

number of “Recommendations” which directly relate to “the use and development of land” should be removed from the document. I do not propose to comment on the other recommendations as they are not development plan policies.

68. The other implications of the local plan’s withdrawal have been the need for the District Council as competent authority to submit a new Habitats Regulations Assessment. As a result of the conclusions of the Inspector, the policy that the District Council had been promoting to mitigate against harm to European Protected Sites is now solely focused on the impact of development on addressing the impact on the Pevensy Levels SAC and Ramsar site.
69. The plan has two primary aims, namely to protect the rural character of the parish and secondly to retain the separate character and identity of the parish’s four main settlements, Hellingly village, Lower Dicker, Lower Horsebridge and Roebuck Park. I believe that the policy that will emerge from this examination will still deliver these aspirations.
70. In terms of meeting the sustainable development basic condition test, I am satisfied that the plan will deliver high-quality development within the character areas and the design policies have been based on generally sound evidence, which is set out in the Character Assessments. It will allow appropriate rural development, whilst protecting the ecological assets of the parish and in particular its ecological networks and wildlife corridors. The plan recognises that new large scale residential development will take place within the parish, delivering new homes to the wider Hailsham area, yet it will still protect the character of the existing settlements.
71. My recommendations have concentrated on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all the editorial changes to the supporting text. I have, however, chosen to highlight specific paragraphs of the supporting text that need to be changed, but as authors of the plan, the Parish Council will wish to add some more explanatory text which will provide greater clarity or a local dimension to ensure that the plan reads as a coherent planning document, having regard to my recommendations. These should be agreed between Wealden District Council and the Steering Group/Parish Council, when preparing the Referendum Version of the plan. There will also have to be a major exercise in renumbering paragraphs etc. as a result of the changes I have had to recommend to the document.

Recommendations

Remove reference in the document to all matters relating to the submitted version of the Wealden Local Plan and in particular:

- ***Para 8***
- ***Para 14 – last sentence***
- ***Para 15***
- ***Para 25***
- ***Para 98 – omit from last sentence “within Wealden’s Emerging Local Plan”***

- **Para 99 – omit from the second sentence “coupled with the additional amount proposed within Wealden’s emerging Local Plan”**
- **Para 100 – omit the first line**
- **Para 101 replace “Wealden’s emerging Plan” with “a future Wealden Local Plan”**
- **Para 123 – omit “as well as within the District Council’s emerging Local Plan”**
- **Para 135 – omit the first sentence**
- **Para 138**
- **Paras 142 – 146**
- **Para 166 – last sentence**
- **Para 169**
- **Para 170 – first sentence and remove “therefore” from the second sentence**
- **Paras 178 – 179**
- **Paras 190 - 192**
- **Paras 195 – 196**
- **Paras 202 – 203**
- **Para 234 – omit all text after the second sentence**
- **Para 235 - omit “as recommended in Wealden’s draft plan”**
- **Para 236 – omit “Wealden’s draft plan confirms that”**
- **Para 258 – Omit “and in the emerging Local Plan”**

Remove from the plan all “Recommendations” that address issues relating to the “development and use of land” and in particular:

- **Omit Recommendation 3 – HV R3**
- **Paras 178 – 179 and Recommendation 1- LHB R1**
- **Reword Recommendation 3 – LHB R3 to “Proposals which provide additional land for leisure/ recreational use in the vicinity of Lower Horsebridge Recreation Ground will be welcomed”.**
- **Omit Recommendations 1 and 2 – LD R1 and LD R2 and paras 205 – 210**
- **Amend Recommendation 2 – RP R2 by deleting the first sentence and in the second sentence replace “And further be” with “Measures are”**
- **In the Education Recommendations – remove i) and ii)**
- **In the Sports and Leisure Recommendations in i) omit “as Local Planning Authority” and delete ii) and iii)**
- **In Digital Communication Recommendations replace “10 mgs” with “10 mbs”**
- **Omit Sewage Recommendation and also para 266**

