise which was held in December 2015.

All these consultation initiatives, culminated in the preparation of the Regulation 14 consultation on the Pre- submission Version of the plan. This consultation ran for 6 weeks from 26<sup>th</sup> September to 7<sup>th</sup> November 2016 and an exhibition was held on the 7<sup>th</sup>/8<sup>th</sup> October 2016. All the comments received during the consultation period are clearly set out in Consultation Statement.

I am satisfied that the public and relevant stakeholders have had ample opportunities to contribute to the neighbourhood plan process.

## **Regulation 16 Consultation**

I have had regard, in carrying out this examination, to all the comments made during the period of final consultation, which took place over a 6-week period between 10<sup>th</sup> February 2017 and 24<sup>th</sup> March 2017. This consultation was organised by Rother District Council, prior to it being passed to me for its examination. That stage is known as the Regulation 16 Consultation.

According to the Rother District Council website, there were a total of 88 representations made during the relevant period. I also received and took into consideration, late representations from Chichester Diocese, Natural England and a

local resident. In total individual responses were received from 15 local residents predominantly but not entirely all supporting the plan. Responses also have come from Historic England, Natural England, East Sussex County Council, Rother District Council, Sedlescombe Parish Council. Southern Water, BT, Highways England, High Weald AONB Unit, Environment Agency, Woodland Trust, Robertsbridge Community Association, Robertsbridge Children's Services, Rother Valley Railway, plus representations on behalf of the following landowners, Devine Homes, Mountfield Estate, Messrs Higgins, Hodson Mill Ltd, the Chichester Diocese and the Rector and Scholars of Exeter College.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

## **The Basic Conditions**

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of "soundness". The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

The six questions which constitute the basic conditions test seek to establish that the Neighbourhood Plan: -

- Has had regard to the national policies and advice contained in the guidance issued by the Secretary of State and it is appropriate to make the Plan?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation?
- Whether prescribed conditions are met and prescribed matters have been complied with?
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site, either alone or in combination with other plans and projects?

## **Compliance with the Development Plan**

To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Rother Local Plan Core Strategy adopted on 29<sup>th</sup> September 2014. I am aware that there are also saved policies of the Rother District Local Plan, adopted on the 10<sup>th</sup> July 2006, but that these do not constitute strategic policies. Work is underway on the emerging Development and Site Allocations Local Plan which has reached its Options and Preferred Options stage. As this is draft policy, it is not a requirement that its policies have to be considered, as part of the basic conditions test in any event. Robertsbridge is classified as a Rural Service Centre in the settlement hierarchy. The spatial strategy for this area is set out in the chapter of the Core Strategy dealing with Rural Areas. Robertsbridge is allocated 155 new dwellings for the period 2011 to 2028, part of a rural areas requirement to provide 1,670 additional dwellings. The rest of the plan area is described as countryside. The present development boundary is set out in the 2006 Local Plan and the Grove Farm site has a specific policy allocation Policy VL7 in addition to an allocation at land adjacent to Culverwells (Policy VL8), which I understand now has planning permission for development.

## **Compliance with European and Human Rights Legislation**

Rother District Council issued a Screening Opinion in a letter dated 15<sup>th</sup> June 2016 which concluded that it was likely that the plan would have significant effects on the environment and that a full Strategic Environmental Assessment (SEA), as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would be required.

The District Council, as competent authority, confirmed on 15<sup>th</sup> September 2016 that as the parish was over 10km from a European site, it was unlikely that anything proposed in the plan would have an effect on a protected site and a Habitats Regulations Assessment would not be required.

The Regulation 15 submission included an Environmental Report. There had been some criticisms made during the consultation regarding the content and the methodology. At the hearing, some time was spent scrutinising the consistency of the assessment of some of the sites. At the end of the hearing, I offered the Qualifying Body the opportunity to review their original report and the Parish Council accepted my invitation and prepared a revised version of the report during October. This version more clearly compared alternatives, including the preferred approach

and how these were assessed against baseline environmental characteristics. The report expanded on the positive and negative effects of each alternative. Much greater clarity of explanation has been given for the choices made. This report was, at my request, made available for public comment for 28 days, ending at the end of November 2017. This generated new 29 responses and I have read them all. It appears that 16 of the letters submitted at that time were from local residents mostly of Fair Lane, setting out specific objections to the Vicarage site and did not refer at all to the contents of the Revised SEA.

Whilst parties may have issues with the scoring and the contents of the revised Environmental Report, I am satisfied that the basic conditions regarding compliance with European legislation are now met. I am also content that the plan has no conflict with the Human Rights Act.

The Local Planning Authority will need to consider whether the revisions I am recommending in this report, require further environmental assessment under the SEA Directive.

## **The Neighbourhood Plan: An Overview**

Much of the hearing was taken up by the issues surrounding the Neighbourhood Plan's housing allocations. Whilst important, the Plan's housing allocations are but a small element of a plan that covers a whole range of issues, set out in 38 policies, which are also important to the community in order to steer and guide development in the parish over the next decade or so.

## **Community Support v Planning Policy**

In my examination, I have been particularly conscious that there was an overwhelming preference expressed during the public consultation on the plan for it to promote the redevelopment of the Mill Site. It is clear that great weight has been attached to reusing this brownfield site, which has been derelict since 2004, along with securing the restoration and reuse of major buildings, which partly lie in a conservation area as well as the restoration of the listed buildings on the site. This is an essential remit a neighbourhood plan, to articulate the community's vision in terms of directing where new development should go and what it should help achieve.

However, this clear expression of public support cannot ignore important planning considerations and that is partly the purpose of the examination, in terms of ensuring

that the “making” of the plan has had regard to national policy, strategic policies in the Local Plan and ensuring that it delivers sustainable development. Much of the public hearing and the preliminary exchanges that led up to it, concentrated on the impact of flooding as it affects the housing allocations. particularly the Mill Site. Whilst, much of the site is above Flood Zone 2 and 3, importantly, the sole vehicular access into the site is shown as being within an area liable to flood risk. Whilst flood defence works have, in recent years, been put in place, these will only provide protection for the 1 in 75-year event, whilst national policy requires that safe access is available in the event of a 1 in 100-year flood.

