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## **SALEHURST & ROBERTSBRIDGE NEIGHBOURHOOD PLAN**

**Strategic Environmental Assessment (SEA) Report of the Salehurst and Robertsbridge Neighbourhood Plan (SRNP) incorporating a Sustainability Appraisal Plan Submission (31st October 2017).**

**Representations made by  
Courtley Planning Consultants Ltd  
on behalf of  
Devine Homes PLC.  
November 2017**

## 1. Assessing the sites around Salehurst & Robertsbridge

1.1 The SRLP has submitted a revised presentation of the site assessment which they claim “*allows more in-depth assessment so that it is as objective as possible which means that there are times when an objective has a multiple scoring but individual comments provide clarity. This means that some scoring may be different to the December version due to providing clarity and acquiring more up to date information on various sites*”

1.2 We clearly wish to dispute the claims made by SEA that they allow for a “*more in depth assessment*”, or that these assessments “*provide clarity*” and we are unaware of any further published “*up to date information on the various sites*” since the Examination in September 2017.

1.3 We remain of the view that again the assessments have not been carried out objectively and are based predominately upon a pre-conceived choice of sites, in particular the Mill Site. There are factually incorrect statements made with inconsistencies between site assessments and observations made without proper referral to any evidence. Without a distinct scoring mechanism or “weighting” placed upon the SEA objective outcomes it is difficult to see how the individual choice of sites was made.

1.4 As the SRNP state in the SEA “*there are times when an objective has a multiple scoring but the individual comments provide clarity*”. However, as there is no actual scoring taking place there are often conflicting comments which leave one uncertain as to the weight attached to these individual commentaries and hence how the assessment of the individual site objectives has been made.

## 2. The Mill Site Assessment of Sustainable Objectives

### 2.1 Efficient use of land and natural resources:

2.1.1 The SEA refers to the “*Physical eyesore in its present condition*”. As all the modern industrial buildings have now been removed and the site is well screened with mature vegetation on its boundaries it is hard to agree with the comment that the site is a physical eyesore. As previously stated the landscape report submitted with the planning application on this site does not refer to the site as an “eyesore” nor should it as the only remaining buildings are those which are intended for preservation. The remaining site is now being re-claimed by natural vegetation.

2.1.2 The potential to use the “Mill race” for energy on site remains only a possibility, if potential exists it should form part of the sites planning policy allocation, once an appropriate viability assessment has been undertaken and on that basis should also be included in the current application on this site.

### 2.2 Reduce road congestion, pollution and improve air quality:

2.2.1 The positive commentary about reducing road congestion at the Mill site refers to the “*Possible creation of footpath/cycle path to station*”. However no route is identified in the plan nor is there any obligation within the site’s housing allocation policy to deliver such a route. It is not included in the current planning application for the site.

2.2.2 There is reference for a new medical centre on site. This is not included under the sites allocation policy or within the current planning application. It is also difficult to see the logic of allocating a medical centre in a known flood risk area. No weight should be given to the suggestion that a medical centre will be delivered on this site.

2.2.3 The assessment states a Hydro power would reduce overall pollution but again there is no evidence or proof such a facility will be available, viable or deliverable. The assessment states a “*preliminary investigation indicates strong potential*”, but

does not include the investigation in its evidence base. The SEA also concludes in its summary findings on page 70 that the Hydro project would be run by a Community Interest Company (not identified or established) and is subject to viability assessment. We suggest little weight should be attached to this project especially as there is no obligation in policy terms for such a facility to be provided and given the current viability issue already suggests no affordable dwellings will be delivered on site. The delivery of a hydro power facility therefore seems unlikely.

### 2.3. Conserve and enhance biodiversity and geodiversity:

2.3.1 The allocation or grant of planning permission for housing will not eliminate pollution. Appropriate environmental regulations are already in place to ensure land does not cause pollution and deliver improved habitats. Given a large proportion of the site falls within the floodplain it is hard to see how the sites geodiversity should be unaffected by development especially as water, natural habitats and trees will be affected by this application. By adding a positive commentary for Mill Site it attempts to mitigate against its negative commentary. However, similar positive assessments on other sites under this objective are silent i.e. Bishops Lane biodiversity enhancements along the river valley, green corridor link and improved habitat within the proposed water meadow.