The Neighbourhood Development Plan Policies

Policy HNDPE – Habitat Regulations

72. This has proved to be the most problematical policy, mainly due to the timing of the Local Plan's Inspector's letter. The submitted version of this policy had been recommended by Wealden District Council, to be inserted in the plan, as a result of its Habitats Regulations Assessment and on the basis of the then status of the emerging Wealden Local Plan. The policy was proposed to mitigate the impact of development within the plan area on three European protected areas namely the Ashdown Forest SAC, Lewes Downs SAC and the Pevensy Levels SAC and Ramsar site.
73. I had been alerted to concerns regarding this policy, in particular, the comments of Natural England at the Regulation 16 stage. It became very obvious from reading Natural England's detailed letter that the issues had already been very well rehearsed at the Local Plan examination where Natural England questioned the underlying premise that development across Wealden District's area would adversely impact on the integrity of Ashdown Forest and Lewes Downs through a decline in air quality by increased traffic movements adjacent to and through the protected areas, either alone or in combination with other plans. Natural England considered that predicted improvements in air quality and technological improvements in vehicles should be accounted for in the Habitats Regulations Assessment and in doing so the conclusion is that 'environmental loading will return to below the critical level and loads within an appropriate timeframe'¹. This conclusion would result in 'no adverse impacts' and would negate the need for mitigation. Furthermore, notwithstanding their concerns regarding the justification for the policy, Natural England also challenged the efficacy of the mitigation measures being proposed in the policy.
74. It was the interface between this neighbourhood plan policy, in particular, and Policy AF1 and Policy AF2 of the emerging Wealden Local Plan, that prompted me to want to await the Local Plan Inspector's conclusions, as she would have heard the full expert evidence, some of which would have been of a highly technical and scientific nature. These were matters of a strategic nature which are more sensibly resolved, if possible, at a higher plan level and should be beyond the remit of a neighbourhood plan for a parish some distance away from both Ashdown Forest and Lewes Downs.
75. I had my own reservations as to whether all development taking place in Hellingly parish could justify the measures being proposed in this policy. My concerns were reinforced, as it appeared to me that this was an approach that was being pursued unilaterally by Wealden District, when in my experience, mitigation measures to address the adverse impacts on European protected sites from development, tend to transcend administrative boundaries and usually require coordinated measures across the different authorities and are normally pursued in conjunction with Natural England. I have in mind the approach being taken at the Thames Basin Heathlands, Epping Forest and also the Solent Bird Disturbance issues.

¹ Paragraph 25, page 12 of Natural England's Regulation 16 response.

76. My major reservation was that the measures set out in the policy were required to be imposed on all new development and I questioned whether these requirements could be justified, based on an assessment of the impact of every form of development would have on these protected areas. Imposing the three requirements, namely requiring electric vehicle charging infrastructure irrespective of the type of development, the practicality of controlling the routing for freight traffic resulting from the new development and requiring personalised travel planning work, were particularly onerous and unnecessary requirements unless the development was of a significant scale.
77. My concerns regarding this policy were discussed at length at the Hailsham Exploratory Meeting where Hellingly representatives were present, and the District Council representatives, I believe, accepted that the requirements being imposed on **all** new development, was an excessive requirement, irrespective of the possible outcome of the Local Plan Inspector's deliberations.
78. The Inspector's conclusions, particularly on the issue of the impact of development on Ashdown Forest in particular, and her conclusion that the District Councils approach to the science was flawed, has led to a significant change in the scope of this policy which Wealden District Council is now suggesting should be included within the policy.
79. The recommended HRA policy now effectively firstly restates the existing legal position, which is already set out in Regulation 105 of the Conservation of Habitats and Species Regulations 2017. However, I accept that there is a value in setting out the legal requirements, in the policy, not least because it draws attention to the statutory requirement for persons who may not be familiar with the Habitat Regulations.
80. The specific requirements set out in the remainder of the policy are entirely directed to mitigating the impact of development on the Pevensey Levels SAC and Ramsar site. The impact on this important habitat, which lies close to the parish area and the existence of direct pathways, in my opinion, fully justify the requirements of the policy, both in terms of ensuring there is adequate capacity at the waste water treatment works that serve the town and the need to control the quality and quantity of surface water run-off from new development.
81. I am satisfied that this important policy now meets the requirements of the basic conditions in all respects. I therefore recommend that the submission version of this policy be replaced by the revised policy which is included in the latest version of the Habitats Regulations Assessment.

Recommendation

Replace the existing policy with

“Development either supported or proposed by policies or projects contained within the Hellingly Neighbourhood Plan, or any other development that may come forward in the Neighbourhood Plan area, may only be permitted if it can be concluded that the proposals, either alone or in combination with other plans or projects, will not adversely affect the integrity of a European site. Any

proposals for development must be accompanied by information to allow the competent authority to complete a full Habitat Regulations Assessment of the impacts of the development.