### **The Sequential Approach**

It is a fundamental matter of national policy, that in localities which include flood risk areas, plan makers, including for neighbourhood plans, should go through a sequential approach to site selection. The normal approach is to allocate sites which do not flood, unless there are no sites which are available outside the flood area. This approach would lend support to the allocation of the residential sites, which fall outside the flood risk area. It is clear from the responses to my questions on this topic, that the qualifying body, when it was preparing its neighbourhood plan, did not conduct an explicit sequential site selection process and were persuaded, at an early stage, of the benefits of residential development on the Mill Site, as supported by public preference, which took the view that these benefits, outweighed the flood risk. The Qualifying Body stated that concerns as to its overall approach were only strongly raised at the Regulation 16 stage.

This has resulted in a number of objections to the plan, and in particular its approach to site selection, on behalf of promoters of other sites, which are not liable to be at risk of flooding, but which have not been allocated in the neighbourhood plan. Equally, I am conscious that strong representations came from the Environment Agency, who pointed out that the lack of sequential analysis of sites not liable to flood as well as pointing out that the depth of floodwater, at its deepest point, for entering or leaving the site would be over 1m deep. The NPPF states that in all eventualities development should have safe access and escape routes during a flood event for the lifetime of the development. I do not accept the Qualifying Body’s assertion that “it would not be possible to achieve the housing requirements, allocated by the Local Planning Authority, without proposing homes to be built in areas at risk from flooding”.

### **The Exception Test**

However, Paragraph 102 of the NPPF does allow the consideration of wider sustainability objectives through the Exception Test, which the promoters of the site have relied upon as part of their justification. I do note however that this should be after the consideration of sites with a lower probability of flooding. However, that does to some extent, allow the neighbourhood plan to be considering the regeneration benefits of the bringing back into beneficial use a brownfield site. The first bullet point of the above paragraph states that “it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk...” It goes on in the second point to say that “a site – specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account the vulnerability of its users...” It concludes “Both elements will have to be passed for development to be allocated or permitted”. This is backed up by advice in the PPG (para 7-022) which states “where other sustainability criteria outweigh flood risk issues, the decision-making process should be transparent with reasoned justification for any decision to allocate land in areas of high flood risk in the sustainability appraisal report.”

The Qualifying Body at the hearing said that it had intuitively carried out that balancing act, weighing flood risk against wider benefits, but it had not been fully documented in its Sustainability Appraisal. Following the hearing I offered it the opportunity to revise its Strategic Environmental Assessment– Environmental Report to better articulate its reasoning on this matter. That has now been done and the document is now explicit as to the plan’s approach on this issue, which is at least, in my opinion, now properly articulated.

### **Achieving a Safe Alternative Access**

As stated, the issues of how to maintain a safe access in the worst flood event were raised part of my pre-hearing questions. In response, it emerged through the hearing process that the representatives of Hodson Mill Ltd, owners of the Mill site, had promoted the possibility of an alternative emergency route, to enable a dedicated access and escape route to the development, in the event of the access road becoming flooded. A possible alignment was presented in evidence at the time of the inquiry and we walked that route on the accompanied site visit. At the hearing, I offered the developers an opportunity to further explore the feasibility of this route and demonstrate the deliverability of that access, to get agreement in principle from

landowners that they would allow the creation and retention of this access as it was on land outside the developers' control.

Such a route could provide an ambulance and fire and rescue services with separate access to safely evacuate residents in a life-threatening situation, along with allowing access to the site for other vital care providers to housebound residents of the development, whatever the depth of water. An alternative access alignment to the plan presented to the hearing, was shown on the subsequently submitted representations from Hodson Mills Ltd, along with correspondence from the emergency services, as suggested by Paragraph: 058 Reference ID: 7-058-20140306 of the Planning Practice Guidance and confirmation of the agreement in principle from the land owners, which would secure access between the development and the A21. That would, of course, be subject to agreement of terms. I am satisfied that the implementation of this route does offer the prospect of a viable alternative access, to what the national guidance describes as "more vulnerable development", in the event of a 1 in 100-year event and this reassures me that the residential allocation of the Mill Site, could be served by a safe alternative access. This allocation is however contingent upon the subsequent agreement of the landowners to allow this access, for the lifetime of the development, as currently the land is outside the control of the promoters of the Mill Site. At the development management stage, it will be incumbent on the planning authority to be satisfied that this route is physically put in place, before the development is first occupied, and that such agreements are in place so that it remains available for use, for the lifetime of the development.

### **Consideration of the Basic Conditions re the Mill Site**

Most of the Mill site is above the flood zones and the proposed layout, shown on the current planning application, has the living accommodation of those units within a flood prone area, with floor levels and access routes to the units above the flood water level. I am however conscious that there is no certainty that the development will be implemented in accordance with the current application, if approved. I am also aware that my decisions on this site allocation, mean that in future, alternative applications would not need to go through the sequential test.

I have therefore concluded that, in light of the securing a safe access the development, development on this site can now be said to comply with Secretary of State advice and policy and I conclude that the development of the Mill Site for housing and employment purposes would constitute sustainable development. I am therefore content to confirm that this element of the plan does meet basic conditions.

However, I must stress that my conclusions as to the allocation of this land is conditional upon that alternative emergency access being delivered, as part of any development proposal and the route needs to be available in perpetuity for the lifetime of the development.

### **Loss of Employment Floorspace**

Concern was also expressed by the LPA that a solely residential development would result in the potential loss of employment floorspace, on a site that had previously been an employment site. I do note that there has been nobody employed on the site for over a decade. It could be argued that the employment use would not be a realistic long term possible use and as such would be covered by the provisions of paragraph 22 of the NPPF. However, that would have been my conclusion in terms of the reuse of the existing buildings on the site, but I note that the planning application does provide for the inclusion of 1200 sq. metres of employment floorspace including an A3 unit in the Mill once extended. As this will be a mixed-use development, I consider that it is an element of commercial floorspace should be part of a residential / employment allocation. This proposal has been accepted by the Qualifying Body and my proposal is that it should be identified in the Neighbourhood Plan, as it is one of only a few opportunities to get new employment floorspace provided within the Plan area.

