

SEDLESCOMBE NEIGHBOURHOOD PLAN 2014-2028

Sedlescombe Neighbourhood Plan Examination,
A Report to Rother District Council

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1. Introduction

The Neighbourhood Plan

This Report provides the findings of the examination into the Sedlescombe Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Sedlescombe Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Rother District Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Sedlescombe Neighbourhood Area.

Role of the Independent Examiner

I was appointed by Rother District Council, with the consent of Sedlescombe Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;

¹The qualifying body is responsible for the production of the Plan.

- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Sedlescombe Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2014-2028. The Neighbourhood Plan Period is also set out in paragraph 11 on page 7 of the Introduction and in paragraph 1.3 of the Basic Conditions Statement.

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the written representations submitted, I confirmed to Rother District Council that I was satisfied that the Sedlescombe Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

EU and ECHR Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

The Basic Conditions Statement confirms that no part of the Neighbourhood Area lies within a zone of influence of a European designated site. Consequently, no European sites would be affected by the Policies of the Neighbourhood Plan and there was no requirement for a Habitats Regulations Assessment in accordance with EU Habitats Regulations.

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal³. However, the Neighbourhood Plan seeks to allocate land for development and the allocation of development land is recognised as one of the limited circumstances where a neighbourhood plan *could* have significant effects. As such, according to Planning Practice Guidance (para 027) the Neighbourhood Plan “*may* fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment.”

In the above regard, Rother District Council issued a screening opinion in November 2013. This set out Rother District Council’s opinion that “whilst it is acknowledged that neither the area of the Plan nor the scale of development envisaged are large

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

³ Paragraph 026, Planning Practice Guidance 2014.

scale, taking into account the context and the range of potential effects, and applying the precautionary principle, it is considered that an SEA of the Neighbourhood Plan is required.”

A Scoping Report was then produced and consulted upon by statutory bodies for a five week period and the responses received were taken into account in the preparation of the SEA. A draft SEA was published for consultation alongside a draft plan, during May to March 2014. Comments received were then taken into account in the final version of the SEA.

Consequently, Rother District Council and statutory bodies, including Natural England, the Environment Agency and English Heritage were all consulted as part of the SEA.

Rother District Council has raised significant concerns with the SEA⁴ to the extent that, in its view, “the SEA does not read as an objective assessment.” There is an absence of objection from any of the other statutory consultees in respect of European legislation.

Paragraph 031 of Planning Practice Guidance establishes that “the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations: when it takes the decision on whether the neighbourhood plan should proceed to referendum; and when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).”

Consequently, Rother District Council’s concerns with the SEA have the potential to comprise a major stumbling block at the time of determining whether the Neighbourhood Plan should proceed to Referendum or ultimately, be made.

However, in the light of the above, I recognise that Rother District Council has, in the interests of a constructive approach, put forward a number of suggestions with the positive aim of helping the Neighbourhood Plan “to achieve general conformity.”

In taking the above and Rother District Council’s proposals into account as part of my examination of the Policies of the Neighbourhood Plan below, I am satisfied that the Neighbourhood Plan would not be incompatible with EU obligations. Given this and in the absence of any evidence to the contrary, I am satisfied that it does not breach, nor is in any way incompatible with the ECHR.

⁴ Letter from Rother District Council to Sedlescombe Parish Council 6 May 2014.

3. Background Documents and Sedlescombe Neighbourhood Area

Background Documents

In undertaking this examination, I have considered a number of documents in addition to the Sedlescombe Neighbourhood Plan. These include:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Rother Local Plan Core Strategy (Core Strategy) (Adopted 2014)
- Basic Conditions Statement
- Consultation Statement
- Strategic Environmental Assessment
- Site Assessment Report
- State of the Parish
- Other Supporting Documents

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Sedlescombe Neighbourhood Area.

Sedlescombe Neighbourhood Area

A plan showing the boundary of the Sedlescombe Neighbourhood Area is set out in Figure 1 on page 6 of the Neighbourhood Plan.

Further to an application made by the Parish Council, Rother District Council approved the designation of Sedlescombe as a Neighbourhood Area on 1 July 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

4. Public Consultation

Introduction

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

Sedlescombe Neighbourhood Plan Consultation

Sedlescombe Parish Council submitted a Consultation Statement to Rother District Council. This sets out who was consulted and how, together with the outcome of the consultation. As such, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*⁵.