To ensure that development does not adversely impact the Pevensey Levels Special Area of Conservation and Ramsar site, proposals for development may only be permitted where there is sufficient capacity at the relevant Waste Water Treatment Works or alternative foul water drainage solution. Where impermeable surfaces are proposed within the hydrological catchment area then mitigation, such as sustainable drainage systems, will be required to control the quality and volume of surface water run-off to a level that will avoid an adverse effect on the integrity of the SAC and Ramsar when considered both alone and in combination with other Plans or projects.”

Policy HNPD1 - Area of Locally Valued Landscape

82. This policy stems from paragraph 170 of the NPPF, which refers to planning policies contributing to enhancing the natural and local environment by protecting and enhancing *valued landscapes*, in a manner commensurate with their identified quality in the local plan. This policy was the subject of questions which I raised in my primary deliberations and was one of the matters that was discussed at the hearing.
83. The northern part of the parish falls within the southern slopes of the High Weald in the East Sussex County Landscape Assessment. The southern part falls within the Low Weald. From my visits to the area, I was able to appreciate for myself, the different characteristics of the two areas. The area to the north is a more intimate landscape with small fields and woodlands. The area to the south has larger fields with less hedgerows and woodland, and as revealed at the hearing, I heard it referred to as somewhat of an “urban fringe” location.
84. My initial concern was that valuing one type of landscape above another, was not justified as they were both essentially rural areas and the neighbourhood plan was aspiring to retain the rural character of both, but an examination of the evidence has demonstrated that the two parts of the parish do have different characteristics and attributes. I heard during the hearing that the planning officers already differentiate between proposals in the north of the area, and those in the south, based on an assessment of their existing characteristics. In essence, I believe that the policy recognises that greater weight does need to be given to protecting the more rural character of the area which forms part of the High Weald Character Area.
85. Essentially, this policy is a way of triggering the provisions of paragraph 170 of the Framework, by recognising the importance that the community places on the northern area’s landscape value. I note that some of the reasons given justifying why this part of the plan area is being “valued”, have been based on its recreational value to the population of Hailsham and Hellingly parishes, but I do not consider that by itself is a justification for a policy which is based on landscape quality. However, the wording of the policy does need to describe the particular characteristics of the protected area,

which the policy is recognising. There were some discussions as to how that could be worded and I have received some suggested wording from the Parish Council which I am happy adequately describes the characteristics that the policy is designed to protect.

86. In terms of the extent of the designations, the delineation of the Area of Locally Valued Landscape (ALVL) does not coincide with the division between the respective landscape character areas, as described in the national, county and district based character assessments. In particular, the ALVL extends further south than the line shown in the East Sussex Landscape Area and the Landscape and Ecology Studies, which have been prepared as part of the evidence base for the now withdrawn local plan. However, I believe that using the rivers and local roads, as well as excluding the recent development at Roebuck Park, is a defensible basis for the community to define the area, whose landscape value it considers is worthy of protection. I do not therefore propose to recommend any alterations to the alignment.
87. Turning now to the actual drafting of the policy, there will be some development which is by its nature, acceptable development in the countryside, such as agricultural buildings or new residential development that meets the requirements of Policies HNPD7 and HNPD8. It may be that such buildings will have a detrimental impact on the "rural character, scenic quality or visual amenities of the area". However, that harm could be mitigated to a degree that ensures that the balance is struck between protecting the landscape commensurate with its status, as a valued landscape, (albeit lower than the national status confirmed by being in an AONB or a National Park) whilst at the same time ensuring the continued viability of the rural economy. I will therefore be recommending that reference be made to the fact that mitigation could allow the scheme to become acceptable.
88. The five requirements set out in paragraphs i) to v) should not be shown as subordinate requirements as the policy is not conditional upon them. It is not the role of a neighbourhood plan policy to require specific documents to be submitted with a planning application, that is the role of the District Councils Local Validation Checklist. The policy will be used to determine any proposals and it is appropriate for the proposal to be required to assess the level of impact of the development.
89. The specific requirements should be worded positively, namely that proposals will be supported if they protect or enhance the scenic quality or rural character of the area or the rural setting of public footpaths.
90. It is not appropriate for this policy, which relates to landscape matters, to be considering biodiversity or the ecology of the area, which are more appropriately covered by Policies HNPD5 and 6, which address green infrastructure and biodiversity.
91. I have asked for clarity as to which public vantage points offer the long-distance views of the South Downs. In its response, the Parish Council offered three viewpoints from public footpaths. These need to be added to Map1.
92. In the interest of being concise I would recommend that the two policies dealing with lighting proposals should be consolidated.

