

Hellingly Parish Council Neighbourhood Plan

Summary of representations submitted to the
Independent Examiner

Hellingly Parish Council Neighbourhood Plan

Summary of representations made as part of the Regulation 16 consultation on the draft neighbourhood plan

1. Wealden District Council published the Hellingly Parish Council Neighbourhood Plan for consultation between 7th May 2019 and 18th June 2019, in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). This document provides a summary of the representations received during this consultation and later representations submitted to the independent examiner during the examination process.
2. This document is produced in compliance with Regulation 4(3)(b)(iii) of the Neighbourhood Planning (Referendum) Regulations 2012 (as amended).
3. Paper copies of the representations can be viewed on request at Wealden District Council offices, Vicarage Lane, Hailsham, BN27 2AX and Hellingly Parish Council Office, Hellingly Community Hub, The Drive, Hellingly, East Sussex, BN27 4EP. They are also available to view on the council's website at: <https://www.wealden.gov.uk/planning-and-building-control/planning-policy/neighbourhood-planning/neighbourhood-plans/hellingly-neighbourhood-plan/>
4. Due to the Covid-19 pandemic, the Council offices and the Parish Council offices are currently closed to the public. All documentation is available on our website at the Hellingly Neighbourhood Plan [webpage](#). If you would like to view a paper copy of these representations or other Hellingly Neighbourhood Plan 'specified documents' then please make an appointment by calling 01892 602008 or by emailing planningpolicy@wealden.gov.uk and we will be able to provide hard copies for you to view.

Name/Organisation	Date Received	Summary of representations
Highways England	13 th May 2019 (by email)	We have reviewed this document and supporting evidence and have no comments. However, please do continue to consult Highways England as the Hellingly, Neighbourhood Plan progresses.
Batchellor Monkhouse on behalf of Catesby Estates and Gribble Family	17 th June 2019 (by post and email)	Policy HNBP4 – Remove sub-section ii) <i>'ii) There will be a presumption against land raise on development sites in view of the high risk and incidence of surface water and other flooding in Hellingly, including to agricultural land</i>

		<p><i>Policy HN1C – Amend policy to reflect the requirement for survey work as per BS 42020:2013 Biodiversity and recent CIEEM guidance, which indicate survey work up to 3 years would be sufficient</i></p> <p><i>“i) Are based upon survey work carried out within the last 2 3 years’</i></p> <p>Paragraph 219 - Suggested amendment to more accurately affect the baseline landscape character.</p> <p><i>“Due to the orientation of the streets within Roebuck Park, there are a select number of properties off Chichester Road and The Drive that have a visual connection, from the rear of the properties, with the agricultural field to the south. This is primarily due to the lack of boundary vegetation along the southern fringe of Roebuck Park.”</i></p> <p>Paragraph 220 – Remove entirely</p> <p>Para 221 – Amend wording to represent a greater acknowledgement of the development allocations that exist to the south of Roebuck Park</p> <p><i>‘Any additional development within the allocation sites adjacent to the southern fringe of Roebuck Park should provide additional structural landscaping to enhance the existing character of its setting. Given the lack of boundary vegetation along the southern fringe, landscape proposals should aim to enhance the existing baseline conditions and will seek benefits for both ecological habitats and landscape character.’</i></p> <p>Para 221 – Remove the following wording so Policy is not in direct conflict with draft allocations HN1C and HN1D</p> <p><i>‘This would be exacerbated by any major loss of farmlands to the south and west and the erosion of current open aspects resulting in a merging of traditional settlement boundaries and loss of the village identity.’</i></p>
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		<p>Policy RP1 - Clarification The policy should refer to Roebuck Park <u>Village</u> Area and not <u>Character</u> Area</p> <p>Policy RP1 - It would be useful for the parameters of the “parkland” to be defined in order to identify its setting (which, ideally, should also be defined). Is the parkland referencing the Country Park only? – it is currently unclear.</p> <p>Policy RP1 - Remove or reword iii):</p> <p><i>“the layout and form of proposals, as well as the position of POS, should be sympathetic to existing views towards the Parklands and Roebuck Park.”</i></p> <p>Policy RP1 – Remove the following:</p> <p><i>“Development that erodes the sense of openness and rural character of the setting of Roebuck Park will be resisted”</i></p> <p>Policy RP2 - The policy provides specific design criteria for new development to ensure the character an identity of Roebuck Park is protected. There is no justification provided for restricting all development in the vicinity of Roebuck Park to 2 storeys. It may be reasonable to assume that the application of this principle need only apply to new dwellings within Roebuck Village Area as identified on the policy map:</p> <p>i) <i>New dwellings within the Roebuck Park Village Area as defined should be no higher than 2 storeys with “true attics”</i></p> <p>Policy RP2 - Remove wording <i>“On street parking should be avoided”</i> from subsection ii)</p> <p>Rec 2 – Policy RP2 – Amend policy to allow the sports provision to be secured independently of any extension to the Country Park</p>
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		<p><i>“That Wealden District Council require the provision of an outdoor playing area for youth and adult recreation of a minimum of 2.8 hectares’</i></p> <p>Policy LHA1 – Suggest that the policy be amended to reflect that there is no requirement for development proposals to conserve, preserve or enhance a non-designated heritage asset, and that even harmful proposals may be found acceptable by the decision maker.</p> <p><i>‘Permission will be given for those developments that secure the preservation and enhancement of non-designated heritage assets and their settings. Schemes that show a positive commitment to retaining the asset, as an active part of the site will be encouraged. Development that would result in the loss of, or demonstrably harm the significance or setting of a non- designated heritage asset, will be resisted, unless the proposed development has other public benefits that clearly outweigh the loss of, or harm to, the asset, or there is no other feasible means of bringing a key development site forward. Where the loss of an asset cannot be avoided, it will be the responsibility of the developer, as required by condition, to provide a fully documented and photographic record of the asset prior to its removal to be deposited with the East Sussex Heritage Environment Record.’</i></p> <p>Maps 3 and 8 - Suggest maps 3 and 8 are amended to reflect the boundaries as shown on the attached plan at Appendix 2.</p>
Ms Gillian Dare	17 th June 2019 (by email)	<p>I read with concern the proposals for the cuckoo trail north of the A271 and to Hellingly village.</p> <p>This part of the cuckoo trail has been recognised and listed as a biodiversity opportunity area. This area is being flagged for more cycle use and development to support such. There is even mention of unobtrusive lighting being put on the trail. Unobtrusive or not this is completely unsuitable for this area.</p> <p>The path is sufficient and only needs maintaining. Not a rebuild with lighting and certainly not widening as this will eat in to the green space and disrupt creature Habitats.</p>

		<p>This is a peaceful green space adjacent to ancient woodland and fields to the west. In the recent survey 77% supported protecting the rural character of the Hellingly area . I believe this includes the cuckoo trail.</p> <p>The area is already used a great deal already by walkers and dog walkers and cyclists. Please do not change this section of the cuckoo trail, it works well as it is.</p> <p>Previous consultations have recognised the need for green recreation spaces . We lost our open green footpaths, nearby, to pavements with the recent Burfield Grange Bovis Housing estate. Please do not change the cuckoo trail north of the A271.</p>
East Sussex County Council	18 th June 2019 (by email)	<p>As recommended in the Governments Planning Practice Guidance on Neighbourhood Planning, you might wish to consider removing the 'recommendation' text boxes from the main Neighbourhood Plan document and putting them into an annex or companion document. The recommendation boxes appear to be the same as what are sometimes referred to as 'aspirations' or 'non-statutory aspirational policies'</p> <p>We also have concerns that confusion could be caused by having reference numbers/codes which are very similar for both the actual planning Policies and the Recommendation statements. For example, Lower Horsebridge 'Policy LHB1' and 'Recommendation LHB R1' could easily be confused</p> <p><u>Transport</u></p> <p>We would like to re-iterate several of our previous comments from the Regulation 14 consultation.</p> <p><u>Policy RP2 Specific Design Criteria (Roebuck Park) and other policies that cover parking</u></p> <p>The last bullet point of Policy RP2 sets criteria for parking. In our previous response we advised that all development needs to comply with the County Council's Guidance for Parking at New</p>

