

Salehurst & Robertsbridge Neighbourhood Development Plan

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Addressing comments from RDC on the working draft of the Plan

	Policy reference	RDC comments	Action taken
1.		Difficult to comment comprehensively at this point without seeing the draft Policy Map. Can this be provided?	The policy map will be included in the Plan and reflects the proposed policies.
2.		Similarly, cannot comment fully on the site options without sight of SEA and the need to understand how this has informed planmaking?	SEA will be submitted with the Plan.
3.		Many policies in the NP replicate Core Strategy policies, albeit with different wording/emphasis (e.g. NP IN4 and CSTR2/TR3). Potential issue of General Conformity but may be ok if clearly supported by local evidence which we haven't seen as yet	The policies have been developed as a result of consultation with the people of Salehurst and Robertsbridge. The various evidence base documents as listed.
4.		There is also very little on the preferred sites, how they will be delivered, accessed, what uses they will	The key evidence base documents to support the preferred sites are listed below the policy so that

		contain etc. This is a very notable omission. At present, for an allocations document, there is insufficient evidence to confirm deliverability of either individual sites, or the total housing number. This appears to be a potential General Conformity issue particularly when the numbers proposed are high relative to previous assessments (e.g Mill site) or in the case of Country Craft are undertaken by a planning permission and should be reflected accordingly. Concern over the lack of evidence of deliverability is exacerbated by the proposal to designate alternative sites as Local Green Space.	the Plan itself is not cumbersome. The information regarding the selection process will therefore accompany the Plan. The sites being proposed is a total of 156 plus 17 on the Culverwells plus 6 completions. The developers/land owners of all the sites being allocated have been consulted. There is no general conformity issue.
5.		Difficult to comment on site specific issues and also access to the Historic Environment Report and Character Appraisal referred to the document makes for critical context for several policy statements	These evidence base documents will accompany the Plan.
6.		RDC has previously provided the Parish Council with information on local designated sites, ancient woodland and local priority BAP to be consistent with Policy EN5.	ok
7.		Page 17: Objective 3 needs to underline the importance of protecting designated sites, ancient woodland, BAP priority habitat and protected species. Note: This needs to cross-refer to the plan on page 46. We would also expect to see some mention of built heritage/character of the conservation area as one of the bullet points of Objective 3. Meanwhile point 'c' of Objective 4 could be better worded – to 'encourage local context and rural locality' might be more effectively written to 'respond positively to local context...'	New point added to Objective 3: d) To protect designated sites, ancient woodland, BAP priority habitats and protected species. Objective 4 (b) mentions heritage assets etc. Objective 4 (c) amended... quality that encourages to respond positively local context and rural locality ...
8.		Section 3.2: Largely the domain of the Education Authority and the NP has little scope to ensure the	Questionnaires and surveys suggest that these issues are to be addressed by the NDP. Whilst the

		delivery of these policies. Therefore the Education Authority should be consulted. Evidence and records of consultations with key agencies should be included as key evidence including Highways/EA/NE and HE	Education Authority is part of the delivery of those policies, the NDP policies will provide the criteria required from development. Any evidence will be included in the Plan submission.
9.		We are surprised that 'design' as a policy is only included in the Housing section, as you may want this to apply more widely to cover the design of non-residential too, so it may be better included in the Environment section.	The location of this within the Plan can be argued to be placed in either section.
10.		We are also surprised to see no reference to management of the public realm, (other than green spaces) as we have always understood this to be important to Robertsbridge. Again, the Environment section might be an appropriate place to include something on this	This is Policy EN6
11.		Plans (page 44): Missing titles.	Titles added
12.		The Vision only refer to a 'friendly village', of course the NP of covers the whole of the parish not just the built core of the village.	The term refers to everything not just built core
13.		It is not clear the NPPF sequential test for flood risk has been applied in the plan.	This is an NDP and the work needs to be proportionate. The policies of the RDC Plan including site allocations were subjected to a sequential test. This means that the Strategic flood risk assessment for the area provides the basis for applying the test. In accordance with PPG para 061 the Plan is consistent with RDC's application of the sequential test.
14.		The NP proposes a long list of proposed Local Green Spaces and given that these are intended to be of 'particular local significance' and meet a strict criteria outlined in paragraph 77 of the NPPF. Can we see the evidence relating to this?	More work has been done on this and the evidence base is listed.