Recommendations

In the first sentence replace “the proposals map” with “Map 1”

After the first sentence insert “The area is characterised by small fields with well-established species rich hedgerows. It contains numerous areas of surviving Ancient Woodland, some small and some large (e.g. Park Wood and Nobody's Wood) together with many shaws and copses dotted throughout this landscape. There are a number of traditional Sussex Ghyll woodlands, and many small ponds and water features. Whilst there is some arable use the land is mainly grassland used for livestock farming, very rural in character with few roads and a well-developed network of public footpaths providing impressive long- distance views over the Low Weald to the South Downs”.

Move the current second sentence to a new paragraph and remove “only” and replace “that” with “if it”, and add to the end of the sentence “and any adverse impacts can be satisfactorily mitigated”

Delete the second paragraph

Replace “i” as a separate paragraph and omit “not” and “is considered detrimental to the scenic quality or rural character of the area or impacts” and insert” does not adversely impact “

Delete ii) and text

In iii) before “public” insert “the” and after “points” add “as shown on Map 1” and add to Map 1 the three viewpoints submitted by the Parish Council as Appendix A to its response to my Initial Comments document.

In iv) add at the end of the sentence insert “and that measures to minimise light spillage or glare have been taken”

Delete v)

Policy HNDP2 – Local Green Space

93. The purpose of designating local green space (LGS) is, according to paragraph 100 of the NPPF, to recognise those green spaces that are demonstrably special to the local community and which has particular local significance.
94. The plan is proposing six specific designations, and these are shown on the Proposals Map, albeit with limited clarity. I consider that it would improve the usability of the plan to insert a separate plan for each of the individual LGS sites, and also for the sites to be referred to in the actual policy.
95. I can confirm that I am satisfied that the following sites do meet the NPPF criteria, namely Hellingly Country Park, Lower Horsebridge recreation ground, the field adjacent to Hellingly Village Hall, Lower Dicker cycle way and playground and Union Corner allotment site, Lower Horsebridge.
96. Whilst I recognise the role that Park Wood plays as a recreational resource, enjoyed by the local community and, notwithstanding the representations of the Friends of Park Wood, I do not consider that it meets the strict criteria that local green space has to comply with, namely that it should not be an extensive tract of land. At some 60ha (150 acres), I consider that, whilst there is no definition of what constitutes an

extensive tract of land, the size of the wood would fall outside what a reasonable person would consider to be an extensive tract of land. I understand that the wood is ancient woodland, a designated Site of Interest for Nature Conservation, and an Asset of Community Value and is subject of a Right to Roam Order. The absence of LGS status would not open up the site for development.

97. I am concerned that the policy test against which the proposals will be considered, is not in line with national expectations, in that the policy implies that an applicant could demonstrate that the green space no longer has value to the community or is to be replaced by the facilities of an equivalent value to be provided in the compensation for its loss. The difference between LGS and other green space policies, is that it offers local green space the highest level of protection, which should rule out development, other than in very special circumstances. I will amend the proposed criteria against which planning applications will be judged, to bring the policy closer into alignment with Secretary of State expectations.

Recommendations

Insert a separate map showing the location and the extent of each Local Green Space within the plan document and refer to the plan numbers rather than the Proposals Map.

Reword the policy as

“The following sites, as shown on Maps A- E (insert appropriate map number) are designated as Local Green Space where development will be ruled out, except in special circumstances

- ***Hellingly Country Park***
- ***Lower Horsebridge Recreation Ground***
- ***Lower Dicker Cycling and Playground***
- ***Field Adjacent to Hellingly Village Hall***
- ***Union Corner Allotment Site, Lower Horsebridge”***

Policy HNPD3 – Areas of Critical Flood and Drainage Concern

98. This policy was explored at length at the public hearing and further clarification was given by the Parish Council, in its summary response to my hearing questions. Essentially the plan identifies, on Map 2, flood control zones which are titled Areas of Critical Flood and Drainage Concern. The wording of the policy, meanwhile, refers to this as “an area at risk from flooding”. However, the zone shown on Map 2 is considerably larger than the area identified as at risk of flooding on the Environment Agency flood maps, shown as Flood Zones 2 and 3. I heard at the hearing that the extent of the Area of Critical Flood and Drainage Concern was arrived at by identifying a contour which lies 2 metres above the height of the water level of the maximum recorded flood event.

99. It appears that the background to this policy, arises as a result of concern from the community as to the efficiency of some of the SUDS schemes that have been implemented as part of recent housing development. The Parish Council’s approach,

rather than requiring surface water management measures to be taken as a part of the development of individual sites, is envisaging a more radical surface water disposal and storage strategy, which seeks to divert all surface water drainage arising from individual development sites to a storage area, close to watercourses where the surface water would subsequently discharge. That storage area would be contained by bunds and embankments, within the area shown on Map 2.