### **Affordable Housing**

At the hearing, Hodson Mill Ltd indicated, that for viability reasons, the Mill Site would only be able to provide a nominal contribution to affordable housing. This is a major concern, in terms of the overall ability of the neighbourhood plan to meet housing need for the whole Plan area, as this site contributes approximately 66% of the plan areas housing supply. Under normal circumstances a development of 100 units would have produced 40 affordable units. If the largest site cannot deliver its required share of social housing, then the plan as a whole will fall short of the amount of affordable housing it needs to be delivering, in order to meet the housing needs of the area. The actual level of affordable housing which the site can achieve and still remain viable is a matter that must be demonstrated transparently, through the submission of viability evidence at the planning application stage.

This matter is somewhat complicated by the fact that there is an extant planning application which was submitted at the same time as the neighbourhood plan examination. I am not party to the confidential viability evidence that has been submitted with that application and I understand that the council has employed the District Valuer Service to assess the veracity of the information. However, in my

experience, I consider it highly unlikely, due to the uncertainties surrounding the actual condition of the Mill Building once work commences and the high development costs associated with the restoration and conversion of the historic buildings, plus the possibility of having to remediate contaminated land, that full compliance with the normal affordable housing policy will be possible.

I received no satisfactory response at the hearing, to how the neighbourhood plan would be able to address the shortfall in housing delivery, for those persons who are not able to purchase homes at market level, if its largest allocation site cannot provide it. The key issue is how is the neighbourhood plan going to meet it all the elements of its objectively assessed housing need for its area, beyond delivering the overall numbers set out in the Core Strategy.

I have therefore had to come to my own conclusion on this point. Whilst I fully accept the community's legitimate choices made, that it has sought to prioritise the restoration of the Mill Site, I cannot accept that this should be at the expense of those people in housing need, when it comes to allocating new sites for housing. I therefore conclude that the only way to ensure a more realistic quantity of affordable housing is built, is to recommend that the neighbourhood plan allocates an additional site, beyond the three sites in the Submission Version of the Plan, which can help replace at least some of the affordable houses that the Mill Site will not be delivering, but which the Plan area needs. I also am conscious that the Vicarage site would be below the threshold to require on site affordable housing, hence the only site that would as proposed, deliver the required 40% affordable housing, would be the Heathfield Gardens development.

### **Grove Farm and Bishop Fields**

This then brings me to the consideration of the other housing sites which have not been allocated in the neighbourhood plan. Much attention was given to Grove Farm and the Bishop Fields sites at the hearing.

I place due weight on the fact that the Grove Farm Phase 1 site is already an allocated site for residential use, in the present adopted version of the development plan – Policy VL7. Whilst I have been made very aware that this is a controversial site locally, my conclusion is that it is readily developable, residential land, within easy walking distance to the primary school, the shops and other village amenities of Robertsbridge. As the existing Local Plan states: "Housing on the allocated land would have little effect on the character of the AONB or Robertsbridge because of the topography". It was explicitly confirmed by the representative of Exeter College at the hearing that the development of this site would offer full compliance with affordable housing policy, notwithstanding the fact that the development would also,

like the Mill Site be securing the restoration of a redundant listed building. The delivery of this site would go in some way to offset the shortfall in affordable housing arising from the Plan's choice of allocating such a significant amount of housing to the Mill Site.

I need to make my position explicitly clear that had it not been for the provision of the emergency access route, I would not have been able to recommend the inclusion of the Mill Site as a housing allocation, as I could not conclude that it would have safe access in a 1 in 100-year flood event. Under that scenario, I would have had to consider the allocation of the Bishop Fields site, to make up the shortfall. However subject to this safe access being delivered, I accept that there is no overwhelming requirement for the Bishop Fields site to be allocated at the present time, having regard to the overall levels of housing proposed to be allocated to Robertsbridge in the adopted Core Strategy.

I consider that preference for the Mill Site over Bishops Fields is a legitimate expression of local views which is at the heart of neighbourhood planning. In the light of that conclusion, I will not be recommending the amendment to the development boundary to include that site. However, I note that the intention of the Parish Council is that there will be a review of the plan in five years, and if the development on the Mill Site is not yet built, then the consideration of this land could be contemplated as part of that review. I do appreciate that this was a situation that presented itself with a previous Local Plan in the past.

### **Other Matters**

My recommendations generally are concentrated on the Plan's policies and it may well be necessary for alterations to be made to the supporting text and justification to reflect my recommended changes so that the plan reads as a coherent document.

## **The Neighbourhood Development Policy**

### **Policy EC1: Retail in the village centre and outskirts**

I was struck by the range of retail units that Robertsbridge, for its size, has to offer. The policy supports new or additional floorspace in the retail core, so long as it enhances the village's shopping offer. Planning control cannot differentiate between different retail uses. This is therefore not possible for the decision maker to have regard, as a policy consideration, as to whether a particular retail use would actually enhance or detract from the village's shopping offer. Equally in terms of a unit's accessibility, if it is within the village core, then by implication, it will be in an accessible location. I will therefore be recommending that these requirements be removed from the policy.

In terms of retail development outside the village core, I do not believe that there is the synergy with the village centre, that the wording of the policy implies. I accept the justification behind the policy as set out by the Parish Council in their response to my initial questions on this subject. I consider that to support the objectives set out in paragraph 28 of the NPPF the introduction of new retail stores in an out of centre location should be limited to *small scale* proposals, which should be inserted in the wording of the policy, before “additional provisions”.

The final element of the policy relates to the design of shop fronts and lighting of commercial premises. I propose to make it clear that the requirements apply only to premises within the Conservation Areas or the case of alterations to existing historic shopfronts.

#### *Recommendations*

In the first sentence delete “provided it enhances the village’s shopping offer and is accessible, to support its role as a Rural Service Centre”.

Insert, at the beginning of the second paragraph, “Small scale”.