15.	EC1: Retail in the village centre and outskirts	Clarification is sought on what defines 'enhance' – can this be quantified? What was the evidence supporting the designation of a village centre boundary? Replace 'look and feel' with 'character' in the policy wording. Will the sequential Test be applied in the policy? We await 'Map 2' which will propose a defined 'retail core'. We are unclear as to what will be meant by addition provision 'enhancing the village centre retail offer' – what will be the test for this?	The term enhance is a usual term, the rest of the policy also qualifies some of enhancing qualities expected. Amendment made ... with the look and feel character of the Conservation Area
16.	EC2 Facilities to support and encourage home working through Ultra-Fast telecommunications provision	No comment.	No change
17.	Policy EC3: Employment retention	Policy EC3 – not clear if an applicant would need to fulfil all 3 criteria or just one (no use of the terms and/or are used). Not in active use for at least 24 months is a long time. Can you clarify what is the justification for 24 months? The third bullet point is ambiguous not sure how anyone could argue compliance or not. Can you quantify 'some' employment or 'community use'? Applicants would be expected to provide some evidence of marketing of the site to prove it is no longer viable as employment site.	The word 'and' is at the end of point 2 and now made bold. The timeframe varies between 12-20 months so difficult to know a definite time. To give a bit of flexibility have added (or as identified by the market) . The policy is trying to positively retain employment hence why 3 rd bullet point is not too prescription on qualifying the amount of employment etc.
18.	Policy EC4: Assets of Community Value (Community Right to Bid)	This would be subject to landowner agreement and fulfilling the criteria set out in the Para 77 of the NPPF The proposed list may be counter-productive as it raises expectations. The wording 'visual	The policy does say 'Subject to application agreement with Rother District Council' The list is a productive positive approach which reflects what the people want. Amended to say ...

		appearance' should perhaps be replaced with 'integrity'	significant harm to the visual appearance integrity of an Asset of Community Value ...
19.	Policy EC5: Tourism	Recommend addition bullet point to include something on the lines of: 'in keeping with the rural character of the AONB countryside' We would like a third bullet point to refer to being in keeping with the rural character of the countryside (to reflect CS policies RA2 & RA3	Additional bullet point added: 3. are in keeping with the rural character of the AONB countryside
20.	Policy EC6: Rural Businesses	Built Up Area boundary (BUAB) – is this similar to the development boundary? The maps in the plan still use the terms: 'Development Boundary' but accept addition maps and proposal map are still to be added to the working draft. The policy does not deal adequately with the scenario of the re-use or conversion of historic buildings in the countryside. It may not be appropriate to extend, re-use or convert a historic building in the AONB countryside. How does the applicant demonstrate the last bullet point outlined in the policy? The title of this policy might be amended to better reflect the content of the policy which appears to be centered on re-use and conversion of buildings, rather than new development or all rural businesses (is this correct?) CS policy RA4 clearly sets out a sequential approach, and along with accompanying paragraph 12.77 expressly discourages extensions to historic former agricultural buildings, so the second bullet point would be non-compliant in respect of these type of buildings	BUAB changed to 'Development Boundary' for consistency. New bullet point added 1.the building to be converted or re-used it is not a historic building
21.	Policy EC7 Encouraging Employment	Can you clarify what is meant by 'is visible from a limited area within the area'? The policy would be strengthened by referring to minimising the impact of the proposal on the wider character of the AONB	New bullet point added: 2.it minimises the impact of the proposal on the wider character of the AONB landscape