100. The reservation of this zone, which extends beyond the area recognised as being at risk of flooding, would allow the implementation of what would be a radical and innovative drainage strategy, which at this point in time, has not been prepared, tested or adopted, nor a body responsible for its funding, design, construction or ongoing management and maintenance identified, yet the effect of the policy would effectively rule out development proposals on this land- some of which has been identified as having development potential. It is not my role to determine the efficacy of such a communal drainage strategy, but I do have to consider whether the neighbourhood plan should be presuming against development on flooding grounds in an area which is not currently at risk of flooding. In the absence of such a prepared and agreed strategy for surface water management, I cannot see that the reservation of this land can be justified and indeed, I understand that the policy is neither supported by the District Council nor more importantly, East Sussex County Council, the local lead flood authority.
101. There are also additional issues with this policy that mean that it does not currently meet basic conditions. Within the area shown on Map 2, there are areas that are at risk of flooding. The policy says that development “will be restricted *unless the proposal has other public benefits that clearly outweigh the risk of flooding to properties where the risk can be shown to be satisfactorily mitigated*”.
102. The concept of striking a balance between “public benefits”, albeit unspecified, and allowing development in flood risk areas, is a less rigorous position than the Secretary of State’s policy for dealing with development in areas at risk of flooding. Essentially national policy imposes a presumption against all inappropriate development unless the sequential test is passed and the exception test is met, which includes whether the development will be safe for the lifetime of the building.
103. Moving onto the second element of the policy, which deals with sustainable drainage schemes, the Secretary of State, in a Written Statement to the House of Commons dated 14th December 2014, required major schemes i.e. 10 units or more (or equivalent for non-residential development) to ensure that sustainable drainage systems for the management of run-off are put in place, unless it is demonstrated that it would be inappropriate. This statement then went on to require clear arrangements for the ongoing maintenance over the lifetime of the development. The Secretary of State explicitly stated that this statement should be taken into account in the preparation of neighbourhood plans.
104. The Department of Environment, Food and Rural Affairs, published in 2015, non-statutory technical standards for sustainable drainage systems. This required that for greenfield site development, measures to limit peak run-off rate from development

should be implemented so as not to exceed the peak greenfield run-off rate. It goes on to deal with the extent of volume control expected to be achieved, where it is practically possible but it requires that “the run off volume must be discharged at a rate that does not adversely affect flood risk”.

105. My conclusion is that this policy does not add to national policy, in a way that is justified by evidence. I heard anecdotal evidence as to the effectiveness of the SUDS schemes that had been implemented but I do not know whether that is a failure to correctly specify and agree an acceptable SUDS scheme or whether it has been implemented incorrectly. I do not conclude that the policy meets basic conditions as it has not had proper regard to Secretary of State policy. I appreciate that this will be a disappointment to the Parish Council but I firmly believe that the approach being promoted is not backed up by convincing evidence as to its feasibility or indeed its justification.

Recommendation

That the policy be deleted.

Policy HNPD4

106. I agree with the District Council’s representations that where flood risk assessments are required, and the thresholds for these are set out in the Town and Country Planning (Development Management Procedures)(England) Order 2015, the assessment should not just look at the run-off rate from the site but should also seek to assess the impact of flooding and measures to mitigate/eliminate, measures to prevent properties flooding on the site as well as assessing the impact of surface water on adjoining land.
107. Such an assessment will need to look at how much additional surface water run-off from the development will be generated. I am not satisfied that the assessment needs to account for run-off from soft landscaping areas, as that is likely to be the equivalent of the run-off from a greenfield site. I will recommend appropriate revisions.
108. I am not convinced that there is persuasive evidence to justify a presumption against land raising in areas outside of zones that are at risk of flooding. In flood risk zones, I do agree that land raising measures could result in additional flooding elsewhere on land that would not ordinarily flood, had the land raising not taken place. I will restrict the second part of the policy to areas that are identified as being at risk of flooding.
109. The policy can remove the obligation on the LPA to consider the adequacy of the mitigation measures. Whilst the District Council has an obligation to consult with the Lead Flood Authority and the Pevensy and Cuckmere Water Level Management Board, these organisations are consultees and responsibility for any approval/refusals must sit with Wealden District Council.