### 2.4. Minimise the risk of flooding and detriment to people and properties:

2.4.1 The SEA suggests under “Commentary Neutral” that, as part of the site falls within Flood Zone 2, then “less vulnerable” development can take place. This still makes the site vulnerable to flooding. The site is already allocated as an employment site in the Rother DC Core Strategy and this benefit remains a deliverable option without the site being allocated in the SRNP. However, in the event the employment provision is not deliverable from the Mill Site, the SRNP and Rother DC haven’t looked at alternative employment options within the District that might help meet its rural employment needs.

2.4.2 Again, the positive commentary statement that the “*Majority of the site and buildings are in FZ1*” applies to many other sites. It is therefore inappropriate to imply this as a positive when measured against the flood risk of the site as a whole as this is not stated on all the other sites. This is an attempt by the SRNP in the SEA to balance out the negative flood risk with a dubious positive comment which applies to many of the alternative sites which fall outside the Floodplain.

## 2.5 Maintain, improve and manage water resources:

2.5.1 There appears a theme running through the Mill Site SEA where it attempts to offset a negative commentary by attempting to balance the assessment by adding dubious positive statements that could easily apply to many others sites but it doesn't. For example under the above objective as a positive the assessment states: “*Development would have to ensure the flood risk is minimised, so would assist in reducing risk to site and other adjacent properties*”. There is no evidence that the development of the site would reduce risk to other adjacent properties. This statement does not provide a positive commentary of the above objective as many of the other assessed sites will have no impact upon the floodplain.

## 2.6 Reduce greenhouse gas emissions:

2.6.1 The positive commentary on greenhouse emissions refers to a “*Potential hydro scheme*” on the Mill Site. This is a remote possibility with no obligation upon the site to deliver such a scheme and therefore little weight should be placed upon this statement. The SEA is attempting to add positive comments to the Mill Site against its own negative commentary. However as the assessment provides no quantifiable transparent process the SEA is extremely difficult to understand. It is also difficult to understand how the SEA has applied its “scoring” process. The SEA by its own admission “*means there are times when an objective has multiple scoring*” but relies solely upon its individual comments to provide clarity. It is clear this is not provided by its commentary for the very reason it has already stated as many objectives have multiple positive and negative comments. There is a need therefore to understand what weight or score is given to the possible conflicting positive and negative commentary which isn't available in this SEA.

## 2.7. Mill sites Overall Conclusion

2.7.1 The SEA acknowledge that a reasonable proportion of the proposed allocated site falls within Flood zone 2 and 3. Therefore a Sequential Test is required. The Mill site is allocated based on the results of the SEA/SA which looks at the environmental, social and economic impact of the site. Applying what the SRNP understand to be the sequential approach there have offered no appropriate evidence as to why alternative allocations cannot be directed to Flood Zone 1 elsewhere in the neighbourhood area. The SEA/SA refers to the following benefits that outweigh the choice of alternative sites:

- i) *Restoration of important buildings and heritage assets:* The buildings on the site have been approved under previous planning permissions and are capable of being protected under current planning regulations and change of use consents. The preservation of these buildings does not justify the building on Flood Zone 3, alternative solutions are available. Limited weight should be attached to this proposed benefit.
  
- ii) *Removal of dereliction and pollution:* All the modern commercial buildings have already been demolished and the site is returning to its natural rejuvenating vegetation. The proposed allocation of this site is not the only means available to remove, remediate or resist pollution. There are existing planning regulations available to the planning authorities that would obligate the owners to remove any contamination likely to affect existing habitats and the local community. Little weight should be given to this benefit.
  
- ii) *Provision of commercial premises:* The site is already protected for its employment use under Rother DC Core Strategy policies. Neither the Parish Council nor Rother DC has attempted to identify alternative employment sites that could meet the District's rural employment needs. As the site is currently available for employment at significant greater capacity than proposed, little weight should be given to this benefit.

iv) *Potential improvement in access to rail station*: There is no route identified or agreed for any improved pedestrian/cycle access to the station. No obligation is required to deliver such a route in the SRNP. Little weight should be given to this potential benefit.

v) *Medical Centre*: The provision of a new medical centre has been suggested within the SEA, yet none is proposed in the policy allocating this site, nor is it included in the current planning application. No weight should be attached to this statement.

vi) The Mill site application suggests a sequential approach to development has been applied, Part 2 of the Exception Test has suggested the use of SUDS but this has been rejected by the EA and SUD authority. Part 2 of the Exception test also requires the development to be safe. At the time of this and the previous SEA/SA no alternative means of access has been achieved. Therefore the Sequential and Exception test has failed and the Mill site should be replaced with suitable alternative, sustainable housing sites, i.e. Bishops Lane, Robertsbridge.