		<p>Residential Development and Parking Standards Guidance at non-residential Development. Therefore this and any other policies which consider parking issues need to make reference to these documents.</p> <p><u>Amendments and deletions to the 'Roads and Transport –Recommendation' text box</u></p> <p>Our previous advice and the changes we requested under paragraph 1.5 of our Regulation 14 response still stands (for the full extract of this see Appendix 1 below). But the main point is to <u>delete</u> the paragraph below regarding speed restrictions (point ii. from the blue text box on page 56 of the Submission Version –previously page 47 of the Regulation 14 version), due to the fact that this issue was recently reviewed by ESCC and the Police as part of our Speed Management Programme. It was agreed that the speed limits on this part of the A267 were considered to be the most appropriate for the characteristics of the road, however some signing and lining improvements are being considered, subject to when funding is available.</p> <p>Paragraph to be deleted from 'Roads and Transport – Recommendations' on page 56 of Regulation 16 Submission Version:</p> <p>To extend speed restrictions (40mph) along on the A267 to include the length between the Wellshurst Golf Club and its junction with North Street at the Village Hall and to consider the introduction of speed restrictions on developed sections of the presently unrestricted C207</p> <p><u>Flood Risk and Drainage</u></p> <p><u>Policy HDNP 4 (i)</u></p> <p>At the previous consultation stage we had stated that HDNP4 (i) “was not unacceptable” although it did nothing to add local distinctiveness and partially reiterated the NPPF.</p>
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Gladman Developments	18 th June 2019 (by email)	<p>Policy HNDPE – Habitat Regulations</p> <p>This policy appears to largely repeat policies AF1 Air Quality and Policy AF2 Air Quality Mitigation contained in the emerging Wealden Local Plan. Whilst Gladman note the reasons for the policy, we recommend that these policies are removed from the draft HNP.</p> <p>Paragraph 16f of the Framework is clear that:</p> <p>“Plans should:</p> <p>f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework where relevant).”</p> <p>Whilst the above relates to policies in the adopted Development Plan, policies AF1 and AF2 are being examined in greater detail through the Local Plan examination with the policies subject to significant objections, with the necessity of the proposed mitigation measures currently disputed. As the neighbourhood plan is not proposing any development proposals outside of the Local Plan development levels and allocations this would already be a development management consideration through the Local Plan policies as well as national policies contained in the Framework.</p> <p><u>Policy HNDP1 – Area of Locally Valued Landscape</u></p>

		<p>Gladman are concerned that the proposed policy will seek to prejudice the delivery of sustainable development proposals from coming forward. The emphasis of this policy is on the 'protection' of the landscape/views of the surrounding area rather than seeking to integrate new sustainable development opportunities within the existing landscape and character of the local area. Furthermore, to be valued, a view would need to have some form of physical attributes demonstrating its significance. The policy must allow for a decision maker to come to a view as to whether particular locations contain physical attribute that would 'take it out of the ordinary' rather than designating vast swathes of land which may not have any landscape significance and are based solely on community support. Opinions on landscape are highly subjective therefore without robust evidence to demonstrate why these areas are considered special beyond the fact that they are 'an area of attractive and unspoilt countryside'. Gladman recommend that this policy is deleted.</p> <p><u>Policy HNDP 2 – Local Green Space</u></p> <p>In order to designate land as LGS the Parish Council must ensure that it is able to demonstrate robust evidence to meet national policy requirements as set out in the Framework. The Framework makes clear at paragraph 99 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development. Paragraph 99 of the Framework states that:</p> <p><i>'The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.'</i></p> <p>Further guidance is provided at paragraph 100 which sets out three tests that must be met for the designation of LGS and states that:</p> <p><u>'The Local Green Space designation should only be used where the green space is:</u></p>
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		<p> a) <i>in <u>reasonably close proximity to the community it serves</u></i>; b) <i><u>demonstrably special</u> to a local community and <u>holds a particular local significance</u>, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and</i> c) <i><u>local in character and is not an extensive tract of land.</u></i> (emphasis added) </p> <p>With regards to the proposed designations, there appears to be very little consideration of how each proposed LGS meets the criteria for designation beyond fleeting reference contained in the supporting text. In order to designate land as LGS the Plan should be supported by proportionate and robust evidence as required by the PPG. Failure to demonstrate how each parcel meets the test above is contrary to the requirements of national policy and guidance and is therefore inconsistent with basic condition (a).</p> <p><u>Policy HNDP4</u></p> <p>The above policy sets out that there will be a presumption against land raise on development sites in view of the high risk and incidence of surface water flooding. It states where land raise is proposed permission will only be granted where mitigation can be shown to satisfactory deal with any identified risk.</p> <p>If it can be demonstrated that raising land to mitigate flood risk is acceptable then Gladman suggest that flood mitigation measures would be better addressed and managed by WDC and East Sussex County Council. Furthermore, Gladman note that the neighbourhood plan is unable to 'permit development' as this is the sole responsibility of WDC through the decision-making process. Gladman recommend that these elements are deleted from the HNP.</p> <p><u>Policy HNDP5: Green and Blue infrastructure</u></p> <p>The above policy seeks to protect and enhance green and blue infrastructure assets as identified on the proposals map in accordance with the criteria listed. Protection of these areas should be commensurate with their status giving appropriate weight to their importance and contribution to</p>
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		<p>wider networks. Whilst Gladman recognise the importance of this policy to the local community in principle, we would suggest further flexibility is provided where the loss of biodiversity assets may be required to ensure the delivery of a development proposal i.e. the loss of hedgerows for access. In such instances, development proposals will often mitigate the loss of assets through compensatory measures such as the provision of additional green infrastructure as part of the onsite landscaping.</p> <p><u>Policy HNDP 9: Housing Type</u></p> <p>In principle, Gladman support the general thrust of this policy which seeks to provide a mix of housing types. However, it is currently unclear how the proposed housing mix, which seeks to support a high percentage of homes for the elderly and starter homes of 2-3 bed or smaller has been derived. As such, there is no robust and proportionate evidence to support this policy requirement as required by the PPG.</p> <p>In this regard, housing mix will inevitably change over a period of time and this policy should instead seek to secure a greater degree of flexibility going forward. Gladman suggest that this issue is discussed with the Council's housing team to ensure that they align with the Council's housing mix and tenure preferences. As housing needs can change over time, there is also a real risk that this policy will become outdated as new evidence of local need comes to light and the neighbourhood plan should contain suitable measures (i.e. if up-to-date evidence is provided) so that it can respond positively to changes in circumstance which may arise over the plan period.</p> <p><u>Policy HND10: Sustainable transport</u></p> <p>The above policy requires all new housing development to provide at least one electric vehicle charging point per dwelling and for flats which have allocated parking space. Before any such policy is pursued, the Parish Council will need to engage with the main energy suppliers to determine network capacity to accommodate this form of infrastructure. If charging demand became excessive there may be constraints to increasing electric loading in the area because of the limited size and capacity of existing cables and new sub-station infrastructure may be required.</p>
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		<p>The cost of such infrastructure may have adverse impacts on the deliverability and viability of development proposals and thus have an impact on the delivery of sustainable development opportunities. It is therefore recommended that flexibility be built into the Plan to ensure that this policy does not result in an approach which is prescriptive and could result in rendering a development proposal unviable. Gladman therefore recommend that the requirement for electric charging facilities is deleted and modified as follows:</p> <p>“Development proposals which include electric charging facilities for electric vehicles will be supported.”</p> <p><u>Policies HV1, HV2, LHB1, LHB2, LD1, LD2, RP1 and RP2</u></p> <p>The above policies relate to the four proposed character areas and sets out design principles which development proposals are expected to adhere to. Gladman are concerned that the above policies are overly prescriptive and suggest that there is a need for flexibility in order to allow schemes to respond to site specifics and the character of the local areas.</p> <p>Gladman note that there is several instances where these policies do not comply with the requirements of national policy and guidance. In a number of instances the policies referred to above seek to ‘resist’ development proposals if they contain certain design measures (i.e. dormer windows/roof extensions) which could come forward through permitted development rights. In addition, it is noted that the policy seeks to protect all heritage assets and the historic development pattern without taking account of the separate balancing exercises that would be required in accordance with national policy.</p> <p>Furthermore, Gladman raise concerns regarding the policy wording ‘unwarranted and unjustified development that erodes the rural character and identify of Hellingly’ and similar worded policies contained in the remaining settlement character areas as this does not accord to the positive approach to growth as required by the Framework. The use of such wording would likely be used as a reason for refusal against any planning application on the edge of the settlement.</p>
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		<p>Indeed, it is important to note that the neighbourhood area extends to Hailsham. Development on the edge of adjacent settlements would therefore be to meet the needs associated with those settlements and would therefore add an unnecessary level of constraint to the delivery of sustainable development and would not be in accordance with the requirements of the PPG3. Gladman recommend that this element of the policy wording is also deleted.</p> <p>Notwithstanding the above, there will not be a 'one size fits all' solution in relation to design and sites should be considered on a site by site basis with consideration given to various design principles.</p> <p>It is therefore important that flexibility is provided in the policy wording to ensure that high quality and inclusive design is not compromised by aesthetic requirements alone. To do so could act to impact on the viability of proposed residential developments and would not have regard to paragraph 126 of the Framework which states that:</p> <p><i>"To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high-quality standard of design. However, their level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified."</i></p> <p><u>Policy LHA1</u></p> <p>Policy LHA1 states that development proposals requiring the demolition or substantial redevelopment of a local heritage asset will be refused. As currently worded, this policy does not accord with the requirements of the Framework. National policy only requires consideration of an application on the significance of a non-designated heritage asset to be considered in determining the application and does not completely rule out development which may influence the significance of a non-designated heritage asset. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.</p>
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<p>Friends of Park Wood Hellingly</p>	<p>18th June 2019 (by email)</p>	<p>(full representation)</p> <p>Vision:</p> <p><i>Support, particularly the reference to 'providing a green and accessible lung for the growing town of Hailsham.'</i></p> <p>Reasons:</p> <p>The vision reflects community aspirations, with specific regard to providing a rural setting and green infrastructure to complement the planned growth of Hailsham, including that within the southern part of the Parish</p> <p>Policy HNDP1:</p> <p><i>Support</i></p> <p>Reasons:</p> <p>As stated in the supporting text, local landscape studies evidence the more rural character of the undulating countryside away from the Hailsham fringes. The NPPF has 'protecting and enhancing valued landscapes' as an objective, which is not confined to national designations. The policy is commensurate with the locally important landscape of this area. The inclusion of the one remaining large woodland block of Ancient Woodland comprising of Park Wood, Nobody's Wood and Jarvis Wood is particularly welcomed.</p>