Recommendations

Replace the text in i) with “Where required, Flood Risk Assessments will be expected to assess whether the development is likely to be affected by current

or future flooding from any source, including surface water, and assess whether it will lead to flooding elsewhere, taking into consideration measures being proposed to deal with these issues, particularly surface water run-off.

Replace the text of ii with “There will be a presumption against land raise on development sites in areas identified at being at risk from any form of flooding, unless such mitigation measures are to be put in place to the satisfaction of the Local Planning Authority, in consultation with East Sussex County Council as lead flood authority and Pevensay and Cuckmere Water Level Management Board.”

Delete Map 2

Policy HNPD5 – Green and Blue Infrastructure

110. This policy is specifically aimed at protecting the network of green and/or blue infrastructure which is set out in Map 3. By identifying these networks and wildlife stepping stones, the neighbourhood plan is following the advice in the NPPF. I will propose that in line with my conclusions in respect of Policy HNPD3, that the flood control zones be removed from the map.
111. I have accepted the District Council’s suggestion that the required survey work should more closely reflect British Standards for Biodiversity BS42020:2013 and I will recommend a more flexible form of wording which can be more reflective of good practice for the type of survey being undertaken.
112. Paragraph 175 of the NPPF refers to the threshold through considering “harm resulting from development” should be “significant harm”. To bring the policy closer into alignment with Secretary of State expectations, I will recommend that the revised wording should be “significantly harm to the integrity or function of the protected feature”.
113. The Parish Council had earlier in the examination clarified that the management plan sought in (iv), should only be required in respect of major schemes.

Recommendations

Remove the Flood Control Zones from Map 3

Replace “Proposals Map” with “Map 3”

In the first paragraph after “proposals” insert “within the areas identified on Map 3”

In i) after “2” insert “/3” and add at the end of the sentence insert “or as stipulated in good practice guidance”

In iii) before “harm” insert “significantly”

In iv) in the second sentence after “Proposals” insert “for major development”

Policy HNPD6 – Biodiversity

114. As written this policy places a requirement on any form of development to provide ecological information and to consider cumulative impacts. I do not consider that this is a necessary or reasonable expectation to impose on all applicants, particularly as

the Local Validation Checklist already sets out the circumstances where a Biodiversity and Survey Report is required. If a proposal is unlikely to have any impact on wildlife or biodiversity, such as a residential extension, it is not a proportional requirement to insist that such information be provided. At the hearing, I heard that the District Council's validation checklist was due to be reviewed.

115. Under paragraph 11(3) (d) of the Town and Country Planning (Development Management Procedures) (England) Order 2015, the list must have been published (or re-published) during the two-year period immediately before the date on which the planning application where the requirements are imposed, was made. It is usual practice for some form of consultation to take place on these requirements and it may be appropriate for the Parish Council to seek to make its own representations as to the information the LPA should be requiring an applicant to submit.
116. I consider that the need to consider cumulative impact is too vague a requirement for most assessments – is it considering the impact on specific species or habitats? I would recommend the introduction of a caveat “as far as it is appropriate having regard to the scale and nature of development and its impact on the wider ecological network”.
117. The policy requirements to “improve, enhance, manage and restore biodiversity” will only be relevant to particular forms of development and there will be instances where it is not appropriate. I will suggest that the policy is covered by a caveat “where appropriate”.
118. The policy appears to be aimed at residential development by referring to 10 or more houses. There could be similar biodiversity impacts from larger commercial schemes so I will refer to them generically as “major development”.

Recommendations

At the end of i) insert “as far as it is appropriate, having regard to the scale and nature of development and its impact on the wider ecological network”.

At the start of ii) insert “Where appropriate”

In iv) replace “10 or more houses” with “schemes comprising major development”

Policy HNPD7 – Rural Economy

119. I am not convinced that there is sufficient justification to require development that is considered to be appropriate in the rural location, to have to demonstrate that it is “sustainable” by providing economic, social and environmental benefits. That would go beyond the Secretary of State's expectation which are set out in paragraphs 83 and 84 of the NPPF, which deals with supporting a prosperous local economy.

Recommendations

Delete “Subject to compliance with other policies in the NDP”

Delete the second sentence of the policy

Policy HNPD8 – Isolated New Dwellings

120. Again, this was a policy that was discussed at the hearing. The issue was whether it was appropriate for the plan to be seeking to establish additional tests to be imposed on applicants, beyond those set out in national advice. This includes the need for financial tests which had, in the past, been part of national policy, with the now withdrawn PPS7 and was no longer forms part of the NPPF. At the hearing, we discussed that the Framework’s policy, in paragraph 79 are now supplemented by additional advice, published last summer, in the Planning Practice Guidance, which gives criteria for assessing whether rural worker accommodation is deemed essential, including the need to demonstrate having 24-hour presence on site, because of the risks to human or animal health, discouraging crime and being able to respond to emergencies.
121. I do not believe that the evidence submitted, actually justifies imposing additional criteria beyond those which have been published at national level and I heard that there were no particular local issues that the policy was seeking to respond to. I will therefore be recommending that the policy be deleted.