		landscape.	
22.	Policy ED1 Education Provision	Subject to support from ESCC education. The developer will be expected to make a reasonable contribution (in conformity with the NPPF tests) any extension programme through S106.	No change
23.	Policy ED2 Sport Facilities at the Schools	No comment.	No change
24.	Policy EN1 Parks and Open Spaces	In reference to the Inset Map – there is no reference to the key open/green spaces identified in the Robertsbridge & Northbridge Street Conservation Area Appraisal which are integral to the character of the CA. We would request these be included as part of the inset map.	ok
25.	Policy EN2 Local Green Space Designation	<p>The NP appears to designate all existing open spaces, as well as additional sites, as LGS. (please note comment above regarding the omission of open/green spaces identified in the CA) This seems inconsistent with the NPPF (paragraph 77) which states that ‘The Local Green Space designation will not be appropriate for most green areas or open space’. NPPF (para. 77) mentions three factors that are key for the designation to be applied:</p> <ul style="list-style-type: none"> ● where the green space is in reasonably close proximity to the community it serves; ● where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and ● where the green area concerned is local in 	<p>Para. 3.3.2 could not be more accurate as it is taken from the PPG</p> <p><i>Local Green Space designation</i> <i>Paragraph: 005 Reference ID: 37-005-20140306</i> <i>What is Local Green Space designation?</i> <i>Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.</i></p> <p>Whether to designate land is a matter for local discretion and it is felt that those that are listed meet the criteria.</p>

		<p>character and is not an extensive tract of land.</p> <p>The inclusion of 'Privately owned agricultural land outside development boundary' is a particular concern. As highlighted by the Examiner of the Sedlescombe NP, the Planning Policy Guidance states 'Local Green Space should not be proposed as 'back door' way to achieve what would amount to a new area of green belt by another name.' This is at odds with the NP statement in para 3.3.2 which states 'LGS designation is a way to provide special protection against development for green areas of particular importance to local communities'. Other proposed LGS need further analysis, particularly where they are privately owned with no public access. The Parish Council need to be able to demonstrate and be confident that all proposed sites conform with the NPPF requirements. The chart in Para. 3.3.2 Cat 2d What is meant by 'appropriate development'? - The Council would resist the loss of cricket grounds as a sporting facility – perhaps this requires clarification if the NP is simply referring to the pavilion extension or something similar?</p>	
26.	Policy EN3 Countryside Protection	Gaps in and around Robertsbridge/Salehurst? The reference to the 'Gap' needs clarification. Is there an additional evidence study we have not seen to support this designation? The NP also refers to a Character Appraisal. Place Check and Landscape Assessment (RDC) so are these available to comment on? This is not a designation so open to interpretation. Likewise the reference to the 'GI network' needs clarification. It is unclear what is being referred to here. Are you referring to RDC	Character Appraisal, Place Check and Landscape Assessment will be included as part of the submission. It refers to the GI network as identified by RDC.

		work on GI?	
27.	Policy EN4 Conservation of Natural Resources	Might need renaming as the content of this policy actually relates to landscape features (natural resources in this context would normally be referring to issues of water, energy etc) Minor comment: Can provision of these landscape features be provided offsite? This could undermine the first part of the policy and potentially be at odds with CS policy EN1	The policy quite clearly says 'must be provided elsewhere on the site.' So not sure how this is at odds with CS Policy EN1, as this is sited as the RDC conformity reference policy.
28.	Policy EN5 Renewable Energy and Energy Efficiency	Delivery of the outcomes stipulated in Policy EN5 will be through Building Regulations. Can the NP make appropriate reference to this? Minor comment – should point 5 say 500sqm instead of 500m2 ?	New sentence added to para. 3.3.5 Although, the final delivery of the outcomes in Policy EN5 will be through Building Regulations, it is essential that the policy outlines the criteria which needs to be addressed in order to achieve energy efficiency.
29.	Policy EN6 Historic Environment	Repetition of NPPF – the inspector may remove this sentence. 'Proposals for development that affect non-designated historic assets will be considered taking account of the scale of any harm or loss and the significance of the heritage assets' You may also wish to include a reference in this policy to the historic public realm (e.g. the brick pavements)	'historic public realm' included in the policy.
30.	Policy EN7 Listed Building and Buildings or Structures of Character	National policies already in place regarding Listed Buildings. Buildings or Structure of Character – presumably you are referring to 'nondesignated heritage assets' in NPPF terminology? - are not afforded the same weight in protection. Para 3.3.7 – Conservation Areas and Listed Buildings are two separate issues, i.e policy seeks to protect listed buildings even where they are not in a Conservation Area	Re-wording of para. 3.3.7 The policy seeks to protect listed buildings even where they are not in a Conservation Area.
31.	Policy HO1 Spatial Plan	Built Up Area Boundary (BUAB) – same as the development boundary? No amendment to the boundary? In the policy wording I would suggest reference to the statutory development plan and the	BUAB removed and replaced with ' Development boundary ' added for consistency. Policy amended to ... relevant policies of the Plan and the Development Plan for RDC...