		<p>Policy HNPD2 - Part 1:</p> <p><i>Support Local Green Space (LGS) designation of Park Wood (with some minor clarifications)</i></p> <p>Reasons:</p> <p>As stated at item 5 of paragraph 35, Park Wood is highly valued locally. As well as being Ancient Woodland and recently designated 'Access Land' under the CRoW Act, it is also a designated 'Local Wildlife Site'.</p> <p>These respective designations provide objective evidence of its ecological and amenity value. Its value to the local community is amply demonstrated by its submission by the Parish Council, and acceptance by Wealden District Council, as an 'Asset of Community Value'. The establishment of Friends of Park Wood Hellingly, with approaching 200 paid members and some 670 followers, provides further evidence of its importance to the community it serves.</p> <p>While Park Wood is a large Ancient Woodland, it is not an 'extensive tract of land', in NPPF terms. It is clearly defined, in a single ownership, and sits within a much broader landscape tract. It is noted that Fore Wood at Crowhurst to the East is a woodland of an almost identical size that has recently been designated as a LGS through the Crowhurst Neighbourhood Plan examination process.</p> <p>For clarity, it is recommended that:</p> <p>A) the title of the section be limited to 'Local <i>Green Spaces</i>', with reference to 'Amenity <i>Green Space</i>' deleted, as the policy is specific to the former;</p> <p>B) the reference to Park Wood in paragraph 35(5) should also highlight its Local Wildlife Site status;</p> <p>C) Maps 3, 7 and 8 ("Proposals Map") should also show Park Wood as having Local Green Space status.</p> <p>These are not regarded as matters that affect whether the NDP meets the 'basic conditions', but the Examiner and the Councils are asked to treat them as minor amendments.</p>
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		<p>'Planning permission for development which would result in the loss, reduction or erosion of an identified Local Green Space will be strongly resisted and only be granted in the following circumstances:</p> <p>(i) Where it can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value to the community, or (ii) An area of equivalent value (size and/or interest) is provided in the locality in compensation, and only where this is appropriate in accordance with the purposes of designation.'</p> <p>[An acceptable alternative approach would be to delete criterion (ii) completely.]</p> <p>This change is necessary to meet the basic condition of consistency with national policy for Local Green Spaces, as set out in the NPPF.</p> <p>Policy HNPD6:</p> <p><i>Support in principle, but widen criterion (ii) to embrace improvements to existing designated habitats.</i></p> <p>Reasons:</p> <p>As drafted, criterion (ii) of the Policy states that:</p> <p>'Biodiversity will be protected and enhanced by ensuring development ...</p> <p>ii) contributes and takes opportunities to improve, enhance, manage and restore biodiversity so that there is a net gain in biodiversity including through the creation of new protected sites and locally relevant habitats and incorporating biodiversity features within developments, such as nesting bricks, species friendly planting, bat boxes, creation of ponds.'</p>
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		<p>Although not ruled out by the policy, there are recognised opportunities to enhance existing designated sites, as provided for in relation to the development of Roebuck Park. Hence, the wording may usefully clarify this</p> <p>Recommended modifications:</p> <p>Amend criterion (ii) to read: ‘ii) contributes and takes opportunities to improve, enhance, manage and restore biodiversity so that there is a net gain in biodiversity including through the creation of new protected sites and locally relevant habitats and incorporating biodiversity features within developments, such as nesting bricks, species friendly planting, bat boxes, creation of ponds, as well as contributing to the enhancement of existing nearby protected sites.’</p> <p>Recommendation RPR2 and supporting text:</p> <p><i>Elaborate on the recommendation</i></p> <p>Reasons:</p> <p>The NDP correctly states that a significant under supply of amenity green spaces and recreation grounds is also highlighted in Wealden’s most recent study of public open space.</p> <p>In addition to formal provision, the Study highlights a need for a large “accessible natural green space” to serve the North and East of Hailsham¹. This should also be noted in the text. Specific reference should be made to the opportunity provided by Park Wood, potentially linked to Hellingly Country Park, to help meet the need for natural green space arising from new proposed developments, as well as to address existing acknowledged under-provision against the recognised ANGSt standard.</p> <p>The opportunity for improved access to a large informal open space/ woodland has clear benefits in respect of health and well-being.</p>
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		<p>Recommended modifications:</p> <p>The Parish Council is urged to elaborate on Recommendation 2 – RPR2 to state:</p> <p>‘That Wealden District Council require the provision of an outdoor playing area for youth and adult recreation of a minimum of 2.8 hectares as a physical extension to Hellingly Country Park to serve the proposed residential development north of New Road Hellingly and nearby. And further be requested to urgently address the significant under provision of parks and recreational open space, including accessible natural green space, identified within the 2017 Wealden Open Space Study for Hellingly and Arlington Parishes and Hailsham Town identified within the 2017 Wealden Open Space Study.’</p>
Southern Water	12 th June 2019 (by email)	<p>(full representation)</p> <p>Policy HNBP 2: Local Green Space</p> <p>Southern Water understands Hellingly Parish Council’s desire to protect areas of Green Space. However, we cannot support the current wording of this policy as it could create a barrier to statutory utility providers, such as Southern Water, from delivering its essential infrastructure required to serve existing and planned development.</p> <p>The National Planning Policy Framework (NPPF) (2018) establishes in paragraph 101 that Local Green Space policies should be consistent with those for Green Belts, and Paragraph 143 sets the intention of ruling out inappropriate development ‘except in very special circumstances’. Paragraph 144 explains that special circumstances exist if the potential harm of a development proposal is clearly outweighed by other considerations, whilst Paragraph 146 identifies that ‘certain other forms of development are also not inappropriate’ in the Green Belt, including ‘engineering operations’.</p> <p>Southern Water considers that should the need arise, special circumstances exist in relation to the provision of essential wastewater infrastructure required to serve new and existing</p>

		<p>customers. This is because there are limited options available with regard to location, as the infrastructure would need to connect into existing networks. The draft National Planning Practice Guidance recognises this scenario and states that 'it will be important to recognise that water and wastewater infrastructure sometimes has needs particular to the location (and often consists of engineering works rather than new buildings) which mean otherwise protected areas may exceptionally have to be considered'.</p> <p>To ensure Hellingly NDP meets the basic conditions, namely to comply with national policy and guidance as outlined above, we therefore recommend the addition of the following criterion to Policy HNPD2:</p> <p>Planning permission for development which would result in the loss or reduction of an identified Local Green Space will be strongly resisted and only be granted in the following circumstances:</p> <ul style="list-style-type: none"> i) Where it can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value to the community; or ii) An area of equivalent value (size and/or interest) is provided in the locality in compensation; or iii) Where very special circumstances exist, for example where it is essential to meet specific utility infrastructure needs and no feasible alternative site is available.
National Grid	12 th June 2019 (by email)	<p>National Grid has identified the following high voltage overhead power line as falling within the Neighbourhood area boundary:</p> <ul style="list-style-type: none"> • 4VM Route - 400kV two circuit route from Ninfield substation in Rother to Bolney substation in Mid Sussex <p>From the consultation information provided, the above overhead power line does not interact with any of the proposed development sites.</p> <p>Gas Distribution – Low / Medium Pressure</p>