Taking into account the evidence provided, I am satisfied that the production of the Neighbourhood Plan was supported by robust public consultation. It is clear that the views of the wider community were actively sought and taken into account. It is also clear that Sedlescombe Parish Council "went the extra mile" to undertake public consultation above and beyond that required by legislation.

In considering public consultation, I note that specific concerns were expressed regarding conduct. I refer to this matter in the section following this analysis.

The Consultation Statement notes that, in April 2013, further to the decision to produce the Neighbourhood Plan, a leaflet was distributed to each household in the Parish explaining the process and inviting suitable housing sites to be submitted for consideration. Young Persons Workshops were held during June and July 2013 and Residents and Business Surveys were carried out over that Summer. More than half of the households and businesses in the Parish responded to the Survey and the findings were taken into account.

Estate Agents and Police Surveys were undertaken, along with an assessment of the 25 potential housing sites submitted by landowners for consideration. A two day exhibition was held in September 2013 and a draft plan was produced for public consultation between March and May 2014.

⁵Neighbourhood Planning (General) Regulations 2012.

Taking this and other information provided in the Consultation Statement into account, it is evident that the Parish Council actively sought comments throughout the plan-production period.

The consultation process was widely publicised via the use of posters placed in prominent locations and through regular updates in the weekly Sedlescombe News, Parish Council Bulletin and Annual Reports. Press Releases were published in the Rye and Battle Observer and there were regular updates on the Parish Council's website.

The Consultation Statement presents an audit trail to demonstrate that consultation was appropriately publicised and that comments were duly considered. I am satisfied that people and organisations were provided with a fair chance to have their say.

Public Consultation - Criticism

Comments were received during the Submission Consultation period that suggested issues of inappropriate behaviour and conduct. Given the serious nature of the issues raised, Rother District Council carried out a Monitoring Investigation.

The Monitoring Investigation was completed in January 2015. In summary, whilst there was evidence that heated discussions regarding locally sensitive issues had taken place, the Investigating Officer did not find sufficient evidence that there had been any breach of the code of conduct. The Monitoring Investigation was duly closed, with no further action to be taken.

5. The Neighbourhood Plan – Introductory Section

Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

Vision, Contents, Foreword and Introduction

The Neighbourhood Plan’s Vision is clearly set out, in an attractively presented manner, at the beginning of the Neighbourhood Plan. The Contents page is clear and together, the Foreword and Introduction provide an informative, relevant and distinctive introduction.

Background Information

This part of the Neighbourhood Plan sets out relevant information, relating to neighbourhood planning, the Plan Area, Plan Period, SEA and Plan Process, in a concise manner. Information is also provided about Plan Preparation and Public Consultation, and the Objectives and Aims of the Neighbourhood Plan are set out, followed by information about the Parish itself. All of this information is provided in an easy to read format and its presentation is enhanced by the use of photographs.

Sustainable Development

This section highlights how the economic, social and environmental roles of development, as outlined in the Framework, have been taken into account in the Neighbourhood Plan.

- **I note that the Policy recommendations below will require the following change to this section: Delete para 32**

The Introductory Section ends with a short, informative analysis of the High Weald AONB, the Built Environment and Climate Change and Flooding. Altogether, the Introductory Section comprise a highly informative, well-written, attractively presented, concise and relevant introduction to the Policies that follow.

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Land Use Policies

This section refers to “the forthcoming” Core Strategy. The Core Strategy was adopted in September 2014. I recommend:

- **Para 51, delete rest of para after first sentence, replace with “The SNP will sit alongside the Rother District Local Plan Core Strategy (RDLP), which was adopted in September 2014, as well as saved policies of the Rother District Local Plan 2006 (for so long as these continue to be saved), as part of the development plan for the Neighbourhood Area.”**

The final paragraph of this section, para 53, contains unnecessary information. The presentation of the Policies in the Neighbourhood Plan is clear – they are separated from the supporting text by bold text – and there is no need to point this out.

Furthermore, para 53 refers to providing references to the Rother District Local Plan (2006) Policies and to paragraphs of the Framework. Whilst the inclusion of this information might have been helpful at draft stage, I find that it detracts significantly from the presentation and impact of the Neighbourhood Plan policies themselves and there is no requirement for their inclusion.

In addition, the references themselves are selective rather than comprehensive. There is no explanation as to why some Rother District Local Plan Policies (2006) and some extracts from the Framework have been referenced, whilst others have not. The approach is therefore both unnecessary and confusing. In addition, I note above that the Core Strategy has since been adopted.