In the second sentence of paragraph 2 after “lighting” insert “in the Conservation Area” and insert “all” before “historic shop fronts”.

### **Policy EC2: Facilities to support and encourage home working through ultra-fast telecommunications provision**

I have no comments to make on this policy.

### **Policy EC3: Employment retention**

For the sake of clarity, I propose to make it clear that the policy relates to the sites shown on Map 8 which shows the employment areas.

I am concerned that if the aim of the policy is to retain employment within the parish, any initial marketing leading to occupation for community uses, is unlikely to meet the objectives of the plan. I believe that the wording is confusing. If a new employment use cannot be found within a reasonable period, I agree a 6-month marketing period is appropriate, then it should be allowed to be marketed for a mixed employment/residential use which this would be compliant with Core Strategy Policy EC 3 or else for a community use. However, the possibility of the retention of an employment use must be fully tested.

The wording of the policy could also be making it explicit that applicants meet both criterion one, that it is demonstrated that an employment use is no longer viable or

criterion two, that the premises have been vacant for 24 months and have been actively marketed for that use for at least 6 months. If an employment or community use cannot be found, it is unreasonable not to allow a residential use. Indeed, new permitted development rights will allow smaller light industrial premises to be converted into residential use without requiring planning permission. It would also be against national planning policy, as set out in paragraph 22 of the NPPF. I will recommend that the final criterion be amended in line with the LPA's suggestions but I would add that use for residential could also be included as a thrust of national policy is to allow redundant employment buildings to be converted over to residential use.

#### *Recommendations*

Insert "as shown on Map 8" after "employment sites".

Insert "and" at the end of criterion1.

In criterion 2, delete "(or as identified by the market)" and also "or community".

Reword the final criterion to "the alternative proposal would make effective use of the site for employment alongside other enabling uses or, if not viable, provide other community uses for which a need has been identified".

### **Policy EC4: Assets of Community Value (Community Right to Bid)**

The policy seeks to protect, by the development plan policy, nine categories of properties which at this stage have not been added to the Register of Assets of Community Value. That registration is an entirely discretionary and is separate from the planning application process. Rather than delete the policy as proposed by the LPA (and accepted by the QB), I propose to change the policy to protect any uses, as far as is possible, which are registered as Assets of Community Value in the future. The list of properties to be put forward for registration can be included in supporting text but it needs to be made explicit that protection only applies when the application for registration has been successful.

#### *Recommendations*

Delete everything after "strongly resisted".

### **Policy EC5: Tourism**

I am not clear whether a proposal for tourism development has to meet one or all of the criteria. The first criterion relates to the construction of a new building for tourist use, rather than say, for a change of use to bed-and-breakfast accommodation. It would not be an enforceable requirement for the policy to require a business to

actively promote access by sustainable transport. Robertsbridge has a railway station but it would not be practical for every type of tourist development, say pony trekking at an equestrian centre, to actively promote its use. This is really a matter for businesses to consider, through “encouragement”, if it is a practical consideration, rather than being a mandatory planning requirement. It is important that the last criterion does not just apply to the countryside, but also the settlements within the plan area.

The reference to policies in emerging allocation plans, set out in the final paragraph will be more properly be put into the supporting text, as it is a matter of clarification rather than being a policy to require compliance with another policy in the development plan!

I do not consider that it is a reasonable expectation for a proposal to only be considered acceptable if it makes use of the historic and geographic attributes of the area. Some tourist related development could be equally acceptable, but would not necessarily meet that criterion, for example a business offering cookery courses would not be able to demonstrate compliance, but would nevertheless be a welcomed addition to the tourism offer of the area.

#### *Recommendations*

Insert at the start of criterion 1 “any new building(s) and add “and” at the end of the sentence.

Delete criteria 2 and 3.

At the end of criterion 4 “and its settlements”.

Move the final paragraph to the supporting text.

#### **Policy EC6: Rural businesses**

The LPA has recommended changing the title to better reflect the purpose of the policy, by calling it “The reuse, conversion and extension of rural buildings”. I do not consider that is the change required to ensure compliance with basic conditions, but I would have no concerns if the QB decided to accept that suggestion.

The policy, as written, contains an inherent contradiction, as pointed out by the LPA and I propose to remove the first criterion as it has no purpose. I accept the other wording changes proposed by the LPA to improve the precision of the policy and to protect the landscape.

I also do not consider that the third criterion is necessary, particularly having regard to the extensive rural areas, covered by the plan, parts of which will have no traffic

impact upon Robertsbridge. Similarly, I do not consider that good access to the A21 should be made a requirement, say to make the conversion of an existing building acceptable in planning terms, especially as the authorised use of existing buildings would itself have the potential to generate traffic. Indeed, Highways England as stated in their Reg 16 response, are unlikely to agree to the construction of new accesses, directly onto this truck road. Buildings can only be converted to a new beneficial use in the location where they are situated, and it would not be sustainable development to prevent them being put to a new beneficial use just because of concerns regarding their accessibility to the A21. I consider that it is too onerous to require that an applicant must demonstrate that “a building cannot economically be used for its original purpose” as this could prevent it being put to a more useful and more productive use, that will in turn, generate additional expenditure in the area and hence extra jobs. That is the objective of the section of the NPPF that deals with “Supporting a prosperous rural economy,” especially when it relates to the diversification of agricultural and other land based rural businesses.

#### *Recommendations*

In the first sentence add “, extension” after “re- use”.

In b) delete “providing it is not a historic building.”

Delete criteria 1, 3, 4 and add an additional criterion “it has an acceptable impact upon the rural High Weald AONB landscape”.

#### **Policy EC7: Encouraging employment**

The wording of the first criterion is not robust, as a means of determining a planning application and I will be recommending the revised wording put forward by the LPA which has been accepted by the Qualifying Body. In terms of the third criterion, national policy (para 32 of the NPPF) is that “proposals should only be prevented or refused on transport grounds where the residual cumulative impacts are severe”. I will recommend that the wording is revised to bring it into line with national policy. Rather than referring to the policy in the Core Strategy, I agree that the proposed change advocated by the QB as a response to the LPA’s Reg 16 representations is an appropriate response, which is to allocate the Mill site for at least 1200m<sup>2</sup> of employment space, as well as noting that there are extant planning permissions for Glyndebourne Estate land (RR/2013/2380) and the extension to Culverwells (RR/2015/1874).