		<p>Whilst there are no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites. If further information is required in relation to the Gas Distribution network, please contact plantprotection@cadentgas.com</p> <p>Electricity distribution</p> <p>Information regarding the distribution network can be found at: www.energynetworks.org.uk</p>
Natural England	18 th June 2019 (by email)	We have reviewed the attached plan however Natural England does not have any specific comments on this neighbourhood plan

Summary of Representations submitted to the Examiner during the Examination		
Wealden District Council	19 September 2019	<p>Policy HNDPE - Habitats Regulations (paras 6-7)</p> <p>The Council published in May 2019 a Habitats Regulations Assessment (HRA) which formed part of the submission documents to the Neighbourhood Plan. The HRA was undertaken on the basis of the proposals and policies contained within the Hellingly Neighbourhood Development Plan (Regulation 16). The Hellingly NDP HRA has been considered alongside other relevant Plans and projects. The information and evidence used for the Wealden Local Plan HRA is directly relevant to the Hellingly NDP taking into consideration the Local Plan's overarching and strategic nature. The emerging Wealden Local Plan HRA and the Hellingly NDP HRA has used the most up-to-date information, knowledge and evidence to inform its conclusions.</p>

		<p>The Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations') relates to all development that may have a likely significant effect on European/International Habitats sites. In considering the Hellingly Neighbourhood Development Plan the Council has identified certain pathways that are likely to have a significant effect alone and in combination. These pathways include:</p> <ul style="list-style-type: none"> • Water quality and hydrology in relation to foul water that results from built development which contain toilets/ sinks etc. that eventually discharge into Pevensey Levels SAC and Ramsar Site as treated effluent; • Water quality and hydrology in relation to surface water, as a result of any built development (i.e. the creation of impermeable surfaces) that is located within the Pevensey Levels SAC and Ramsar Site hydrological catchment; and • Atmospheric pollution as a result of increased traffic on roads adjacent to Pevensey Levels SAC and Ramsar Site, Ashdown Forest SAC and Lewes Downs SAC. <p>In relation to the Hellingly NDP, Wealden District Council, as competent authority under the Habitats Regulations, has concluded, following its Habitats Regulations Assessment that the Hellingly Neighbourhood Development Plan will not adversely affect the integrity of any European or International site, subject to the inclusion of Policy HNDPE. This conclusion has been reached without relying on the emerging Wealden Local Plan policies as relevant to the Ashdown Forest and Pevensey Levels.</p> <p>Within the Wealden Local Plan HRA, thresholds and mitigation are identified for development identified within the Wealden Local Plan. This includes air quality, water quality and hydrology. This means that development identified in the local plan has been through the appropriate HRA procedures. Development not identified in the local plan must be subject to screening and if necessary an appropriate assessment. In the absence of the Wealden Local Plan HRA, which has had to be assumed for Hellingly NDP, then any development that relates to the pathways above will need to be subject to screening and if necessary an appropriate assessment.</p>
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		<p>The Council has had to deal with a similar situation in relation to recreational pressure at the Ashdown Forest SPA, when part of the Core Strategy was quashed at the Court of Appeal¹. This did not affect Hellingly Parish, but an area of 15 km around Ashdown Forest. To deal with this situation the Council undertook a guidance note which provided information regarding screening, which if necessary can be undertaken for the District, depending on the circumstances with the emerging plan, in order to help inform decision makers and applicants.</p> <p>Information will be required for both screening and appropriate assessment, if the Council does not already hold the information. As identified above a HRA is required for water quality and hydrology issues as well as air quality. In this regard, the information required will be on a case-by-case basis. Owing to the People over Wind case² mitigation can only be considered at the appropriate assessment stage. The Council will do as much as it can to provide scenarios where there may not be a likely significant effect, however each case needs to be considered on its own merits and as such the outcome cannot be prejudged.</p> <p>Owing to the need to consider each development on its own merits, under a number of unique circumstances, then the Local Validation Checklist is not the appropriate vehicle to require information to accompany a planning application.</p> <p>Policy HNDP1 Area of Locally Valued Landscape (paras 8-10)</p> <p>WDC support the concept of Policy HNDP1 in providing policies concerning local landscape. WDC advocate an approach which is evidence based and have produced two landscape background reports to support the policies contained within the emerging WLP. They can be found on the Council's website at http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Evidence_Base/Planning_Evidence_Base_Landscape.aspx, and are as follows:</p> <ul style="list-style-type: none"> • Landscape and Settlement Character Assessment (2014). The study assesses the landscape in the three distinct character areas within the District (the Low Weald, High Weald and Pevensy Levels) as well as at the more local scale of specific settlements.
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		<p>Hellingly is assessed as part of the Low Weald landscape area in part 5.13 of the study; and</p> <ul style="list-style-type: none"> • South Wealden Growth Area Landscape and Ecological Assessment Study (2017). This study comprises of landscape and ecological assessments of a number of sites contained within the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA). Sites located within Hellingly and Lower Horsebridge can be found in Chapter 7.0 of the study. <p>WDC have used this evidence base together with National Designations to inform landscape policies in the emerging WLP. Chapter 9 and Policy EA4 of the emerging WLP set out the key characteristics of each character area and the justification for the higher level of landscape protection for these areas. Policy HNPD1 seeks to allocate a different area of locally valued landscape which is not compatible to that identified in the emerging WLP. On this basis the Council would not be able to support this designation as it is not in conformity with the Council's evidence base.</p> <p>The Council's Local Validation List is set out in Appendix 2 to this document. There is no requirement to submit a landscape assessment within the list. Landscape Character Assessments are not a 'Mandatory' validation requirement. However, it is stated that a Biodiversity and Survey Report may be a 'conditional' document required by the Planning Officer during the process of the application depending on the type and location of the development. Information on Biodiversity and Survey Reports are found within Appendix 2 which also includes the following guidance on Landscape Assessments:</p> <p>"Full regard should be paid to the AONB Management Plan for detailed guidance on ways in which landscape character and local distinctiveness can be preserved. For developments likely to impact upon nationally important landscapes, the application should include a full assessment of the potential impacts of the development on local landscape character using landscape assessment methodologies following good practice guidelines for Landscape Character Assessment."</p>
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		<p>.Criteria three of the policy relates to long distance views of the South Downs from public vantage points. As part of the 2017 South Wealden Growth Area Landscape and Ecological Assessment Study a visual analysis of each site was undertaken which included: the sites visual context, the zone of visual influence, key views and principle visual receptors. Key local views are also identified on each map for the site. These have been taken into account when allocating sites within the Wealden Local Plan. For example the landscape assessment for Allocation HN1C (Land at Park Farm) identifies that the site is visible from longer distance viewpoints in the Pevensey Levels to the east and higher ground to the south (including the South Downs). Policy HN1C would be contrary to the strategic policy as if such an impact is not satisfactorily mitigated the development would not be permitted.</p> <p>.The Parish Council have identified three vantage points in their response to this question: south of the Welshurst Golf Driving Range, at Grove Hill on the path leading down to Shawpits Farm and on the Wealdway near to the western parish boundary. We are unclear as to the evidence to support these three areas and with regard to the viewpoint at Shawpits Farm it is not clear whether this would have an impact on the delivery of the allocations set out in North Hailsham in the emerging WLP.</p> <p>Policy HN1C Local Greenspace (paras 11-12)</p> <p>WDC support the inclusion of a policy to protect locally important greenspace and the Parish Council set out in paragraph 35 of the neighbourhood plan.</p> <p>With regard to the second paragraph of Policy HN1C paragraph 99 of the NPPF (2019) states that 'Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services'. 'Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period'. On reflection it is considered that criteria (i) of Policy HN1C does not comply with the requirement in the NPPF that the local green space is capable of enduring beyond the end of the plan period. This is because the criteria sets out that such a space could be lost or reduced if it can be demonstrated</p>
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		<p>that the land no longer has any visual, recreational, amenity or ecological value to the community.</p> <p>Paragraph 100 (b) of the NPPF (2019) states that a Local Green Space designation should only be used where the greenspace is ‘demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife’. If an area of greenspace has been designated (and therefore meets all the requirements in paragraph 100 of the NPPF) it is not considered that an alternative can be provided (as per criteria (ii) of Policy HNPP2 – Local Green Space which states that an area of equivalent value (size and/ or interest) in the locality in compensation). Any compensatory land should already be designated as a local green space. We would therefore suggest that criteria (ii) would not be able to be consistent with national policy.</p> <p>WDC support the Parish Council’s suggested modification to the Neighbourhood Plan which removes the part of the policy relating to replacement local green space.</p> <p>Policy HNPP 3 Areas of Critical Flood and Drainage Concern (paras 13 – 15)</p> <p>WDC supports the need to consider the impacts of flood risk within Hellingly through policy. However, WDC are unable to fully support this policy as it goes beyond the requirements set out in the strategic policies for sites allocated within the WLP and potentially prejudices allocations.</p> <p>The Strategic Flood Risk Assessment³, which informed the emerging Wealden Local Plan, was subject to stakeholder involvement from inception to completion. This included the Environment Agency as well as the Lead Local Flood Authority (LLFA). The information contained within the SFRA has been agreed with all parties. The SFRA considers information from all types of flooding and this information informed the Sustainability Appraisal and the sequential test. Further work on groundwater is currently being undertaken by the LLFA, which is being supported by WDC. However, until such time as this data is collated and analysed the SFRA is the most up to date and verified information concerning flood risk, meeting NPPF and NPPG requirements.</p>