### **3. Bishops Lane Assessment of Sustainable Objectives**

#### **3.1 Efficient use of land and natural resources:**

3.1.1 The SEA state “*Its development would reduce the extent of the proposed listed series of green spaces-a green corridor through the centre of the village, visible from several places*”. We have submitted detailed landscape and visual assessments of this site and made objections on the designation of the whole site as a designated Local Green Space. We have historically and as part of our submission offered a significant part of the site as a water meadow along the river valley which would provide a corridor of green space. This therefore doesn't make a negative, but a positive contribution towards the sustainability of the site.

### 3.2 Reduce road congestion, pollution and improve air quality:

3.2.1 The SEA lists a number of negative observations under this objective, firstly stating that “*Bishops Lane is narrow, ancient trackway originally fringed with emphatic tree linings, which carry a clear impression of rurality and they would be harmed by development*”. The High Weald AONB is characterised by numerous routeways (now often roads and paths) Bishops Lane is not unique. A similar routeway runs along Northbridge Street in front of the Mill Site. As part of any housing allocation we have already stated that any hedgerow lost to create an access to the site would be reinstated as part of the development of the site (see DHA landscape Report). The SRNP Character Appraisal carried out in June 2016 identified Character Area 3: Heathfield Gardens ( which included Bishops Lane) and concluded “ *The majority of the character area is considered to be neutral, that is to say that it neither makes a positive contribution to the local area, nor detracts from it*” (p22). The SRNP Schedule 4 Local list of Trees and Hedgerows does not identify the hedgerow on the northern side of Bishops Lane adjoining our site as an area listed for protection. Little weight should be given to this SEA negative commentary.

3.2.2 The SEA state access to the site is “*extremely poor and dangerous; access to Bishops Land from west off Brightling Rd is very difficult hairpin; and access from George Hill is along Heathfield Gardens, a road with antiquated high sleeping policeman*”. The SEA offers no evidence that the Highway authority object to the allocation of this site. Our own Highway Assessment report submitted as part of the SRNP process concludes “*Overall the site is a suitable location for residential development in transport terms*” ( p23-24). A suitable vehicular access for the site can be provided through a priority junction able to accommodate both existing and development related traffic; development will not have a detrimental impact on the operation of local highway network in the vicinity of the site including Bishops Lane and off site junctions with Brightling Rd and George Hill. A review of highway safety issues and road accident records for highways in the vicinity of the site does not suggest a road safety problem in the area. No weight should be given to the SEA negative commentary on transport or access.



3.2.3 The highway works required to service this site are not “*extensive*.” The proposed site access T- Junction is a 5.5m wide access road with a 6m corner radii and a 2m footway extending eastwards along Bishops Lane. The relocation of the existing Bishops Lane 30mph speed limit boundary to a position further to the west just beyond the proposed access should be welcomed by the local residents, as the speed limit at this point is currently unrestricted.

### 3.3 Improve access to services and facilities for all ages:

3.3.1 The SEA continues to suggest access to the site is dangerous contrary to our Transport Assessment findings. It refers to no footpath after junction with Heathfield Gardens, but fails to appreciate the sites connections to existing pedestrian routes through the proposed development to Willow Bank linking to Station Rd and the new proposed pedestrian route along a proposed stream side corridor.

### 3.4 Protect and enhance the high quality of the natural and built environment:

3.4.1 The SEA state that “*Development would cover the most visible part of the nominated green spaces in the NP*” plus “*There would be erosion of open valley through the village*”. Submitted with our representations on the SRNP is the Landscape Capacity Assessment undertaken by DHA in March 2015. As the study summarised in para 8.15 “*Bishops Lane site represents a mostly well contained site, screened from most of the wide open countryside views by its low level and screened by existing development and vegetation, a finding shared by the Inspector at the 2005 Local Plan Inquiry. Whilst it is close to the historic core of the settlement, it is not visible from it. Local intervisibility across the valley floor is largely formed by the backdrop of other development filtered by trees, by rising landform of the valley sides and well vegetated embankment of the railway line. The Bishops Lane has a footpath across it but this could be diverted to a streamside corridor where a landscape and recreational enhancement is achievable*”.