#### *Recommendations*

Replace criterion 1. with ‘it is in keeping with the character of the area and the amenities of neighbouring properties and minimises visual impact through sensitive siting and design’.

In criterion 3. Add “severe” before “traffic”.

Delete the final paragraph and move to the supporting text.

Then add a new paragraph at the end (after the policy) by stating: “The Plan in Policy HO3 allocates at least 1200sq m of employment floorspace (including Class A3 uses) to the Mill Site”.

### **Policy ED1: Education provision**

I agree with the LPA that the approach set out in the neighbourhood plan would not lead to sustainable development, in that it limits the amount of new housing to the capacity of the school or that provision for any exceedance is funded by the developer. That does not tally with the position as set out by the County Council, as Education Authority, that the schools have the capacity to deal with the general scale of development being proposed. or there are mechanisms available for funding any additional facilities, if required, arising as a result of a particular development. I propose to adopt the suggested wording, proposed by the LPA. I note that both the QB and the LPA recognise that some of the supporting text will need to be amended as part of the rationalisation of the whole document, in order to reflect the changes that I am proposing. In line with my practice elsewhere in this report, I will not be proposing alternative wording to the supporting text and I will leave it, to be a matter for discussion between the LPA and the QB, to agree the form of wording in the supporting text to the policy.

#### *Recommendations*

In the first sentence replace “school” with “education”.

Replace the second sentence with “Development contributions (CIL, Section 106 payments or any other mechanism) may be used to help fund appropriate modifications and/ or extensions to education facilities if required.”

### **Policy ED2: Sports Facilities at the Schools**

As this is a policy that only “encourages” public usage of school facilities, I have no comments to make on this policy with regard to compliance with the basic conditions.

### **Policy EN1: Parks and Open Spaces**

I have no comments to make with regard to the first element of the policy. I do not consider that the second element is sufficiently precise, in that it refers to all development providing for open space rather than development that generates a

need for recreational facilities. As this matter is already adequately covered by Policy CO3 of the adopted Core Strategy and Policy CF4 of the 2006 adopted Local Plan, I will be recommending that this element of the policy be deleted, although appropriate wording could be incorporated in the supporting text.

*Recommendation*

Delete the second paragraph.

**Policy EN2: Local Green Space Designation**

I have looked at the policy from two aspects. Firstly, I examined the wording of the policy itself and then looked at the justification for the inclusion of specific sites.

The wording of the first part of policy includes the justification for the inclusion of the land. This is unnecessary and should be placed in the supporting text. In terms of the wording, I would propose replacing “resisted” by “not allowed”, as the policy needs to state how planning applications will be determined. The final sentence is an unnecessary duplication.

On the actual choice of sites, I have received a number of representations that the impact on the designation of 16 sites within Robertsbridge, collectively constitute an extensive parcel of land. This is a point made by the LPA as well as the representatives of Devine Homes.

I believe that the correct process is to look at the appropriateness of each site, in its own right, to assess whether that site justifies its LGS status and ascertain whether the green area is local in character and is, itself, not an extensive area of land. In this respect, I do not consider that any of the sites fail because, in isolation, they are not extensive tracts of land, even though the collective impact is that LGS designation covers a large part of the neighbourhood area. However, I do not think that justification based on their *significant contribution to the rural appearance of the village within the High Weald AONB* is the right approach. The designation must be justified in its own right in respect of each site, specifically because of its own characteristic, namely its importance to the community because of its “beauty”, rather than the wider collective benefits which is, in effect, as a landscape designation.

The one area that was the subject to debate at the hearing related to the inclusion of Site GS16 land at Bishops Filed. I have had regard to the response to the question 7 of my initial questions from the Qualifying Body including the comments made in the 2013 SHLAA. Equally I have read the Landscape and Visual Commentary produced by David Huskisson Associates Ltd- Chartered Landscape Architects. The land is only accessible in so far as a public footpath crosses the site; there is no general

right of access to the land. It appears that the main value to the community attributed to the site is based on the role the land plays in providing a green backdrop from views from the village centre. On my initial site visit and on the formal site visit after the hearing, I walked part of the route of Footpath 44 and also made a point of viewing the land from Station Road. I am not convinced that the visual importance of this site is so special to warrant designation as Local Green Space. These fields are part of the general landscape setting of the village and are already protected by being outside the development boundary/village envelope, as well as within the AONB, I am therefore proposing that these two fields should be removed from the list of Local Green Space.

#### *Recommendations*

Delete all of the first paragraph after “NPPF”.

In the second paragraph replace “be resisted” by “not allowed”.

Remove GS16 from Map 3.

### **Policy EN3: Countryside Protection and the Parish’s place within the High Weald Area of Outstanding Natural Beauty**

The whole of the Plan area lies within the AONB and, as para 115 of the NPPF states, these areas enjoy the highest level of protection, in relation to “landscape and scenic beauty”. Reference is made to the open character of “the gap” between settlements but this is not identified on a plan. I propose to accept the suggested wording of the District Council. Also, I do not think that the insistence on development using “wood fuel systems” is appropriate, as it would prevent building owners using the most appropriate energy system, for their purposes and I have seen no evidence to justify this policy.

#### *Recommendations*

In the second sentence replace “Gap Between Settlements and as a minimum, is” with “important gaps between settlements and which are”.

In requirement 2 delete “and wood fuel systems”.

### **Policy EN4: Conservation of Natural Resources**

I have no comments to make on the actual wording of this policy. I agree with the LPA that the title should be changed to “Conservation of Landscape and Natural Resources”. The QB has agreed to this suggestion and I will add it as a recommendation to add to the plan’s clarity.

*Recommendation*

Change title of policy to “Conservation of Landscape and Natural Resources”.