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		<p>The sites allocated within the WLP that are identified as being within the areas of Critical Flood and Drainage Concern shown in the neighbourhood plan are all located within flood zone 1 including the A22 employment corridor which falls within the Parish boundary and partially falls within the flood control zones. The sites do have small proportions of their areas identified in the Council's Strategic Flood Risk Assessment (SFRA) as at risk of surface flooding and are within areas of groundwater concern. The Council consider that groundwater and surface water risks can be appropriately avoided and managed and are dealt with in the WLP.</p> <p>Policy NE4 of the WLP provides a comprehensive policy which seeks to ensure that all development with potential surface water and groundwater impacts are managed appropriately and consideration given to the wording of this policy. In this regard, it concurs with Hellingly Parish Council's proposed changing to ensure flood risk is not increased elsewhere.</p> <p>.Paragraph 163 of the NPPF requires flood risk assessments (FRAs) on certain developments/sites and this would cover any development proposals brought forward within the Hellingly NDP area, including strategic allocations in the emerging WLP. Policy HNDP3 appears to be more prescriptive than necessary and may prevent workable solutions to surface water and groundwater risks.</p> <p>WDC does not consider it necessary for Policy HNDP3 to explicitly state that SuDS are intended to deal with surface water flooding only as this is not the approach taken within the NPPF or WLP.</p> <p>In relation to the overall premise of the Policy, WDC would prefer that the policy reflects that which is contained within the emerging WLP. For example WDC is concerned regarding the wording "...unless the proposal has other public benefits..." used within Policy HNDP3. Notwithstanding that this is not recognised within the NPPF, it is not clear for the decision maker what public benefits (and the weight attached) should be considered.</p> <p>Policy HNDP4 (Paras 16-17)</p>
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		<p>WDC supports this policy in principle, however it should be amended to the effect that development proposals should not put the development at risk of flooding from all sources, nor increase this risk elsewhere. This is in line with the NPPF and WLP. There is no need to differentiate between 'properties' and 'land'. This approach would be in line with paragraph 155 of the NPPF.</p> <p>In addition, the Local Validation Checklist includes the requirement for an FRA where appropriate.</p> <p>WDC is unable to support the part of Policy HNDP4 that states "There will be a presumption against land raise on development sites..." Notwithstanding the fact that recontouring of land in principle may be acceptable there are sites within the NDP area that have been granted planning permission, and are under construction, and include land raise (as set out in Table 1 above) and have been deemed acceptable. Land raising is a mitigation method/technique to deal with groundwater flood risk and developers are entitled/required to mitigate flood risk in developments where appropriate and necessary.</p> <p>Notwithstanding the above, Policy HNDP4 as written covers the whole NDP area and so includes land not subject to flood risk. This approach is not justified in view of the requirements of Paragraph 163 of the NPPF.</p> <p>WDC consult with the LLFA and Cuckmere and Pevensey Management Board on proposals as appropriate, and take full account of their advice/consultation responses. It is ultimately the Councils decision on proposals, as the decision maker. In light of this, Policy HNDP4 does not need to state that the Council requires the agreement of the Lead Flood Authority and the Pevensey and Cuckmere Management Board.</p> <p>Policy HNDP5 Green and Blue Infrastructure (para 18)</p> <p>WDC supports the inclusion of a policy concerning green and blue infrastructure. To help support this policy it is considered that it would be helpful for green infrastructure and blue infrastructure to be defined in the NDP and this approach is supported by the Parish Council. This would align</p>
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		<p>with the NPPF which defines green infrastructure and paragraphs 8.18 and 8.20 of the emerging WLP identifies what is defined as green infrastructure.</p> <p>With regard to criteria (i) of Policy HNDP5 Green and Blue Infrastructure the recent British Standard for Biodiversity BS 42020:2013 states: “6.2 Adequacy of ecological information (...) 7) being sufficiently up to date (e.g. not normally more than two/three years old, or as stipulated in good practice guidance);”</p> <p>It is considered that the survey validity period is generally relevant to the type of survey. In our experience, for example, protected species (roosting bats) may be subject to quicker changes than say assessment of fairly a static habitat. There are a few exceptions therefore we would suggest that “not normally more than two/three years old, or as stipulated in good practice guidance” is included in criteria (i) of policy HNDP5 Green and Blue infrastructure. Good practice guidance being that released from CIEEM, NE or referenced in NE’s standing advice (e.g. Bat Conservation Trust publications).</p> <p>There is no mention of the hierarchy of sites in the policy. Therefore, this policy may benefit from a sentence that addresses the hierarchy consideration as per the NPPF paragraph 171. There is no mention of protected sites per se. However, both the Core Strategy and WLP (Policy EA3) set this out. It would be helpful if this policy aligned. Significant harm at paragraph 175 of the NPPF could also be brought in to make the policy NPPF compliant. This could be achieved by adding in the word ‘significant’ before ‘harm’.</p> <p>Policy HNDP6 Biodiversity (Para 19)</p> <p>The requirement for applicants to produce a biodiversity survey is included in the Local Validation Checklist and is dependent on the type of application. Biodiversity Surveys are not a ‘Mandatory’ validation requirement. However, it is stated that where a proposed development is likely to have impacts on wildlife and biodiversity, a Biodiversity and Survey Report may be a ‘Conditional’ document required by the Planning Officer during the process of the application.</p>
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		<p>Applications that may require a Biodiversity and Survey Report are set out in Appendix 2 of the Local Validation Checklist and include: o Application for Planning Permission; o Application for Outline Planning Permission with some matters reserved; o Application for Outline Planning Permission with all matters reserved; o Application for Planning Permission and Listed Building consent; o Application for Planning Permission and Advertisement consent; o Application for Planning Permission for Relevant Demolition in a Conservation Area; o Listed Building consent for alterations, extension or demolition of a Listed Building; o Listed Building consent for alterations, extension or demolition of a Listed Building and advertisement consent; o Application for Approval of Reserved Matters following outline approval; o Application for Planning Permission and for relevant Demolition of an Unlisted Building in a Conservation Area; o Application for Hedgerow Removal Notice; and o Application for Prior notification – proposed demolition.</p> <p>The validation checklist sets out types of application would not require a biodiversity survey. They include:</p> <p>Householder Application for Planning Permission for works or extension to a dwelling; o Householder Application for Planning Permission for Works or Extension to a Dwelling and for relevant Demolition of an Unlisted Building in a Conservation Area; o Householder Application for Planning Permission for works or extension to a dwelling and Listed Building consent; o Application for Advertisement consent; o Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition; o Application for a Lawful Development Certificate for a proposed use or development; o Application for prior notification of proposed agricultural development – proposed building; o Application for prior notification of proposed agricultural development – proposed road; o Application for prior notification of proposed agricultural development – proposed fish tank; o Application for prior notification of proposed development in respect of permitted development by electronic communications code operators; o Application for removal or variation of a condition following grant of planning permission (section 73 of the Town and Country Planning Act 1990); o Useful Supporting Information – Application for Approval of Details Reserved by Condition; o Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in Conservation Areas (CA); o Application for a New</p>
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		<p>Planning Permission to replace an Extant Planning Permission, in order to extend the time limit for implementation. Application for replacement of associated Listed Building and/or Conservation Area Consents in order to extend the time limit for implementation; and o Application for Non-material amendment following a Grant of Planning Permission</p> <p>On the basis that not all applications would be required to provide a biodiversity survey, this would not be able to be included as a requirement for 'all development' as per Policy HNDP6.</p> <p>Criteria (iv) of the policy would be construed as major developments (10 units or more). WDC recommends that this policy be amended to include all major development, not just residential as commercial development may also have an impact. This modification has been discussed with the Parish Council who support its inclusion should the Examiner agree.</p> <p>Policy HNDP7 Rural Economy (para 20)</p> <p>Chapter 31 of the emerging WLP sets out the Council's position and policy in relation to the Rural Economy. Policy RAS5 sets out where rural commercial activities will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. Outside of development boundaries, development which maintains or improves the rural character, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and comply with a defined set of criteria set out in the policy which aligns with paragraphs 83 and 84 of the NPPF. Policy HNDP7 states that business development taking place in the rural area should provide "economic, social and environmental benefits locally". WDC suggests that this part of the policy is not necessary as it reiterates the general sustainable development principles in the NPPF, and goes above and beyond the requirements of paragraphs 83 and 84 of the NPPF. The policy complies with the Local Plan policies, albeit that diversified uses should not prejudice the long term agricultural use of the site.</p> <p>Policy HNDP8 Isolated New Dwellings (para 21)</p>