		NPPF Policy Map to follow?	
32.	Policy HO2 Housing Requirement	<p>'Additional allocations will be made' - through what mechanism? – doesn't provide certainty required that such housing sites will come forward. Also the prime requirement is to have sufficient evidence to be confident that the currently identified sites will deliver the numbers required. Please note the plan period is 2011 to 2028 for 155 units and not 2016 – 2028. The NP should reference those that have already been built in the plan period. We can help in this regard.</p>	<p>Sentence altered Additional allocations will be made if the identified housing sites do not proceed and the SRNDP will be reviewed at least every 5 years to ensure deliverability of the allocations.</p>
33.	Policy HO3 Site Allocations	<p>It is expected the NP would set out individual development guidelines for each allocation. It is not a prerequisite, but it does enable the NP to set out just what the expectations are of each site. Can the NP demonstrate the Mill site is capable of accommodating anything like 100 dwellings given the range of constraints, particularly flood zone 3 and the aspiration to create a community hub/employment floorspace? In previous discussions with the Parish Council there was a general consensus that a much lower number was realistically achievable. Country Crafts would not be able to accommodate more than 10, so the reference to a 'minimum' could not be supported. Indeed it now has a planning permission (RR/2015/3106/P) for a much lower number (5), so there is a logical expectation that the NP should reflect the permission. In addition below 5 units is below the threshold (6) be considered as an allocation.</p> <p>Capacity on Heathfield Garden is estimated to be 25 units would just query whether a 'minimum' is</p>	<p>An NDP needs to be proportionate and it is not necessary for the NDP to set out individual development guidelines for each allocation. As part of the call for sites process, the landowners confirmed various site details including uses, capacity and constraints. These have been published on the NDP website.</p> <p>The policy has been updated to take into account planning permission and current status of sites as well as additional discussions with landowners etc. The Mill site is in discussions with the EA and RDC regarding providing the 100 units for this site. The Heathfield gardens have also confirmed that the 25 was indeed for one part and that the entire site is for 50 units.</p> <p>There is no short fall in the allocation policy.</p>

		<p>appropriate. The NP allocations total 141, but for the above reasons the realistic number is considered to be much less, perhaps as low as 90-100. The fact that the NP proposes to remove Grove Farm (a 2006 Local Plan allocation site) means an additional shortfall needs to be made up, taking the total required from new sites as 130 (on the basis that Grove Farm was allocated for at least 30 in Policy VL7 of the saved Local Plan 2006 and this therefore needs to be added to the 100 required from new sites in the Core Strategy). We are not familiar with the Vicarage Lane site so cannot make specific comments on its suitability. At present it has not been demonstrated that the housing number required by the Core Strategy can be achieved. The shortfall is significant, perhaps as much as 30-40. This is a serious concern, that is further exacerbated by the fact that: (i) Realistic alternatives are proposed as Local Green Space designations. (ii) There is a lack of supporting information demonstrating deliverability of sites, including layout principles, design parameters, constraints, etc.</p>	
34.	Policy HO4 Development of residential gardens	Conformity with OSS3/OSS4 would be a better fit.	Conformity RDC amended to OSS3/OSS4.
35.	Policy HO5 Housing Mix	The policy cites 2 and 3 bedrooms as a particular requirement in Robertsbridge. The document cites evidence: questionnaire and housing needs survey as sources of evidence. Where is the evidence for single level developments (bungalows) and what % should that be?. Viability evidence would be required so sites are not made unviable (especially small sites with constraints). Potentially undermines CS Policy	The policy does not restrict house types and is consistent with the RDC affordable housing viability assessment 2010, RDC affordable housing background paper, RDC SHLAA, RDC housing needs survey. We are supportive of a range of house types that are appropriate to their location.

