

Salehurst and Robertsbridge Neighbourhood Development Plan 2016-2028

Questions from the Independent Examiner

Prepared by

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Introduction

1. As you will be aware I have been appointed to carry out the examination of the Salehurst and Robertsbridge Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents and have started drafting my report. I also carried out a visit to the area on 28th June 2017.
2. My view is that I should be able to deal with the examination of this Plan by the consideration of the written material alone but I do reserve the right to call for a public hearing, if I consider that it will assist my examination. There are a number of questions that I have arisen as I have started writing my examination report upon which I would appreciate the comments from both the Qualifying Body (QB) and the Local Planning Authority (LPA).

The Economy

3. The Planning Practice Guidance states that it is important that the policies are supported by appropriate evidence. As a general observation, I find the extent of the justification of the policies, somewhat light - often no more than a sentence or text that is not directly relevant to the policy. For example, the supporting text to Policy EC1 seems to relate to employment rather than the role of retailing to support the role of Robertsbridge as a Rural Service Centre. Does the Qualifying Body want to offer any further evidence to support Policy EC1?
4. Do the QB have any views on the likely size of stores that could be allowed outside the retail core, bearing in mind the planning system cannot differentiate between types of retail operation who will occupy premises. Para 25 of the NPPF allows the sequential approach in terms of town centre uses, not to be applied to small scale rural development. Is the QB relying on that provision as well as para 28 and is there a view on a maximum floorspace of development to judge whether an out of centre retail proposal is *small scale*.
5. In terms of Policy EC3 what is the view of the LPA and the QB as to whether the Mill Site should still be treated as an employment site?

Education

6. Does Rother DC have a CIL Scheme in place and can CIL funds be used for the expansion of education facilities?

Environment

7. I am interested in how the Local Green Spaces in Policy EN2 and Schedule 1 were identified as being of special status, which is not appropriate to “most green areas or open space”. One of the criteria is that “the green area is demonstrably special to the local community”. Were the community involved in identifying the areas that were special to them or was the selection left to the Steering Group? I believe that more justification is needed to support the proposed designations, to demonstrate why the sites have been selected and not just what criteria they meet by reference to criteria a, b, c etc. but **how and why** the sites meet the criteria – why are they demonstrably special. I am particularly keen to understand how some of the land in private ownership meets the stringent criteria and whether the land owners were contacted prior to designation as suggested by the PPG and can I see the correspondence?

Does land need to be in public ownership?

A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.

Paragraph: 019 Reference ID: 37-019-20140306

Revision date: 06 03 2014

Housing

8. I am aware that parts of the Mill Site are within the Flood Zones 2 and 3. It would be helpful to assist my understanding, to know how much of the site is covered and I wonder whether the LPA could provide me with a larger scale map of the site with the flood zones superimposed.
9. Paragraph 100 and 101 of the NPPF refers to the need to conduct a Sequential Test, steering new development to areas with a lower vulnerability to flooding. I am aware that the neighbourhood plan looked at a range of sites and I must ask whether a Sequential Test was applied to site selection, vis a vis flood risk. Also, can I be satisfied that a safe access can be achieved to the Mill Site during flood events?
10. I understand that the Grove Farm site had been an allocation in the 2006 Local Plan. What are the changes in circumstances as to why is it no longer seen as suitable for housing?
11. I note that the LPA have concerns as to the level of residential development being proposed on the Mill Site, both in terms of whether there should be a requirement to include possible employment uses upon redevelopment and

because of potential impact on the heritage buildings on the site. If I were to suggest a lower figure, do the parties have a view as to what would be an appropriate figure and also how would the Plan make up the shortfall – should other sites be allocated? I would specifically ask the LPA to comment on whether the circumstances are such relating to the history of the site that paragraph 22 of the NPPF should kick in, in terms of a policy insisting on employment uses as part of a mixed-use allocation.

12. I would wish to know whether the Highway Authority been asked to comment specifically on the adequacy of the existing access to the Vicarage Site and whether there is there a realistic improvement possible in terms of the geometry of the access, which would be consistent with the site's Conservation Area status. If they have not been asked I would be interested in hearing their views.
13. I note the Rother Core Strategy was adopted in 2014 prior to the recent reintroduction of the Secretary of State advice regarding planning obligations and affordable housing thresholds following the West Berkshire and Reading case. Is the Plan area designated under Section 157 of the Housing Act which would then allow financial contributions to be sought for schemes of between 6 and 10 units in lieu of on-site provision? As you will be aware one of the basic conditions tests I am required to consider, is whether the plan's policies have regard to national policy and advice. Is there any particular evidence that the parties would want me to consider that would justify a departure from national policy on affordable housing and whether any viability evidence exists to justify why on site provision can be achieved for schemes of less than 11?

Infrastructure

14. How does the level of parking provision proposed by Policy IN1 differ from the requirement set out in the East Sussex Parking Demand Calculator and is there any evidence that car ownership is different in the plan area compared to the rest of the County or indeed the district?
15. Representations have said that the flooding policy, Policy IN8 is not in line with the approach set out in the NPPF. Is there a local justification or rationale for the approach taken, as the policy has received objections from both the Environment Agency and the County Council as well as the LPA?

Final Matters

16. It would be helpful if I could have responses to these questions within the next 21 days to allow me to conclude my examination report. It may be in some case a joint response to a question would be sensible, but in other cases an individual response may be required from the two parties.
17. I would also offer the opportunity to the QB to comment on any of the Regulation 16 consultation responses which it will now have seen and offer

any suggested changes that it may wish me to consider recommending in the light of representations made.

18. I would be grateful if this note and the subsequent responses could be placed on Rother District Council's and the Neighbourhood Plan's respective websites.

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