Recommendation

The policy be deleted

Policy HMDP9 – Housing Type

122. At the hearing, we touched on the issue of whether it was necessary to caveat a policy with “where the principle of new residential development is appropriate”, as the plan was not promoting a policy to indicate where residential development was or was not considered acceptable. That is a matter which the Parish Council is choosing to leave to local plan policy and national guidance. Planning applications have to be assessed against all relevant policies in the development plan, so it is unnecessary, to include this requirement within the drafting of the policy. I will therefore be recommending that the policy supports a high percentage of homes for the elderly and starter homes/shared ownership.

Recommendation

Delete the first part of the sentence up to “Proposals”

Policy HMDP 10 – Sustainable Transport

123. I have no comments to make on this policy.

Policy HV1

124. I will recommend changes in the wording of the policy so that it is not necessary for the applicant to have to demonstrate compliance where he/she is not required to submit a Design and Access Statement.
125. I had, earlier in the examination, requested the Parish Council to confirm what it considers are the key views and this has been provided to me. I am satisfied that,

following my last visit, these viewpoints are worthy of recognition and I will therefore request that these viewpoints be added to Map 4.

126. What constitutes an "unnecessary and inappropriate incursion" would be something of a subjective judgement and is not a sound basis for decision making. Similarly, I am not sure that a decision maker could be in a position to define what the policy refers to as the Hellingly "identity". I consider that the presumption should be against any development that detracts from the historic development pattern of the settlement.
127. Again, in the second part of the policy, reference to "unwanted and unjustified" is unnecessary, as development which erodes the rural character of Hellingly should be resisted, whether justified or not. Sufficient flexibility is available through the "exceptional circumstances" caveat.

Recommendations

In the first sentence, replace "planning permission will be required" with "the submission of a Design and Access Statement which will be expected"

In i) replace the remainder of the first sentence after "key views" and insert "and vistas as shown on Map 4" and in the final sentence omit "and identity"

Insert the key views and vistas on Map 4 which were provided at the Hearing

In ii) replace "avoids unnecessary and inappropriate incursions that" with "does not"

At the start of the second main paragraph, delete "Unwanted and unjustified" and also "and identity"

Policy HV2 - Specific Design Criteria Hellingly Village

128. I raised an issue in my Initial Comments document as to how a decision maker would necessarily assess whether a planning application was proposing a "standard design". The Parish Council proposed in its response an alternative form of wording that schemes "that do not respect local character, identity and distinctiveness" should be avoided.
129. Criteria iv) essentially repeats criteria v) from Policy HV1. I consider that the term "overly large" extensions would also be difficult to define, especially bearing in mind the scope for extensions under permitted development.
130. Requirement v) again matches the information required by vi) of Policy HV1.

Recommendations

Replace i) with "Designs that do not respect local character, identity and distinctiveness will not be supported"

Delete iv) and v)

Policy LHB1

131. The proposed basis for considering locally listed buildings, as set out in the policy, is more stringent than that envisaged by the Secretary of State, in paragraph 197 of the Framework, which requires a balanced judgement to be exercised having regard to

the scale of any harm or loss against the significance of the building. I will recommend appropriate wording so that it meets the basic conditions of having regard to Secretary of State policy.

132. The important views referred to in iii) have been identified by the Parish Council and I will amend the wording so that it refers to Map 5 and I will request these views be shown on the map.
133. Criteria iv) essentially repeats the protection of the LGS, which is covered by Policy HMDP2 and this can be removed from this policy.

Recommendations

In the first sentence after “required” insert “where appropriate”

In ii) replace “no adverse impact upon such buildings” with “regard to the scale of loss or harm when balanced against the significance of the building”.