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		<p>Chapter 28 of the emerging WLP sets out the Council's position and policy in relation to new dwellings within the countryside which are located outside a development boundary or not in conformity with Policy RAS1 (Core Areas). Paragraph 79 of the NPPF seeks to avoid new isolated homes in the countryside unless there are special circumstances which are set out in paragraph 79 (a) to (e). Policy RAS2 of the WLP sets out the circumstances where isolated dwellings would be permitted which include circumstances for rural workers, enabling development, innovative design, replacement agricultural dwellings outside the AONB and replacement dwellings. This policy aligns with the NPPF. WDC suggests that Policy HNPD8 'Isolated New Dwellings' could be modified to include criteria to that which is set out in Policy RAS2 of the Wealden Local Plan and the requirements of paragraph 79. This would ensure that the policy is in conformity with the NPPF.</p> <p>When determining such applications the Council appoints a rural estates surveyor to assess each application on a case by case basis. The industry standard used is 160 sqm per dwelling (including an office space) however this may differ depending on the individual circumstances of the application.</p> <p>Policy HNPD9 Housing Types (para 22)</p> <p>WDC support the Policy in principle but agrees that 'high percentage' in Policy HNPD9 Housing Types should be defined to assist the decision maker. Paragraph 36.11 and Policy HG9 of the emerging WLP sets out WDC's policy relating to housing mix 'New housing developments, including affordable housing, will be expected to provide for a mix of dwelling size and type that meet the identified housing needs of the local area. With the exception of dwellings subject to the Core Area Policy (RAS1) on sites of 3 dwellings (net) or greater, within the South Wealden Growth Area at least 35% of the market units must be 1 or 2 bedroom dwellings, and a maximum 5% 4 or more bedroom dwellings. For the remainder of Wealden District at least 40% of the market units must be 1 or 2 bedroom dwellings, and a maximum of 5% 4 or more bedroom market dwellings. Affordable housing on larger mixed tenure sites (50 dwellings or more), including allocations, should seek to have a mix of 35-40% 1 bedroom dwellings, 35-40% 2 bedroom dwellings, 20% 3 bedroom dwellings and 0-5% 4+ bedroom dwellings. On sites with a small affordable housing provision the preference will be for smaller dwellings unless otherwise</p>
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		<p>advised by the Local Housing Authority. Neighbourhood Development Plans may specify alternative housing mix for development, outside allocations contained within this plan, taking into account the circumstances within the Designated Neighbourhood Area. Where it can be proven that the affordable housing mix is not viable there will be flexibility in meeting stated targets with the preference for smaller dwellings to meet need.'</p> <p>Policy HG9 does allow NDP's to specify an alternative housing mix on sites not allocated in the WLP taking into account local circumstances. Policy HNPD9 seeks to undertake this and references 'subject to compliance with other policies in the Development Plan'.</p> <p>The intention of the policy is in part to support development providing a high percentage of homes for the elderly. Policy HG12 of the WLP sets out requirements for accessible housing on new developments which will also assist in supporting the aims of Policy HNPD9.</p> <p>In addition, the Housing and Planning Act 2016 introduced provisions for Starter Homes as affordable housing products. These homes have a restriction in terms of sales value, age of eligibility and other limiting criteria. These homes, currently do not fall within the definition of affordable homes, can be sold on at market value after a number of years, and ultimately forms part of the market housing stock (together with other tenures that form part of the Right to Buy). Policy HG2 includes a requirement; 'In the circumstances where a proportion of starter homes are specifically required through regulations then the remaining affordable provision up to 35% shall be made available as rented accommodation'. This policy will also assist Policy HNPD9 in the provision of smaller homes.</p> <p>Policy HNPD10 Sustainable Transport (para 23)</p> <p>The expectation in relation to the type of electric vehicle charging points for new development would depend on the development being proposed. An assessment of the impact of the additional load on the system would have to be assessed and whether there is existing capacity for this additional burden. Developers would be expected to liaise with UK Power Networks to assess this and then set out suitable solutions to deliver the charging points. Notwithstanding this</p>
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		<p>it is expected that taking into account current technology it would need to be dedicated charging point as opposed to access to a three-pin plug.</p> <p>Character Areas (para 24)</p> <p>The Parish Council will provide a map showing the boundaries of the character areas</p> <p>Policy HV1 (para 25)</p> <p>WDC agree with Hellingly Parish Council that the wording of the policy would require a subjective assessment. In this regard, in discussion with Hellingly Parish Council, WDC supports the modification proposed by Hellingly Parish Council to remove 'unnecessary and inappropriate incursion' from the policy.</p> <p>Policy HV2 – Specific Design Criteria Hellingly Village (para 26)</p> <p>Taking into account the question posed by the examiner, WDC consider that the use of the terminology 'standard designs' could be open to interpretation as part of the decision making process. In order to assist the Policy could be amended and it is suggested to use 'locally distinctive taking into account local character' instead. WDC use the principles set out in Chapter 12 of the NPPF and the Council's adopted Design Guide (November 2008) when determining planning applications. The aim of the Design Guide is to encourage a higher standard of design for development within the District taking into account local distinctiveness. These documents would be used to determine whether a design is a standard design and accords with Policy HV2.</p> <p>Use of recommendations (paras 27 to 30)</p> <p>Whilst WDC understands that Hellingly Parish Council wishes to include recommendations, it concurs that recommendations should be separate from the main neighbourhood plan document and this advice has previously been provided within the Council's Regulation 14 response on page 3.</p>
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		<p>WDC is concerned with recommendation HVR3 because it directly refers to policies contained within the WLP in relation to development within the Hellingly Core Area in line with Policy RAS1 which sets out a settlement capacity of 30 for Hellingly within MSOA Wealden 018N. However, the emerging WLP does not require that this number is delivered, just that the settlement has a limit to growth of 30 dwellings. The Basic Conditions for a NDP as set out in the NPPG state that an NDP should be in accordance with the strategic policies within the Local Plan. This recommendation is contrary to the policies in the emerging WLP and seeks to influence the content of a Local Plan which is yet to be adopted. This would create difficulties when applying the Local Plan and NDP in determining planning applications.</p> <p>Recommendation LHB R1 relates to future land use allocations which is a matter for WDC to consider as part of the Local Plan process and it is considered that it should not form part of a NDP. WDC would not wish for weight to be attached to this recommendation as part of any planning application and therefore an appropriate modification would be supported.</p> <p>Recommendation LHD R3 relates to a previous application for a site within the Parish and previous commitments made as part of that application which was subsequently withdrawn by the applicant in February 2017 after it was recommended for refusal based on capacity issues at Hailsham North Waste Water Treatment Works.</p> <p>The NPPF and NPPG are clear that a NDP should not be used to restrict development therefore these recommendations are contrary to:</p> <ul style="list-style-type: none"> • Paragraph 18 (NPPF 2019) - states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change; • Paragraph 15 (NPPF 2019) - states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area. • Para 16: (NPPF 2019) -Plans should be prepared positively, in a way that is aspirational but deliverable.
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		<ul style="list-style-type: none"> • Paragraph: 036 Reference ID: 41-036-20190509 (NPPG) - A neighbourhood plan must be in general conformity with, and plan positively to support, the strategic policies of the development plan. <p>WDC would therefore support 'Recommendations' to be a separate annex as previously set out and due to the usability of the document by Officers as well as the understanding and raise of expectations for the public and indeed members as decision makers.</p> <p>Policy RP1 (para 31 to 33)</p> <p>WDC suggest that intending to secure developer contributions for all development would not comply with paragraph 56 of NPPF relating to development contributions in that contributions to support the provision of local facilities from minor development would not be necessary, directly related to development and fairly and reasonably related in scale and kind to the development. We suggest that the policy would be compliant if it relates to major development as this would be more proportionate and align with the requirements in paragraph 56. WDC support the amendment proposed by the Parish Council to include 'major' in the policy.</p> <p>The proposals map for the NDP does not identify the extent of the setting of the Roebuck Park Character Area. The Council has concern that it may impact the allocations within the emerging WLP. The views identified in Appendix B of the Parish Council's response to the examiners questions are outside the defined Roebuck Park Character Area. It is unclear how this policy is intended to be implemented.</p> <p>WDC agree with the examiner's comments in paragraph 32 relating to the impact of development on the park land setting.</p> <p>Policy RP2 Specific Design Criteria – Roebuck Park</p> <p>The NPPF (2019) promotes the effective use of land (paragraph 117) and using appropriate densities for development (paragraph 122) taking into account local circumstances. Whilst it is</p>
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		<p>appreciated that current 4 storey buildings reflect the scale and height of the former buildings, that restriction of further development with this character would be contrary to the NPPF and restrict the ability to create good design</p>
Hellingly Parish Council	19 September 2019	<p>Policy HNDE – Habitat Regulations</p> <p>We support this policy and can see the justification for wanting it included and think it is a matter for WDC as the competent authority to carry out screening. The screening should apply to all development.</p> <p>We assume that the Local Validation Checklist is regularly monitored and updated in response to changing planning regulations and policies and that this will be the case if and when the NDP is amended and the Local Plan adopted.</p> <p>Policy HNDE1 Area of Locally Valued Landscape</p> <p>The Parish Council considers that the area in the north of the Parish proposed to be designated an ALVL both has landscape value and is locally valued.</p> <p>It has different landscape characteristics to the rest of the Parish due largely to its underlying geology. It is made up predominantly of Tunbridge Wells sand whereas the area to the south of it, extending beyond the Parish to the coast and the South Downs, is largely Weald Clay. Its rolling topography, rising to 60-80m above sea level, contrast sharply with the flat low-lying areas (mostly below 20m below sea level) to the south.</p> <p>As explained in Topic Paper No 2: Landscape, the proposed ALVL is characterised by small fields with species rich hedgerows. It contains numerous areas of surviving ancient woodland, some small and some large (e.g. Park Wood and Nobody's Wood). Whilst there is some arable use, the land is mainly grassland used for livestock farming. It is very rural in character, its few buildings mainly situated along the 2 roads leading northwards to Horam. It has a welldeveloped</p>