Taking the above into account, I recommend:

- **Delete para 53**
- **Delete all “Conformity References” beneath each Policy of the Neighbourhood Plan**

Policy 1: Spatial Plan of the Parish

Rother District Council has objected to the Neighbourhood Plan. It considers that the Neighbourhood Plan does not meet the basic conditions. In particular, Rother District Council states that the Neighbourhood Plan is not in general conformity with the strategic policies of the adopted Core Strategy.

The strategy for overall spatial development in Rother District is set out in Core Strategy policy OSS1 (c), which states that suitable sites will be identified in accordance with a spatial distribution that will:

“facilitate the limited growth of villages that contain a range of services and which contributes to supporting vibrant, mixed rural communities, notably in relation to service provision and local housing needs, and is compatible with the character and setting of the village”

Sedlescombe is identified as a rural village with a range of services. Core Strategy Policy RA1 seeks to address the needs of rural villages and states that:

“(vi)...new development will be sited in close proximity to key facilities...”

The Core Strategy identifies Sedlescombe as a rural village where land should be allocated for 35 dwellings (Core Strategy Figure 12), to provide for housing needs during the period 2011 to 2028.

Taking the above into account, there is evidence to support Rother District Council’s view that the overall spatial strategy of the Core Strategy generally relates to rural villages, rather than to Parishes. However, Core Strategy policy RA1 states specifically that the location of housing development in villages:

*“will be located in accordance with Figure 12, **subject to refinement in the light of futher investigation via...Neighbourhood Plans.**”* (my emphasis)

This adopted Policy statement clearly affords some flexibility with regards the location of residential development sites within Neighbourhood Areas. It appears to recognise that neighbourhood planning is different to District-wide planning and as pointed out by the Framework, that neighbourhood plan-makers have “direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need” (para 183).

Consequently, in this specific regard, I am satisfied that there is some scope for the Neighbourhood Plan to identify suitable housing allocations in various parts of the Neighbourhood Area, whilst being in general conformity with the strategic policies of the Core Strategy.

However, as set out, there is a concern, expressed by Rother District Council, that the Neighbourhood Plan's land use policies will not provide for the 35 houses required over the plan period. Whilst 6 houses are allocated in Policy 2, the remaining Policies of the Plan simply state that proposals for new housing "will be supported." Due to a variety of constraints, there is a significant degree of uncertainty as to whether the sites the subject of Policies 3 to 6 will, together with the allocation in Policy 2, result in the delivery of 35 houses over the plan period.

In this regard, the Framework is unequivocal in stating that:

"Neighbourhood plans...should not promote less development than set out in the Local Plan or undermine its strategic policies." (para 184)

The Neighbourhood Plan's spatial plan, as set out in Policy 1, would effectively prevent the growth of Sedlescombe village, beyond that envisaged by Policy 2, even if the sites within Policies 3 to 6 failed to deliver sufficient new housing to meet the Neighbourhood Area's needs. If this were the case, the Neighbourhood Plan may not provide for sufficient housing to provide for the Neighbourhood Area's needs. These needs are clearly set out in the recently adopted Core Strategy.

In this regard, I concur with Rother District Council's view that the Neighbourhood Plan is not in general conformity with the strategic policies of the Core Strategy.

Furthermore, the Framework sets out a presumption in favour of sustainable development – whereby development that is sustainable should be approved without delay (para 15). I note Rother District Council's concerns with the SEA above. Given these concerns and the general conformity issue above, I am concerned that the Neighbourhood Plan's approach to spatial planning – as set out in Policy 1 - fails to have regard to the Framework and does not contribute to the achievement of sustainable development. As worded, Policy 1 could prevent necessary sustainable development from going ahead and does not, therefore, meet the basic conditions.

Helpfully in this regard, Rother District Council, with the aim of enabling the Neighbourhood Plan to meet the basic conditions, has forwarded a number of suggestions relating to Policies 3 to 6. However, whilst I consider each of these Policies below, they do not resolve Policy 1's failure to meet the basic conditions. In order to address this, I recommend the following modification:

- **Policy 1, delete the second sentence**
- **Policy 1 add new second sentence *"Proposals for new sustainable residential development on the edge of Sedlescombe will be supported where it can be demonstrated that such development is necessary to enable the Neighbourhood Area to meet its housing land requirement and is in keeping with local character."***

I note that Rother District Council has proposed minor amendments to the settlement boundary, to “demonstrate a more positive approach to potential growth.” Taking all of the above into account, this strikes me as a sensible approach for future consideration.