In iii) After “pattern” delete the remainder of the sentence and insert “and the key views and vistas as shown on Map 5”

***Insert the key views and vistas on Map 5 which were provided at the Hearing
Delete iv)***

Policy LHB2 – Specific Design Criteria – Lower Horsebridge

134. The issue relating to references to standard design applies equally to this policy.

Recommendation

Replace i) with “Designs that do not respect local character, identity and distinctiveness will not be supported”

Policy LD1

135. The same issue arises relating to the wording of policy including those related to the locally listed buildings.

Recommendations

In the first sentence after “required” insert “where appropriate”

In ii) replace the rest of the requirement after “scheme” with “has regard to any scale of loss or harm, when balanced against the significance of the building”.

At the end of iii) insert “as shown on Map 6”

Insert the key views and vistas on Map 6 which were provided at the Hearing

Policy LD2 – Specific Design Criteria – Lower Dicker

136. Again, I have no comments beyond the matters already referred to.

Recommendation

Replace i) with “Designs that do not respect local character, identity and distinctiveness will not be supported”

Policy RP1

137. I have sought clarification as to which viewpoints are to be protected. These will be shown on Map 7.
138. I do not consider that *all* developments in Roebuck Park should have to demonstrate how the development will support the provision of local facilities. How would a resident wishing to carry out alterations to his or her property, be expected to demonstrate how their proposal will meet such a requirement? This requirement would only be justified, if the proposal would introduce a significant increase in population of the character area. I will adopt the Parish Council’s proposals which refer to *major* new development.
139. This policy has generated representations on behalf of the owner of the land to the south of Roebuck Park, Catesby Estates plc. Its concerns were discussed at length at the hearing and the Parish Council indicated that it had no fundamental objections to the revised wording being promoted. I would recommend amendments to the policy wording that takes these matters forward. I will also recommend changes to paragraph 221 as part of the supporting text to reflect the likelihood of development taking place on the farmland to the south of Roebuck Park.
140. The fourth requirement also needs adjusting, to address the weight to be accorded to proposals that impact upon non-designated heritage assets.
141. I will propose the rewording of the final requirement as policies should be positively expressed, so that it reads that a development that preserves the parkland setting of the site will be supported.

Recommendation

Add to paragraph 221 “Any future development within the farmland to the south should aim to prevent the merging of traditional settlement boundaries and loss of village identity through the offsetting of future development from the southern fringe of Roebuck Park. This may be through the placing of public open space, sports pitches etc. at the northern end of the agricultural farmland. The form and layout should also be sympathetic to existing views to and from Roebuck Park, as shown on Map 7”

In the first sentence after “required” insert “where appropriate”

In ii) before “it” insert, “in the case of major development”

In iii) Replace the wording with “that it has regard to retaining the key viewpoints and vistas as shown on Map 7”

Insert the key views and vistas on Map 7 which were provided at the Hearing

In the final paragraph, replace “erodes” with “retains”, before “setting” insert “immediate” and replace “resisted” with “supported”

Policy RP2 – Specific Design Criteria Roebuck Park

142. The only proposal I will make, is that the reference to “true attic” – which is open to interpretations as to what a *true attic* is, be replaced with a requirement that dwellings should be no higher than two storeys, plus accommodation within the roof space.

Recommendation

Replace “true attics” with “rooms in the roofspace”

Policy LHA1

143. Again, my concern is that the weight given to the protection of non-designated heritage assets is inconsistent with Secretary of State policy for dealing with such buildings. As written the policy offers the same weight of protection of non-designated heritage assets as if it were to a listed building.
144. The neighbourhood plan can actually designate buildings as non-designated heritage assets and I will revise the policies so not only is it in line with Secretary of State policy but will also list the buildings so they enjoy the protection of the policy.
145. The final paragraph does not add to the existing protection covering listed building already existing in legislation and national and local policy. I will recommend that that part of the policy be deleted.

Recommendation

Delete the first two paragraphs including i) and replace it with

“The following buildings are designated as non-designated heritage assets – insert the list of buildings set out in Appendix 2.

Proposals affecting such buildings will be expected to be assessed having regard to the scale of loss or harm when balanced against the significance of the building”.

Delete the last sentence of the third paragraph

Delete ii)

The Referendum Area

146. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Hellingly Neighbourhood Plan as designated by Wealden District Council on 5th November 2015 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

147. I must congratulate Hellingly Parish Council for preparing a locally distinct and focussed neighbourhood plan, which seeks to deliver on the expressed priorities of the community. The plan delivers on its two main objectives namely to protect the rural character of the parish and secondly to retain the individual character of the existing settlements within Hellingly parish, whilst recognising that the parish will continue to grow, as a result of strategic policies for this area, which lies on the northern edge of the town of Hailsham.
148. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
149. **I am therefore delighted to recommend to Wealden District Council that the Hellingly Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd
27th March 2020