		<p>network of public footpaths which provide some impressive long-distance views over the Low Weald to the South Downs.</p> <p>By comparison, the southern part of the Parish generally has larger fields reflecting the higher proportion of arable farming. The land is more open with less woodland and fewer hedgerows, especially in the area known as The Broad. The public footpath network is not so extensive. The area is less varied and interesting in appearance and is becoming increasingly urbanised in character with the northward expansion of Hailsham (it now accommodates about 90% of the Parish population).</p> <p>Wealden to provide their comments separately. The Parish Council understands this would be on a case by case basis.</p> <p>The viewpoints are on public footpaths</p> <ul style="list-style-type: none"> a) just to the south of the Wellshurst Golf Driving Range b) at Grove Hill on the path leading down to Shawpits Farm; and c) on the Wealdway near to the western Parish boundary. <p>These are shown on the attached plan – Appendix A and can be identified on the Proposals Map, if considered necessary</p> <p>Policy HNDP2 Local Green Space</p> <p>Development is required to be determined in accordance with the development plan unless material considerations indicate otherwise. This Policy was included to enable suitable replacement should other material considerations result in the loss of local green space. We consider all identified LGS to be capable of enduring beyond the Plan period.</p> <p>However, if the Examiner feels that deletion of the Policy in respect of suitable replacement provides a less ambiguous interpretation, aligns better with the NPPF and meets the representation of the Friends of Park Wood, the Parish Council would see this as a minor modification which it would be happy to accept.</p>
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		<p>Policy HNBP 3 Areas of Critical Flood and Drainage Concern</p> <p>The additional areas are known locally to have been subject to surface water flooding, but as explained in our Topic Paper 5, paragraphs 17 and 26, relatively few incidents of flooding have been recorded by ESCC. ESCC include flooding incidents that impact on property and not groundwater flooding which is the basis of the incidents referred to in our Topic Paper.</p> <p>In order to be consistent with paragraph 155 of the NPPF it is proposed that policy HNBP 3 be amended after the words “development proposals will be resisted” a new sentence is proposed to confirm that where development is necessary in such areas the development should be made safe for its lifetime without increasing flood risk elsewhere.</p> <p>Policy HNBP 4</p> <p>The capacity of existing flood plains has been significantly pressurised by recent extensive development within the Parish including some that has been the subject of land raise. It is suggested that Policy HNBP 4(i) is amended by removal of the final 3 words “to adjoining land” and replaced with the word “elsewhere” in order to show consistency with the NPPF para 155.</p> <p>The Parish Council considers the presumption against land raise should apply to any development site within the Plan area. A number of local consents which have allowed land raise (see Topic Paper 5, photograph February 2017) have not been subject to assessments of possible risk of flooding elsewhere. Policy HNBP 4(ii) does allow for permission where mitigation can be shown to satisfactorily deal with any identified risk.</p> <p>In respect of this particular Policy we consider that the lead flood authority and the Pevensey and Cuckmere Management Board both have a significant role to play and where any mitigation proposed should be acceptable to all.</p> <p>Policy HNBP 5 Green and Blue Infrastructure</p>
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		<p>The Parish Council is happy to insert the following paragraph at the beginning of the section on Nature Conservation and Biodiversity. “Green and Blue Infrastructure is the term now commonly given to the green spaces and water environments that are acknowledged as being essential to the quality of our lives and ecosystems. It is referred to as 'infrastructure' owing to it being as important as other types of infrastructure, for example roads, schools and hospitals, that help support our daily lives. For the purposes of the NDP it encompasses all green spaces and water environments that are of public and natural value within the Parish.”</p> <p>Natural England also provides a useful definition of green and blue infrastructure which can be found on their website.</p> <p>The Parish Council can confirm Policy HNPD5(i) does refer to an ecological survey which should have been carried out within 2 years of the submission of the application, and the text can be amended if appropriate.</p> <p>The NPPF refers to this hierarchy and it is not therefore considered necessary to repeat such wording here. The policy wording in the NDP (Policy HNPD 5 (iii)) can be amended to include the word significant to better align with the wording in the NPPF.</p> <p>We consider the requirements of the Policy do recognise the hierarchy of sites and that the threshold of “significant harm” set out at para 175 of the framework will relate to the level of harm upon any particular site. The Policy would be expected to apply to all applications within the designated areas bearing in mind it is still possible that a small scale extension could nevertheless have significant impact on an identified green or blue infrastructure asset.</p> <p>Policy HNPD 6 Biodiversity</p> <p>The requirement is intended to apply to all development and is consistent with advice in the NPPF which confirms that the planning system should contribute to and enhance the natural environment by minimising impact on and providing net gains for biodiversity.</p>
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		<p>For those developments defined by Government as major developments (i.e. including residential and other development) it is considered that a management plan that ensures effective longterm implementation and management is appropriate in view of that developments more significant impact. The Policy is proposed to be amended to read major development as opposed to solely developments of 10 houses or more.</p> <p>Policy HNBP 7 Rural Economy</p> <p>The Parish Council considers its Policy to be all square with para 83(d) of the NPPF which requires not only the retention of but also development of accessible local services and community facilities. Para 84 also talks of development looking to exploit opportunities to make a location more sustainable for example by improving scope for access on foot, by cycling or by public transport.</p> <p>Policy HNBP 8 Isolated New Dwellings</p> <p>Whilst we acknowledge that the functional and financial tests are no longer referred to in national guidance these assessments are widely acknowledged as the most appropriate and objective way of meeting the rigorous test of essential need stated in the NPPF. The Parish Council could not think of a better test. This matter is further acknowledged at para 98 of the Plan in order to further define circumstances where these necessarily rigorous tests will need to be met. The appropriateness of the scale of the dwelling would form part of the information for the functional and financial test.</p> <p>Policy HNBP 9 Housing Types</p> <p>How would a decision maker know whether a development is providing a “high percentage” of homes for the elderly and starter homes. Is reference to starter homes, seeking to influence the mix of any affordable housing provided on a site?</p> <p>The consultation responses received on the NDP clearly identified a wish for more smaller units for smaller units and homes for the elderly. It would be for the Local Housing Authority together with the Local Planning Authority to determine whether the percentage of homes for the elderly</p>
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		<p>and starter homes better meets their current housing needs and particularly for the Parish of Hellingly.</p> <p>Policy HV1</p> <p>Both forms of wording would necessitate subjective assessment however the Parish Council would happily agree to the amended wording, removing “unnecessary and inappropriate incursion”.</p> <p>Policy HV2 – Specific Design Criteria Hellingly Village</p> <p>Standard designs that do not respect local character, identity and distinctiveness should be avoided as they would be most unlikely to respect local character and identity and historic settlement pattern. This would militate against the 2 broad objectives of the NDP. Such standard designs which do not respect local influences and character would fail to meet the promises of government in ensuring that NDPs would help local communities shape and influence the type of development that they wished for their Parish. It is for that reason that these policies advocate the avoidance of such standard designs.</p> <p>It is proposed that the Policy wording could be amended to clarify that the term standard designs refers to those that do not respect local character, identity and distinctiveness.</p> <p>Use of Recommendations</p> <p>The Paragraph of the NPPF referred to and which provides guidance on the use of Recommendations in Neighbourhood Plans does make it clear that these do not form part of the Development Plan and should be clearly identifiable. Importantly however the guidance on making them clearly identifiable only states that they might for example be set out in an annexe or companion document. Nowhere does this advice confirm that any Recommendations have to be set out in a separate document – indeed if the Secretary of State had intended this to be the case the guidance would surely have been specific on this point.</p>