		LHN1(ii) and accompanying paragraph 15.12, since it could be argued to replace the 30% 1&2 bed requirement. Has the PC undertaken a Housing Needs Assessment as evidence to justify this departure from the Core Strategy? The Examiner will want this	
36.	Policy HO6 Lower Cost Shared or Social (non-market) housing	Advocates a lower threshold than the CS for affordable housing. What is the viability evidence for this? What should the 'financial contribution' entail and how is this enforced? Why net gain of three? Under what evidence/circumstances? Onsite/off-site? The examiner would want evidence of strong need and viability evidence to go against the NPPF. Local connection will only be achieved in line with general allocations policy and can't be guaranteed.	The policy has flexibility and quite clearly says 'unless a Financial Viability Assessment or other material consideration demonstrates a robust justification for a different percentage.'
37.	Policy HO7 Design	Refers to Character Appraisal, which as previously stated, we would like to see to comment on. 'Applications must give priority to the use of local vernacular building materials' – perhaps too prescriptive? Also how do they demonstrate 'giving priority'? Not convinced that renewable energy technologies should be included in this one, might be better contained in the Sustainability policy	No change
38.	Policy HO8 Sustainability	Minor comment –this policy might better sit in the Infrastructure section rather than in Housing chapter First bullet point could also include specific reference with regard to character and appearance of Conservation Areas & Listed Buildings.	1 st bullet point amended ... the wider landscape including the character and appearance of the conservation areas and listed buildings;
39.	Policy HO9 Conservation Areas	To better reflect statute, add text in bold: '..development proposals will be required to preserve and enhance the character or appearance of those areas...'	Policy amended ...enhance the character or appearance of those areas.

40.	Policy IN1 Parking Provision	Defer to ESCC. Consideration of their parking calculator needs to be taken into account?	Policy updated
41.	Policy IN2 Loss of Parking	Policy IN2 (page 38): Problematic. Almost any new development that requires a new access could be argued to have resulted in the loss of on-street parking. Suggest amendment to policy to refer to overall 'net loss' or 'material loss' of parking	Policy amended ... would result in the overall net loss of existing
42.	Policy IN3 Maintain and Improve Existing Infrastructure	Is there a local Infrastructure Delivery Plan?	There is no local IDP. As part of the work on the CIL reg 1-2-3 list, the parish council identified the need for major improvements on the A21 junction at the top of George mill.
43. E I	Policy IN4 Non Car Provision	No Comment	ok
44.	Policy IN5 Pedestrian Safety	No Comment	ok
45.	Policy IN6 Communications Infrastructure	The provision of superfast broadband would be dependent on the private sector and while supported by the Council we are at the mercy of market forces and the providers. The inclusion of broadband in some planning policies and strategies ranges from a desire to grow the rural economy of the area, improve accessibility, reduce carbon emissions through the need to travel and improving social inclusion. However, none of these policies are mandatory and therefore cannot compel developers to install high speed broadband infrastructure on new developments. Perhaps reword the policy to reflect this but it does not demean from the importance of broadband provision to the local community.	No changes made.
46.	Policy IN7 Developer Contribution	Is there a local Infrastructure Delivery Plan? No reference to CIL?	Policy amended to include CIL.

47.	Policy IN8 Reducing Flood Risk	Needs to be NPPF/PPG compliant and differentiate between severity of flood risk (eg Flood zone 3, 2 vis-à-vis surface water flooding). Sequential test? Final sentence does not seem consistent with the promotion of Sustainable Drainage Systems (SuDS) by both RDC, the Environment Agency, the Lead Local Flood Authority and national guidance.	No changes made.
48.	Policy LE1 Community Leisure/Cultural Facilities	It is not clear what is meant by the opening sentence. Consideration of developer contributions towards such facilities should be supported by robust evidence.	No changes made.
49.	Policy LE2 Loss of Leisure and Cultural Facilities	Facilities In what circumstances would this loss trigger apply (defined use classes?). It is not clear if an applicant would need to fulfil all 3 criteria or just one (no use of the terms and/or are used). How long in terms of viability? Like for like provision?	The word and is included before the last bullet point. Last bullet point amended to: suitable like for like alternative provision
50.	Policy LE3 New Facilities	Why does this policy need a reference for run-off, could this not be better dealt with under a policy relating to flooding etc?	No changes made.