### 3.5 Conserve and enhance biodiversity and geodiversity:

3.5.1 The SEA states under its negative commentary that “*No publicly available evidence of biodiversity but any development, even over only half the site, would reduce possible habitat, and therefore reduce chances for biodiversity to improve*”.

This site is currently classified as being in agricultural use with all the damaging activities and land treatments such a use can have on biodiversity. The SEA has already accepted that “*gardens are increasingly recognised as useful habitats*”, but the assessment also fails to recognise the significant biodiversity enhancement proposed with the water meadow, community orchard and woodland associated with the development of this site. There is no positive commentary of this objective and therefore the assessment is unbalanced. This does not lead to any “in depth assessment” or “provide clarity” of the SEA process.

### 3.6 Minimise the risk of flooding and detriment to people and properties:

3.6.1 Under the SEA assessment the Bishops Lane site is only considered a neutral commentary whilst the Mill site has a positive commentary made stating the “*Majority of the site and existing buildings are in FZ1*”. Clearly, this is not a fair reflection of the fact that the proposed housing allocations for both Bishops Lane and Heathfield Gardens fall within Flood Zone 1 but these sites still have no positive commentary. Again, there is an inconsistency and unbalanced assessment of this objective across the SEA/SA.

## 4. **Conclusion**

4.1 The SEA should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors as set out in paragraph 165 of the NPPF.

4.2 Wherever possible, assessments should share the same evidence base and be conducted over similar time tables and the process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues that the assessment must cover. The NPPF paragraph 170 state that “*Where*

*appropriate, landscape character assessments should be prepared, integrated with assessment of historical landscape character, and for areas where there are major expansion options assessments of landscape sensitivity.*” The submitted SEA fails to obtain appropriate and proportionate evidence in its assessments of issues such as the landscape and visual impact within the plan area washed over as AONB. It also failed to undertake a Sequential Test on flood risk in its choice of housing allocations.

4.3 The SEA individual assessments are often inconsistent, are not transparent and at worst contradictory. It has failed to consider the evidence available both published by varying authorities but also that submitted by individual representations. The SEA therefore lacks a robust analysis of the individual sites.

4.4 The SEA/SA conclusion made on the Bishops Lane site states “in general there are a *lot of negative scores*” and that “*Development would impact on the built and natural environment*”. The SEA provides neither a scoring mechanism nor provided any detail of the weight attached to each objective commentary. It is therefore impossible to see how some of the individual site conclusions were made. The assessments are unbalanced, skewed and lack any transparency. The SEA has not provided evidence of the “*more up to date information*” it has relied upon to make these revised assessments. The SEA continues to have the look of a “retro-fit” process strongly skewed towards the support of the Mill site allocation.

4.5 The submitted SEA has failed to carry out a robust assessment that meets the requirements of the European Directive. It fails to refer to appropriate evidence in its consideration of its site assessments; it is inconsistent and contradictory and fails to show how individual sites were scored against individual sustainable objectives. This SEA is inadequate and flawed and cannot be relied upon as a robust document and should therefore be rejected.

**Submitted Illustrative Layout: Land North of Bishops Lane, Robertsbridge.**



- KEY**
- EXISTING HEDGEROW TO BE RETAINED
  - EXISTING OFF SITE VEGETATION TO BE RETAINED
  - PROPOSED NEW TREE PLANTING
  - PROPOSED NEW HEDGEROW PLANTING
  - PROPOSED COMMUNITY ORCHARD
  - PROPOSED PRIVATE GARDENS
  - PROPOSED WOODLAND AND FLOODPLAIN COPSES
  - PROPOSED FOOTPATH AND EXISTING FOOTPATH ROUTE
  - PROPOSED WATER MEADOW
  - PROPOSED MEADOW GRASSLAND
  - PROPOSED HOUSING DEVELOPMENT
  - PROPOSED VEHICULAR ACCESS ROUTE, FOOTWAY AND PARKING PROVISION

**DEVINE HOMES PLC**  
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**LAND NORTH OF BISHOPS LANE**  
**ILLUSTRATIVE LAYOUT**

SCALE: 1 to 500 @ A1