**Policy EN5: Renewable Energy and Energy Efficiency**

The Secretary for State for Communities and Local Government issued a Written Statement to the House of Commons on 25<sup>th</sup> March 2015. This stated that “neighbourhood plans should not be used to set out any additional local technical standards or requirements for the construction, internal layout or performance of new dwellings”. It is therefore inappropriate for the plan, to include this policy in respect of any residential development. I note that the policy refers to *all* new development and so that raises the issue as to whether it is justified to introduce this policy in respect of non-residential development. All policies should, according to Secretary of State policy and advice be based on appropriate evidence. I have seen no submitted evidence to support this policy to require higher standards than set by the Building Regulations. It is not necessary for a planning policy to require compliance with other legislative arrangements e.g. Building Regulations. Accordingly, I do not consider that this policy meets the basic conditions and I will be recommending that the policy be deleted.

*Recommendation*

That the policy be deleted.

**Policy EN6: Historic Environment**

This policy is in line with national policy and I will accept the LPA’s clarification that the policy does not cover monuments or conservation areas that may be designated in the future.

*Recommendation*

Replace “any monuments that may be scheduled or conservation areas that may be created” with “scheduled ancient monuments or conservation areas”.

**Policy EN7: Listed Building and Buildings or Structures of Character**

I agree with the LPA that the policy should be clear that this policy should only cover buildings that are listed or any Scheduled Monument and I will propose the deletion of the phrase” or the buildings or structures of character”. The title of the policy should be amended accordingly.

*Recommendations*

Delete “or buildings or structures of character” with “and Scheduled Ancient Monument”.

In the policy title delete replace “Buildings or Structures of Character “with “Ancient Monuments”.

**Policy EN8: Local Listing of buildings and other structures**

I have noted and accept the reasoning of the LPA in their Reg 16 comments that reference to local listing be replaced by *locally important historic buildings and other structures*. At the hearing the question was raised as to the Church Hall on the Vicarage site should also be covered as a non-designated heritage asset. I have subsequently seen the comments of the District Council’s Conservation Officer who suggests that the building should be added to the list in Schedule 3. However, the owners of the hall have not been alerted to that suggestion, and I therefore do not propose to add that building but recognise that it is open for other buildings to be identified in the future as locally designated heritage assets. I do accept the other suggested wording revisions as suggested by the LPA which will increase the clarity of the other sources of reference to assess impact on the buildings identified.

*Recommendations*

Change title of policy to “Locally important historic buildings and other structures” In the first sentence delete “Locally listed” and after “RDC” insert “non-designated heritage assets”.

In the second sentence replace” locally listed” with “such”.

In the final paragraph insert “Robertsbridge and Northbridge Street Conservation Area Appraisal’ and after “Salehurst and Robertsbridge Character” replace “Assessment” with “Appraisal”.

**Policy EN9: Local listing of trees and hedgerows outside the Conservation Area**

The concept of a *local listing of trees* is not a matter that can offer protection to individually identified trees. That can only be done by a Tree Preservation Order or through Conservation Area designation, which includes a notification procedure which allows TPOs to be served within the prescribed 6-week period. The LPA has come up with a revised wording, which is broadly acceptable to the Qualifying Body. I will be making that recommendation and also retaining the reference to the Character Appraisal to be part of the assessment process.

*Recommendations*

Replace wording of the first paragraph with “Planning permission will not be granted where development would result in an unacceptable loss, or damage to, existing trees or woodlands or hedgerows during or as a result of development, unless the benefits of the proposed development outweigh the amenity value of the trees or hedgerows in question. Wherever possible development proposals must be designed to retain trees or hedgerows of good arboricultural and/ or amenity including those specifically identified in Schedule 4”.

In the second paragraph replace “Assessment” with “Appraisal”.

**Policy HO1: Spatial Plan**

My consideration of this policy, firstly looked at the wording of the policy, before then looking at the actual proposed boundary. I accept that the relevance to development outside the settlement boundary, does not just affect residential development but other development. I will amend the wording accordingly. To ensure the comprehensive nature of the policy, I agree that the spatial policy should positively allow infill development within the development boundary.

The plan proposes a change in the existing Development Boundary from that set out on Map 30 of the 2006 Adopted Local Plan, by the proposal to take out the proposed allocation of land at Grove Farm. I have given this matter much consideration, as well as having viewed the farmland, on my accompanied site visit and also when I visited the area earlier. In the light of my conclusions set out in the Overview Section of the report, namely that the residential development of Grove Farm is justified, because of the inability of the Mill Site to deliver its full quota of affordable housing, then I do propose to recommend that the existing development boundary, which already is part of the development plan for Robertsbridge, be retained. I also consider that the adjustments to the settlement boundary to accommodate the other allocation sites to be entirely justified. I did receive representations to the exclusion of the Bishops Field site. However, as I do not propose to recommend the allocation of that site for development, there is no reason to alter the development boundary.

*Recommendations*

Amend the development boundary in Map 11 to include the site of Grove Farm Phase 1 so that the boundary replicates the housing allocation shown on Inset Map No 30 of the Rother District Local Plan.

In the second sentence “delete” Housing”.

Add at the end “Infill development will be considered acceptable within the built-up area subject to other policies in the development plan.

## **Policy H02: Housing requirement**

I agree with the LPA whose comments have also been acknowledged by the QB that much of the first three sentences is contextual in nature and can be deleted as policy and placed in the supporting text. I have already dealt with the issue of infill development being moved to Policy HO1. I agree that the matter for the review of the plan can be a policy in its own right covering all development, not just housing. The final element regarding the local infrastructure is already covered by Policy INF 7 which deals with developer contributions. Accordingly, I conclude that that this policy can be deleted.

### *Recommendations*

That the policy be deleted.

## **Policy H03: Site allocations**

I have set out up much of my thinking, in terms of the residential allocations in the Plan Overview section of this report.

I do not consider that it is necessarily appropriate to indicate approximate capacities to the sites within the policy. I note that the LPA has expressed reservations in their Regulation 16 Consultation Response regarding the suggested yield of the Mill Site. I share some of their concerns particularly regarding the proposed density as shown on the submitted layouts, especially in terms of the impact on the setting of the listed buildings. Equally the number of units will be a reflection of the size and mix of units being proposed as part of any application proposal.