The above modifications enable the Neighbourhood Plan to meet the basic conditions. They do not automatically mean that development can take place on the edge of Sedlescombe – as a raft of relevant national and local policies will still apply. However, it does serve to remove the general resistance that would otherwise apply to even sustainable development proposals.

In the above way, the wording of Policy 1 would no longer fail to be in general conformity with the strategic policies of the Core Strategy, nor fail to have regard to the Framework. Without this modification, the Neighbourhood Plan would not provide for sufficient development and would fail to meet the basic conditions.

The supporting text in paragraphs 54 and 55 contains unnecessary information, including repetition of facts relating to consultation. Paragraphs 57 to 65 largely refer to the second part of Policy 1, which, as set out above, fails to meet the basic conditions. I recommend:

- **Delete para 54 and delete all of para 55 except the last sentence**
- **Delete paras 57-65 inclusive (including Community Feedback quotation)**

Policy 2: Sunningdale, Land off Gregory Walk

Policy 2 allocates land on the southern boundary of Sedlescombe for 6 houses. The site falls within the village settlement boundary, as set out in the Neighbourhood Plan Proposals Map.

The site forms part of a logical boundary and the delivery of 6 dwellings would allow for a development at a similar density to that of the adjacent housing on Gregory Walk. The site is well located for the services and facilities provided by Sedlescombe village.

The allocation of the site goes a small way towards providing for the Neighbourhood Area's housing requirement. It is in general conformity with Core Strategy policy RA1 and contributes to the achievement of sustainable development.

Policy 2 meets the basic conditions.

There is no need for Paragraph 66 to refer to saved and "forthcoming" District-wide policies. I recommend:

- **Para 66, re-word "*...within the adjusted Sedlescombe Development Boundary as shown on the Proposals Map.*"**
- **Para 69, end first sentence "*...wildlife corridors are safeguarded.*"**
- **Remove any other references to "forthcoming" policies/policy.**

Policy 3: Land at Pestalozzi International Village

Pestalozzi is an educational charity. Policy 3 supports the development of housing on a partially brownfield site close to the existing cluster of buildings that form Pestalozzi's core. It is justified in the supporting text on the basis that, amongst other things, it will help to secure the future operations of one of Sedlescombe's three largest employers, which provides a wide range of different types of jobs; and that it will facilitate refurbishment/replacement of staff and volunteer accommodation.

Whilst the Policy effectively supports development within the countryside, it provides for more than one affordable home, requires the rebuilding of volunteer accommodation via cross-subsidy and also requires landscaping to mitigate visual impacts arising.

Further to the above, Rother District Council has commented that Policy 3 would, in its view, meet the basic conditions if it also required the identification of an alternative location for an estate management facility and referred to the need to demonstrate that any new access would have an acceptable impact on local character.

Taking all of the above into account, I recommend

- **Policy 3, add “v. and that an alternative location for the estate management facility is identified and agreed; vi. and that any new access is demonstrated to have an acceptable impact on the character of the Brede Valley and demonstrated to be visually contained from public view points.”**
- **Policy 3 ii. replace “rebuilding” with “refurbishment/replacement”**

Subject to the above modification, I consider that Policy 3 has regard to the Framework, which supports the use of planning as a creative exercise in finding ways to improve the places in which people live their lives (para 17), supports the sustainable growth and expansion of all types of businesses in rural areas (para 28) and seeks to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities (para 50). In this way, the Policy contributes to the achievement of sustainable development.

To some extent, paragraph 72 appears to pre-determine detailed site analysis work by suggesting that the site will provide for 8 dwellings. I note that Rother District Council considers that the site may accommodate 6 small dwellings. I recommend:

- **Para 72, delete the first sentence**

Policy 4: Land rear of Blackbrooks Garden Centre

Policy 4 supports the development of land to the rear of Blackbrooks Garden Centre for housing. This would result in the development of housing in a rural location and is justified, in the supporting text to Policy 4, on the basis that it would help “grow and sustain the long term competitiveness of this important local employer and service provider” and support staff recruitment and housing.

