

Crowhurst Neighbourhood Plan

Rother District Council response to Initial Questions from the Independent Examiner

1. *The Environment Agency commented at Reg16 that the wording for Ancient Woodland needs strengthened “to follow Rother DC policy EN17”. I can’t find a policy EN17 in any of the policy documents – including the emerging plan? Can you assist with what may be referred to here please?*

EA have responded that they are quoting the East Sussex and Brighton and Hove Structure Plan 1991-2011 Policy EN17 as referenced throughout the Rother Local Plan 2006 and included in Appendix 2 of the Rother Local plan 2006: For your information the EA email is attached to this response.

In the opinion of RDC the applicable Planning Policy document is the Rother Local Plan –Core Strategy adopted on 29 September 2014.and the emerging Development and Site Allocations Local Plan (EIP being undertaken in 2019) RDC’s view is that the relevant planning policy relating to Ancient Woodlands is Policy EN1 (Core Strategy) as shown below:

Policy EN1: Landscape Stewardship

Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district’s nationally designated and locally distinctive landscapes and landscape features; including

- (i) ***The distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty;***
- (ii) ***The distinctive low-lying levels to the east of the district with particular regard to the landscape setting of Rye and Winchelsea;***
- (iii) ***Nationally designated historic sites including listed Parks and Gardens, Scheduled Ancient Monuments and the Registered Historic Battlefield at Battle;***
- (iv) ***The undeveloped coast;***
- (v) ***Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes;***
- (vi) ***Ancient woodlands;***

- (vii) Tranquil and remote areas, including the dark night sky;***
- (viii) Other key landscape features across the district, including native hedgerows, copses, field patterns, ancient routeways, ditches and barrows, and ponds and water courses.***

Environment Agency email dated 13 March 2019

My apologies this is our error. We are quoting the East Sussex and Brighton and Hove Structure Plan 1991-2011 Policy EN17 as referenced throughout the Rother Local Plan 2006 and included in Appendix 2 of the Rother Local plan 2006:

Nature Conservation

EN17 The existing natural resource of species, habitats and geological features, including statutory sites of national and international importance and their settings, ancient woodland, and other sites of demonstrable geological, landscape or wildlife importance (including the active residence of specially protected species)²⁷ will be protected from damage. Particular regard will be paid to the protection of river corridors and the special habitats of downland, wetland, open heathland, ancient woodland, meadows, salt marsh and shingle.

This policy includes sites notified under the Ramsar convention, Special Protection Areas (SPA) and Special Areas of Conservation (SAC); Sites of Special Scientific Interest (SSSI), National, Marine and Local Nature Reserves (NNR, MNR, LNR); and non-statutory sites such as Sites of Nature Conservation Importance (SNCI) and Regionally Important Geological Sites (RIGS).

I hope this is sufficient – do let me know if you require anything on headed paper or additional information.

2. *Policy CF1 on Community Facilities needs to be specific on the facilities to be protected, and it has listed them. However the term “but not limited to” is too vague, would a reference to any future facility be useful here instead? Please let me know if there is any other existing facility that should be specified at this point.*
3. *The same policy CF1 includes ‘the recreational ground’. I assume this is the Recreational Ground that is to be designated a Local Green Space? If so, the protection in policy CF1 being less strong and including reference to future ‘dual use’, the Recreational Ground should not be included in it. There is a potential conflict that makes policy regarding that Local Green Space less clear. Questions 4 and 5 also refer to policy about recreational facilities, and you may*

like to consider clarifying for me your preferred approach to recreation in the Plan generally.

- 4. Policy CF2 refers to 'recreational open space'. I am not clear what these are? Presumably the Recreational Ground LGS, and anything else? The policy actually seems to be mostly concerned with footpaths and informal recreation: would this be sensible to reference in the policy title?*
- 5. The wording of Policy CF3 is not very clear to me. The reference to 'existing facilities' would be relevant to the Recreational Ground, but not any of the other proposed designations I'd have thought. The protection is meant to be of an equivalent level as green belt, and offering prior approval to development rather than dealing with any future proposal with regard to its usefulness or otherwise to the reasons for the designation seems to me to be all that needs to be said. I would therefore propose that for clarity the words 'remain of a similar scale and bulk as existing facilities' be removed. Your view on this would be appreciated.*
- 6. The Proposals Map shows a potential diversion of a footpath, which is a highways matter not a land-use planning issue. If however what was intended was an additional link to the footpath network rather than a path diversion that would be a land-use proposal. Can you clarify what was intended here please?*
- 7. The Ministerial Statement of March 2015 has banned use of technical standards in neighbourhood plans apart from the floorspace standards and Building for Life. Building for Life was design guidance rather than technical standards, and of course it is promoted in the NPPF 2019 version. However Policy CB1 is requiring that all buildings be built to the higher than basic accessibility standards of the building regs, and this seems to be to be an undifferentiated application of a technical standard. I consider use of this technical standard permissible in neighbourhood plans where it is requiring homes to be suited to older and less mobile people specifically, but my understanding here is that you wish the standard to be applied in any new home. Again comments welcome.*

The District Council welcomes the approach set out in the Policy CB1 regarding the use of the 'Optional Technical Standards'. The approach set out is consistent with that set out in the Development and Site Allocations (DaSA) Local Plan, which has been submitted to the Planning Inspectorate for Examination. Policy DHG4 in the DaSA Local Plan also requires that all dwellings are required to meet M4(2): Category 2 - Accessible and Adaptable Dwellings.

The District Council has produced a Background Paper¹ which supports the DaSA Local Plan approach. It highlights that by 2028, older person households (i.e. aged 65+) will constitute over 45% of all households in the district. Moreover, the increase in older person households account for over 90% of the net increase in households over the period 2017-2028. It also indicates a number of other key indicators that support high accessibility standards. The Background Paper follows approach set out within the Planning Practice Guidance which is needed to support higher accessibility, adaptability and wheelchair housing standards.

Whilst there will always be a proportion of older people who require specialist accommodation, there will be significant number who wish to remain in their own home and buy in care as and when their needs change. Therefore it is important that there is a range of housing types which meet the needs of older people, particularly where homes can be adapted in the future (“future-proofing”) to allow people to remain in their own homes. Therefore, the District Council supports the policy approach in the Crowhurst Neighbourhood Plan that it should be the norm for all new homes, regardless of tenure, to meet the optional Building Regulation for accessible and adaptable homes.

19 March 2019

¹ <http://www.rother.gov.uk/CHttpHandler.ashx?id=30778&p=0>