

Salehurst and Robertsbridge Neighbourhood Development Plan

Independent Examination of the Salehurst and Robertsbridge Neighbourhood Development Plan

Guidance Notes and Agenda for Public Hearing to be held
on 28th September 2017

Prepared by the Independent Examiner

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

1. Following my initial consideration of the Plan, I have decided that a public hearing is required to assist my examination of the Plan and this will commence at **9.30am on Thursday 28th September 2017** at the Robertsbridge Youth Centre, George Hill, Robertsbridge, TN32 5AP. I anticipate that a one-day hearing should be sufficient to deal with the issues. This Note provides guidance as to how the hearing will be conducted, and includes an agenda and questions.
2. According to the Localism Act, the general rule is that the examination of issues by the Examiner is to take the form of the consideration of written representations. I can assure all parties that I have considered, and will continue to consider, all the written representations which have been made. However, the Act does allow the calling of a public hearing.
3. I have decided to hold the hearing so as to ensure that further exploration of certain issues arising from my initial consideration of the plan and some of the representations made at Regulation 16 Stage. The issues that I have asked to receive oral submissions on were generally set out in the revised version of the document "Initial Comments of the Independent Examiner" dated 14th August 2017.
4. The hearing is open to the public to attend; however, the conduct of a neighbourhood plan hearing is set out in Paragraph 9 of Schedule 10 of the Localism Act 2012 and that specifies the parties who can participate. The legislation specifically provides for oral representations at the hearing to be made by the Qualifying Body, namely Salehurst and Robertsbridge Parish Council and the Local Planning Authority, Rother District Council. In addition, I have issued invitations to representatives from Hodson Mill Ltd, who are promoting development at the Mill Site, along with Turnberry Planning Ltd, who represent Exeter College who own the Grove Farm site, Savills, who represent the owners of sites at Heathfield Gardens, Strutt and Parker who represent the owners of the Mountfield Estate and Courtley Planning Ltd who have made representations with regard to the Bishop Lane

Fields site. I have also invited the participation of representatives of the Diocese of Chichester, with regard to the allocated Vicarage Site along with a local resident, Mrs Helen Flanagan. I have also asked the Environment Agency to attend and participate in the issues relating to flooding. It is not my intention to invite representations from other parties at the hearing. I have no objections if any party wishes to film or record any part of the proceeding or to use social media.

5. Each participant is requested to provide an outline written Statement in response to the questions I have raised, where it is relevant to their duly submitted Representation. Not all questions will be relevant to every participant. Where an organisation is allowed more than one participant, only one written Statement is to be submitted on behalf of that organisation. The Statements must be no longer than one side of A4 per relevant question, therefore a maximum of eight sides of A4 if all questions are relevant. Participants are requested to use their Statement to outline their position in response to relevant questions raised, and will still be able to draw on the information set out in their duly submitted Representations. Statements must be submitted by email to the Programme Officer, cheryl.poole@rother.gov.uk by 12noon on Thursday 14th September 2017. Statements will be published on the website page on Friday 15th September 2017.
6. It is for the examiner to decide how the hearing is conducted. In particular, I shall decide the nature and extent of any questions, and the amount of time for oral representations. The principle to be applied, is that questioning will be done by myself, except where I feel that questioning by other parties should be allowed to ensure either adequate examination of a particular issue, or to ensure that a party has a fair chance to put their case. We will take a short break during the morning session and the afternoon session. I will have an adjournment for lunch at a suitable moment in the proceedings.

Agenda

7. The Agenda will generally be as follows

- (1) **Opening remarks-** by myself as Examiner
- (2) **Opening statement** by Salehurst and Robertsbridge Parish Council – I would like to offer the opportunity to the Qualifying Body to set out its overall approach to the neighbourhood plan.
- (3) **Discussion based on my individual questions:** These will look in turn at the questions which I have attached to this note and are based on the matters I raised in my Initial Comments paper.
- (4) **Examiners Closing Remarks**

Site visits

8. I have already carried out a site visit to the Neighbourhood Plan area. I consider that it will be highly probable that I will want to carry out further visits to a number of sites and locations within Robertsbridge, depending on the discussions at the Hearing. It is possible if there be insufficient time on the Thursday for the site visits to take place on the day, for them to take place on the Friday morning. I will confirm arrangements at the end of the hearing.
9. The purpose of any site visit is simply to identify matters which have already been presented in the representations. No further evidence will be given on site.

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Question 1

Has the neighbourhood plan applied a sequential risk based approach to the identification of its residential development sites? Would it be possible for the plan to achieve its housing requirements without proposing homes to be built in areas at risk from flooding?

Question 2

Does the allocation of the Mill Site for 100 dwellings unnecessarily put people and properties at risk of flooding? What are the implications of the site access being through land in Flood Zone 3? Is the Mill Site in Flood Zone 3a or 3b? Is there information available about “the frequency, impact, speed of onset, depth and velocity of flooding with relation to this site” and what allowance should be given to existence of the flood defence scheme that has been completed? Can a safe access and escape route to the site be maintained in times of flood?

Question 3

Are the benefits of the redevelopment of a previously developed, brownfield site and the putting to beneficial use historic buildings sufficient to outweigh the presumption against locating what is classed as “more vulnerable” developments in Flood Zone 2 and 3? Is it appropriate to rely upon the Exception Test when it comes to site allocations in a neighbourhood plan if there is land is available for residential purposes outside the flood area?

Question 4

Is the use of SUDS an acceptable mitigation measures for river flooding as suggested by the Plan’s Environment Report? Are there any site-specific mitigation measures to ensure the development remains safe throughout its lifetime?

Question 5

The Local Planning Authority has stated in its representations that is anxious to see some element of employment space within the Mill Site allocation. The Qualifying Body has stated that it is minded to agree to that? Is such a requirement necessary, and desirable? Are the provisions of paragraph 22 of the National Planning Policy Framework applicable to this site? This presumes against the long-term protection of sites allocated for employment uses unless there is no reasonable prospect of the site being used for that purpose". Is there a reasonable prospect of an employment use being provided if required by the plan policy?

Question 6

If I were to conclude that the Mill site allocation did not meet basic conditions in terms of it being sustainable development and the conflict with flood policy (and I stress I have not come to any conclusions on this point), how should I deal with the question of delivering the houses that need to be built. Should I seek to introduce other sites in the plan area and in which case which ones? What are the implications for taking the plan forward?

Question 7

Do the Site GS16 Bishop Lane Fields allocated as Local Green Space in the Plan meet the criteria set out in Paragraph 77 of the NPPF?

Question 8

Bearing in mind the differences in ground level between the Vicarage Site and Fair Lane, which is in a Conservation Area, can a satisfactory access be created that will allow full access to the site by the range of vehicles likely to be required to serve a residential development of the scale proposed. Can an illustrative plan be prepared to illustrate an acceptable solution?

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