However, there is nothing to demonstrate that Blackbrooks Garden Centre cannot continue to operate without the provision of a subsidy from the development of new housing. I acknowledge that the provision of a subsidy would “boost” business but there is no evidence to demonstrate that the release of a 0.64 ha site for residential development is necessary.

Whilst described in the Basic Conditions Statement as a “derelict, brownfield site” I noted during my site visit that part of the area appeared to be used in connection with Blackbrooks Garden Centre.

In considering Policy 4, I am mindful that Rother District Council has submitted an objection which notes that the proposed site could result in the building of up to 18 dwellings in an area poorly located in terms of services and facilities. Whilst I note that the site is adjacent to the Garden Centre, this would not provide for the majority of services and facilities generally required by households. The site would be located some considerable distance away from Sedlescombe, which would be accessed via an unlit, unpaved country lane and would, in all likelihood, lead to an increased number of car journeys.

Consequently, the site would effectively be isolated from Sedlescombe and supporting residential development in this location would fail to have regard to the Framework, which requires residential development in such locations to meet special circumstances – examples of which are provided in paragraph 55 of the Framework, but none of which are met by the site in Policy 4.

Furthermore, Policy 4 would fail to have regard to chapter 4 of the Framework, which is clear in requiring planning policies to aim for a balance of land uses so that people can be encouraged to minimise journey lengths to meet their needs. Consequently, it would fail to contribute to the achievement of sustainable development. Unlike Policy 3, there appears to be little to justify the release of land to the rear of Blackbrooks Garden Nursery for housing, other than to support a commercial operation.

I acknowledge that the site is described as brownfield, but there is no evidence to demonstrate that this in itself justifies residential development in the countryside, having regard to the Framework or any of the other basic conditions. Policy 4 does not meet the basic conditions

- Delete Policy 4
- Delete all related supporting text
- Delete Proposals Map Inset C
- Re-number Policies 5, 6 and 7 (as 4, 5 and 6)
- Re-word para 32 “...that *four* sites...Pestallozzi, Sawmills...”
- Re-word para 33 line three “*Two* of the sites...but *one* of them *finds* it...”
- Re-word para 34 “Together, the *four* sites...” Delete “The Plan acknowledges...supported locally.”

Policy 5: Land at Sedlescombe Sawmills

Policy 5 supports proposals for mixed-use development at Sedlescombe Sawmills, a partly derelict site including a range of buildings. The Policy would support the re-use or redevelopment of existing buildings and expand the amount of business space on the site. This would be enabled via a cross-subsidy, resulting from the provision of market dwellings on part of the site. The development of dwellings would also be subject to the provision of a holiday accommodation scheme and the demolition of structures that detract from the scenic beauty of the adjoining landscape.

The Policy has regard to the Framework, which supports the re-use of redundant or disused buildings that would lead to an enhancement of their immediate setting (para 55) and which supports economic growth in rural areas through conversion of existing buildings and well designed new buildings (para 28) and the promotion of rural tourism (para 28).

Furthermore, the proposed cross-subsidy approach has regard to paragraph 17 of the Framework, which states that planning should be a creative exercise in finding ways to improve the places in which people live their lives.

Whilst I note that Rother District Council suggests that the Policy could provide for “key worker housing,” there is nothing to suggest that this would have regard to para 55 of the Framework, which describes “*the essential need for a rural worker to live permanently at or near their place of work in the countryside*” as a special circumstance. There is no suggestion that the proposed housing would provide for essential rural worker housing. In this regard, I note that the cross subsidy model restricts the number of houses to be built to that required to cross subsidise the provision of employment space.

Policy 5 is also in general conformity with Policy RA3, which supports suitable employment and tourism opportunities in the countryside, including “small-sale growth of existing business sites and premises.”

Taking the above into account, Policy 5 contributes to the achievement of sustainable development. It meets the basic conditions.

Policy 6: Land adjacent to St John the Baptist Parish Church

This Policy supports residential development on a site adjacent to St John the Baptist Parish Church, subject to the provision of affordable housing and the open market housing provided being limited to the maximum necessary to support the provision of a community benefit scheme, supporting the restoration and community use of the Church, amongst other things.