Equally I heard at the hearing that there was a recognition that the Heathfield Gardens site could accommodate a greater level of development than initially considered. I have no evidence to either justify the figure of 40 units or indeed whether more or less houses could be provided.

I had some concerns regarding the access to the Vicarage Site, with particular regard to the gradient of the proposed access road. I do consider that this is a viable development opportunity, which lies within the built-up area of Robertsbridge and is within easy walking distance of the centre of Robertsbridge. I heard concerns at the regards to surface water run-off from the site, however that is an existing situation rather than one will result as a consequence of residential development. Indeed, I consider that whilst the site is elevated above surrounding development there is the ability to require specific measures to be introduced, at development management stage, for the scheme to address surface water drainage issues. These issues have

had a much higher profile in recent years and this is reflected in Planning Practice Guidance. I am satisfied that the amended drawing submitted by the Diocese's engineering consultant shows that an acceptable new entrance can be built without significantly and detrimentally affecting the conservation area. The increase in traffic on this lane will only be marginal and certainly not beyond the threshold of having a severe cumulative impact as set out in paragraph 32 of the NPPF.

I have noted that there has been a significant number of residents of Vicarage Lane who have used the consultation on the Revised Strategic Environmental Assessment to object to the inclusion of the Vicarage allocation, but I am not convinced that this development site be removed from the neighbourhood plan's housing allocations. Doubts were again raised as to the capacity of the site by the LPA but, in view of my conclusions which removes approximate housing numbers for each allocation site, this matter will be properly addressed at the planning application stage.

In terms of Mill Site, I do concur with the comments of the LPA with regard to the loss of employment that could potentially be accommodated. I intend to change the allocation of the Mill Site from purely a residential allocation to a mixed-use scheme which should incorporate approximately 1200m<sup>2</sup> commercial floorspace

It is my intention to include a recommendation that the Grove Farm Phase 1 site should be allocated and I have looked carefully at the reasons why the Parish Council have objected to the current outstanding planning application and the comments in the Revised Environmental Statement, but I am not satisfied that these constitute sustainable reasons for rejecting the proposed allocation. I consider that the site will have an acceptable impact on the wider landscape, that an appropriate access can be made, surface water drainage measures can be properly designed to prevent an increase in run off from the site. Whilst the site is of importance in terms of archaeological interest this can be appropriately dealt with by conditions. The existence of underground pipes is not a reason to sterilise the land so long as appropriate protection zones are in place which can be accommodated within the layout. The site is well located in terms of its proximity to the facilities in Robertsbridge and will bring back into beneficial use clearly redundant farm buildings which should enhance the adjacent Conservation Area and importantly it will deliver 40% affordable housing.

I have considered the criteria set out in the proposed policy which in the main repeat requirements set out elsewhere in policies in the neighbourhood plan or are covered by the existing local plan. I am proposing to recommend that these are deleted either because they merely require compliance with other policies or they introduce requirements that I do not believe are justified.

I am satisfied that with the amendments recommended that Robertsbridge will be able to meet the housing requirements set in the Rother Core Strategy.

*Recommendations*

Replace the policy with:

“The Neighbourhood Plan allocates the following sites for development as shown on Map 4 subject to compliance with other relevant policies in the development plan

Mill Site – for a mixed-use development including residential development and at least 1200 sq. m. of employment space, including the conversion of the Mill Building and the conversion and refurbishment of the listed buildings on the site subject to the prior provision and retention of an alternative access from the site to the A21 that will provide a vehicular access in times of flooding, as an alternative route to the access from Northbridge Street which lies within flood zone 3

Heathfield Gardens – for residential development

Vicarage Land- for residential development

Grove Farm Phase 1 – for residential development including the refurbishment and conversion of existing redundant agricultural buildings.”

Amend Map 4 to include Grove Farm Phase 1 site as shown on Inset Map No 30 of the Rother District Local Plan.

**Policy H04: Development of residential gardens**

My only comment regarding this policy is that the use of “inappropriate” to define acceptable development of residential gardens is not necessary as the criteria to be used as to whether development is inappropriate, is if it would harm local character.

*Recommendations*

Delete “inappropriate” from the first sentence.

Replace “Assessment” with “Appraisal”.

**Policy H05: Housing mix**

As written, the policy does not spell out the proportion of one and two bedroom houses which are expected to be delivered. The LPA has pointed this out and has suggested an amendment to the wording, which the QB accepts, which requires a high proportion of one, two and three bedroom units and also encourages single level dwellings as well as, if practical, sheltered accommodation.

*Recommendations*

Delete “Salehurst and” and insert “a high proportion of one,” before “two and three bedroom”.

Insert “and normally” before “including” and “where practicable” before “sheltered”.

**Policy H06: Lower cost, shared or social (affordable) housing**

This policy is not in accordance with the Government’s policy, which is to only seek a financial contribution from schemes, in AONBs, of between 6 and 10 units, rather than through on-site provision, as suggested by the plan. This policy would only have affected the Vicarage site in any case in terms of the allocations. I will accept the LPA’s recommendation, which the QB agree with, and will be recommending that this policy be deleted as it does not meet basic conditions, in that it is contrary to national policy and no evidence has been submitted to justify a departure.

*Recommendations*

That the policy be deleted.

**Policy H07: Design**

Essentially this is a sound policy, in line generally with national aspirations to achieve high quality design and enhance local distinctiveness - the only issue relates to the inclusion of a criteria regarding issues of renewable energy technologies. This must be caveated that this does not relate to residential development, to bring it into line with the basic conditions regarding national policy and advice.

*Recommendations*

Insert after Technologies” the following in parenthesis “(only in respect of non-residential development)”.

In the final sentence replace “Assessment” with “Appraisal”.

**Policy H08: Sustainability**

The LPA recommend that this policy be moved to the infrastructure section. Whilst this may be appropriate it is not necessary for me to make that recommendation to bring it in line with basic conditions. I would not have any issue if the policy were to be repositioned as suggested.

### **Policy H09 Conservation Area**

I have no comments to make in respect of this policy as it accords with national advice as well as local policy.