St John the Baptist Church is a Grade II* Listed Building. The Framework recognises heritage assets as an irreplaceable resource (para 126). Policy 6 comprises a creative exercise (having regard to Framework para 17) to secure the conservation of a heritage asset. Furthermore, it seeks to secure further community benefits and has regard to chapter 8 of the Framework, which promotes healthy communities and in paragraph 70, states that planning policies should “*plan positively for the provision of...shared space, community facilities...to enhance the sustainability of communities and residential environments.*” In this way, Policy 6 contributes to the achievement of sustainable development.

Paragraph 140 of the Framework advises that it is for local planning authorities to weigh the benefits of enabling development that would secure the conservation of a heritage asset, but otherwise conflict with planning policies. This paragraph relates to applications for development, rather than neighbourhood planning policies, but I am mindful that Rother District Council states that Policy 6 “is supportable.”

The final part of Policy 6 refers to “...causing no significant harm to the significance of the Church...” As “significant harm” is undefined, it is unclear what this actually means. By implication, it suggests that it is fine for some harm to be caused to the Grade II* Listed Building. I recommend the following as a modification to provide decision makers with a clearer indication of how to react to a development proposal, having regard to paragraph 154 of the Framework:

- **Policy 6, re-word “5. *preserve the significance and setting of the Church, a Grade II* Listed Building*”**

Taking all of the above into account, Policy 6 meets the basic conditions.

Policy 7: Local Green Space

Policy 7 seeks to designate two Local Green Spaces, Red Barn Field and Street Farm.

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. It states that

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.” (para 76)

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land.

The Framework is explicit in stating that

“The Local Green Space designation will not be appropriate for most green areas or open space.” (para 77)

With consideration to the above, it is essential that, when designating Local Green Space, plan-makers can clearly demonstrate that the requirements for its designation are met. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance (for example, because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife; and it is local in character and is not an extensive tract of land.

The designation of Red Barn Field is justified on the basis that it is in close proximity to the community, is local in character and is not an extensive tract of land. It is considered to be demonstrably special to the local community and to hold a particular significance due in particular to its recreational value and role as a nature park and important wildlife habitat.

Having considered the evidence and visited the site, I agree with each of these justifications. Consequently, the designation of Red Barn Field has regard to the Framework and meets the basic conditions.

Street Farm is also held to be in close proximity to the community, to be local in character and not to comprise an extensive tract of land. Whilst I agree with the first two points, I find the latter point to be more contentious.

Street Farm is many times larger than Red Barn Field. It stretches across an area of open land which I consider can only be described as extensive. In observing Street Farm, I noted that several full size football pitches, with land around each of them, could easily fit within it.

The Framework is explicit in stating that a Local Green Space designation is not appropriate for most green areas, or open space, and it is therefore reasonable to expect compelling evidence to demonstrate that any such designation meets national policy requirements. There is no substantive evidence to demonstrate that Street Farm is not an extensive tract of land.

In this regard, I consider that there is direct conflict with national policy and that, consequently, the proposed designation of Street Farm as Local Green Space does not meet the basic conditions.

Further to the above, the justification for the designation of Street Farm goes on to state that “it is demonstrably special to the local community, especially as it is under a significant threat of development.” I note in this regard that the Framework does not refer to “threat of development” as an example of local significance. In addition, and taking into account the extensive nature of Street Farm, Planning Practice Guidance is clear that Local Green Space designation “should not be proposed as a ‘back door’ way to try and achieve what would amount to a new area of Green Belt by another name.”

Consequently, I am not satisfied that the proposed designation of Street Farm as Local Green Space meets the basic conditions. The facts that it provides a green gap and that many local people “supported keeping this whole meadow as a green space for the period of the Plan” are factors in support of its designation, but they do not amount to meeting all of the requirements for the designation of Local Green Space.

I recommend the following:

- **Policy 7, delete “...and land at Street Farm...” and re-word to “...as Local Green Space and will resist proposals for any development on the land other than that necessary for utility development.”**
- **Delete para 91**
- **Re-word para 92 “The site is in close...It is local in character and not an extensive tract...under threat.”**
- **Delete Paras 93 and 94**
- **Delete Community Feedback box**
- **Delete Street Farm designation on Inset A and re-word Key to “Local Green Space”**

7. Summary

I have recommended a number of modifications further to consideration of the Sedlescombe Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Sedlescombe Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Sedlescombe Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

8. Referendum

I recommend to Rother District Council that, subject to the modifications proposed, the **Sedlescombe Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Sedlescombe Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Sedlescombe Neighbourhood Area as approved by Rother District Council on 1 July 2013.

Nigel McGurk, January 2015
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