### **Policy IN1: Parking provision**

This policy has attracted objections from both East Sussex CC, as Highway Authority as well as the LPA. I have seen no evidence that justifies a higher level of parking requirement in the plan area in terms of higher car ownership compared to the wider area. As such I agree with the LPA, that the policy should be deleted and note that the QB accept that recommendation.

#### *Recommendations*

That the policy be deleted

### **Policy IN2: Loss of Parking**

The policy is very inflexible in that it states that any proposal that results in a loss of parking will never be supported. The policy could be used with more flexibility by introducing “generally” not being supported.

#### *Recommendations*

Insert “generally” before “be supported”.

### **Policy IN3 Maintain and improve existing infrastructure**

I have no comments to make in respect of this policy and the basic conditions.

### **Policy IN 4: Non- car provision/ footpath/public transport provision.**

Whilst I see the purpose of the policy, there will be some developments where it is not necessary *to require* developments to promote sustainable transport options and to *require* improvements to the rights of way network. I can cover this by adding the caveat “where appropriate” in my recommendations.

#### *Recommendations*

Insert “where appropriate,” before “require proposals.”

### **Policy IN5 Pedestrian safety**

I have no comments to make in respect of this policy.

### **Policy IN6 Communications Infrastructure**

A planning policy cannot require planning applications to have to be accompanied by any particular documents. That is a matter for the LPA to require through the Local Validation Checklist. It is appropriate for an application to be expected to *demonstrate* how the development is capable of being connected to the superfast broadband network, through the provision of the necessary infrastructure to allow telecommunication providers to be able to access the property.

#### *Recommendations*

Replace the policy with:

“Applications for new residential development must demonstrate how the development will provide through the installation of the necessary infrastructure and ducting the ability for occupiers to be able to connect to superfast broadband”.

### **Policy IN7: Developer Contributions**

The requirement that development be phased, in tandem with the timely provision of infrastructure may be beyond the control of the applicant / developer if the infrastructure is provided by third parties, which may be reliant upon the collection of appropriate CIL payments or pooled contributions and subsequent decisions taken by say the District Council or indeed the Parish Council as to how that monies are spent.

#### *Recommendations*

Delete the second paragraph.

### **Policy IN8: Reducing Flood Risk**

This policy does not accord with national policy for development at risk of flooding. There are no grounds for adopting an alternative approach based on the circumstances of the plan area. The LPA has recommended that the policy be deleted and this recommendation is accepted by the QB. As it does not pass basic conditions, I too, will be recommending its deletion.

*Recommendations*

That the policy be deleted.

**Policy LE1: Community leisure/ cultural facilities**

I have no comments to make in respect of this policy.

**Policy LE2: Loss of leisure/ cultural facilities**

I do not consider that this policy fails because it duplicates Core Strategy policy but the clarity of the policy needs to be improved by making clear that the requirements of all the criteria need to be satisfied, regarding loss or the situation where “like for like” replacement is made.

*Recommendations*

Insert “and” after “viable”.

At the end of proviso 2, replace “and” with “or”.

**Policy LE3: New facilities**

Whilst I support the change of title suggested by the LPA, it is not a change I need to recommend to secure compliance with the basic conditions.

**The Referendum Area**

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Salehurst and Robertsbridge Neighbourhood Plan as designated by Rother District Council on 13<sup>th</sup> April 2015, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

**Summary**

I wish to pay tribute to the Steering Group and the Parish Council for the huge amount of work that has gone into this plan over a number of years. I would especially applaud the plan’s desire for it to be a strong reflection of the views of the

local community. That is of particular feature of a neighbourhood plan and it is clear that the Parish Council has grasped the opportunities that localism has offered.

However, a neighbourhood plan is more than an assertion of local opinion, it will be part of the development plan and it is required, by legislation, to have proper regard to national planning policy, the strategic policies set out in the development plan, European legislation and the overarching need to be delivering sustainable development. My role as examiner, has been to ensure that the submitted plan does meet the basic conditions. In fulfilling that role, I have had to make recommendations which will ensure that the neighbourhood plan can go forward to referendum. Many of my recommendations reflect the comments of Rother District Council in its Regulation 16 Consultation, many of these have already been accepted by the Parish Council in their response.

Had the owners of the Mill site not been able to put forward firm proposals for the creation of an additional alternative access route to the site, which will allow vehicular access in times of severe flood, without putting emergency services at risk by having to access the site through floodwater, at least 1 m deep, my recommendation would have been to recommend that the plan should not be allowed to proceed to referendum. The issue of the housing application has been central to the plan making process and the public's desire to shape the planning proposals. An alternative option open to me would have been to recommend that all policies, which had an impact on the delivery of housing, to be removed from the plan as they would not meet the basic conditions. This would have affected the development framework boundary and local green spaces designations. These matters are all central to the issue as to whether the plan was delivering sustainable development.

That question, I am delighted to say, has been avoided and I am satisfied that subject to the proposed alternative route being negotiated and then delivered, I can confirm that the largest housing allocation site, which the plan suggests can accommodate close to 100 dwellings, does meet the basic conditions.

However, a consequence of the selection of such a large site, which cannot provide for its full quota of affordable housing, has led directly to my recommendation that an additional major site, namely Grove Farm, should also be allocated to make up, in part for the shortfall in the provision of social housing within the plan area. I am not persuaded by the Parish Council's arguments that the Grove Farm Phase 1 site is not a suitable location to new housing, being within easy walking distance of village amenities. I appreciate that this particular recommendation will be a disappointment to many, but it must be remembered that Robertsbridge is one of the more sustainable locations for new housing. The plan will deliver its objective of securing

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the redevelopment of the Mill Site, restoring historic buildings and bring back into beneficial use a derelict site but it also needs to deliver appropriate levels of affordable housing. If that cannot come from the Mill Site, then I believe that it is appropriate for such housing to be delivered as part of the residential scheme at Grove Farm.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**I am therefore delighted to recommend to the Rother District Council that the Salehurst and Robertsbridge Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

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23<sup>rd</sup> January 2018