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		<p>The Hellingly Neighbourhood Plan makes it explicit that the Recommendations do not form part of the Statutory Development Plan – first on Page 1 of the Plan in an emboldened paragraph in the Introduction to the Plan, this is further emphasised in paragraphs 120 and 121 of the Plan, and also by highlighting them in a different shaded colour box from the Policies. The NDP accordingly meets the need of ensuring that they are clearly identifiable as required by the Secretary of State's advice within the Planning Practice Guidance.</p> <p>Government announcements at the time of the introduction of the Localism Act spoke firmly of enabling and empowering local communities to shape and influence development within their area. The Recommendations put forward in the NDP have arisen from the many strongly felt views of residents, expressed at all stages of the extensive consultation process and when it had nevertheless also been stressed that they cannot form part of the Development Plan itself. In response to the Examiner's concern, their inclusion within the NDP would not therefore, in the Parish Council's view, give rise to any confusion or unnecessarily raised expectations.</p> <p>However, their relegation to an Annexe or companion document would in all probability mean that their importance was overlooked or seen as less important to the local community who have felt strongly on those matters expressed within the Recommendations. To require this would be a betrayal of the weight that residents believe should be given by the relevant bodies to addressing issues of concern within the Parish.</p> <p>Bearing in mind the comments regarding the status of the Recommendations the Parish does not consider that the two specific recommendations referred to (HVR3 and LHB R1) could be misconstrued as Policy that could be applied, or expected to be applied to the determination of a planning application. Indeed any Recommendation – for example to a Utility Company, the Education or Highway Authority - will ultimately be likely to lead to some possible impact upon land use and to take such an approach as suggested could negate the purpose of allowing any Recommendations to be made within the Neighbourhood Plan process.</p> <p>Policy RP1</p>
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		<p>It is proposed to amend Policy RP1 by the insertion of the word “major”, amended policy to read “where the principle of major new development” etc. It would probably be a financial contribution but not necessarily so. We believe such an obligation does meet the tests referred to in the CIL regulations and para 56 of the NPPF.</p> <p>The Parish Council is happy to accept the Examiners suggested wording.</p> <p>Policy RP2 – Specific Design Criteria – Roebuck Park</p> <p>Reference to dwellings applies to both houses and flats, (existing 4 storey blocks of flats reflected the scale and height of the former Hellingly Hospital buildings on that part of the site).</p> <p>Within its evidence base and Topic Paper 7 the Council considers it has clearly demonstrated why development exceeding 2-storeys is inappropriate in this semi-rural setting and would clearly also damage the parkland setting referred to in proposed Policy RP 1.</p> <p>The expectation regarding “true attics is standard attics as in space within the loft not housing with an exaggerated top floor.</p> <p>Regulation 16 Comments Response of the Parish Council</p> <p>Friends of Park Wood, Hellingly</p> <p>The Parish welcomes the support offered at Representations 1, 2 and 3 and is happy to accept the 3 points of clarification set out in Representation 3.</p> <p>Representation 4 ‘Local Green Space’ (objection to criteria regarding development). This matter is covered within the Parish Council’s response to the Examiners query (Examiners para 18) and in which it is confirmed that the second part of the Policy HNPD 2 regarding loss of Local Green Space could be deleted if considered appropriate by the Examiner.</p>
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		<p>Representation 5. The Parish Council would be pleased to accept the suggested additional wording 'as well as contributing to the enhancement of existing nearby protected sites' to end the existing Policy HN1D 6(ii).</p> <p>Representation 6 – Recommendation RPR 2. The Parish Council is happy to include the suggested additional wording 'including accessible natural green space' within its Recommendation RPR 2.</p> <p>Catesby Estates and Gribble Family – Submission by Batchelor Monkhouse</p> <p>Landscape and Open Space – Whilst noting the comments submitted it is not felt that the NDP is in conflict with the development strategy in the Local Plan. It is noted that Wealden made no comment on the NDP and indeed, if the LPA had felt there was conflict the Plan would not have been validated to progress to Regulation 16.</p> <p>Recommendation 2 – The Parish Council is pleased to note that the clients represented in this submission are supportive of the Parish's aspiration and will work with the community to deliver a high-quality community facility.</p> <p>The technical points raised regarding ground levels, topography etc are noted however, the proposed Policies for development within the Roebuck Park character area are considered to offer sufficient flexibility to enable such detail to be addressed at application stage. These are not felt to be in conflict with the emerging Wealden Local Plan Policy HN1D allocation.</p> <p>Design of Development – In its response to the Examiner's own query the Parish Council has indicated why it considers a 2-storey limit to development in the vicinity of Roebuck Park is justified. Previously approved higher development (4 storey flats) reflected the mass, height and scale of a limited part of the former Hellingly Hospital buildings. The NDP seeks as an overriding objective to retain the essentially rural character of the Parish. Within its evidence base and Topic Paper 7 the Council considers it has clearly demonstrated why development exceeding 2-storeys is inappropriate in this semi-rural setting and would clearly also damage the parkland setting referred to in proposed Policy RP 1.</p>
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		<p>Policy HNPD 4 specifically provides for a proper assessment of the risk of flooding, including surface water flooding and is entirely consistent with the NPPF which requires development to be sustainable for its lifetime and to not increase flood risk elsewhere. Policy HNPD4 (ii) does enable but requires mitigation to be able to show it can deal with any identified risk. The NDP Topic Paper 5 clearly shows in its photographic Appendix the extent and frequency of flooding, including surface water flooding in Hellingly. The photograph taken in February 2017 specifically shows the adverse impact of land raise on development sites if not carefully assessed and controlled/mitigated.</p> <p>Heritage – The support given to identifying and giving weight to the protection of nondesignated heritage assets and their settings is welcomed. It is not however, considered that the more general, District wide suggested Policy is appropriate for the following reasons. NDPs have been promoted strongly by Government to empower local communities to help shape and influence the type of development they want.</p> <p>(“I look forward to seeing how local people will use the rights and freedoms the Act offers to make a difference in their communities.” Rt. Hon Greg Clarke – Minister of State for Decentralisation. Introduction to the Localism Act)</p> <p>And further</p> <p>“Instead of local people being told what to do, the Government thinks that local communities should have genuine opportunities to influence the future of the places they live” – p12 A Plain English Guide to the Localism Act – Communities and Local Government November 2011.</p> <p>Through extensive work and evidence as set out in its Topic Paper 7 the NDP has identified the importance and value of these assets to the character and identity of its communities. The Parish Council does not consider that dilution of words to a national guidance or District wide level is justified. Such non-strategic policies as this are considered central to the effectiveness and currency of Neighbourhood Plans.</p>
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		<p>Suggested amendment to Policy HNBP 5 – to base ecological surveys on work carried out within 3 years (as opposed to 2 years) – The Parish Council would wish to adhere to its current wording. Recent and continued studies and announcements regarding a massive decline in biodiversity generally serve to underline the need to ensure that all development decisions are based upon the most reliable and up to date evidence so that potential impacts may be avoided or best mitigated – as required by the NPPF.</p> <p>Appendix 1 to Submission – Whilst the more detailed suggested amendments to Policy wording (and in some cases a suggestion for deletion altogether) are noted the Parish Council does not believe these are either justified or necessary.</p> <p>We would again emphasise that the LPA has not offered any objection to the Plan and references in this Regulation 16 submission to any inconsistency with the emerging Wealden Plan allocations are unfounded.</p> <p>Most of the detailed suggested amendments to wording merely seem to dilute the detail contained within the NDP, that is based upon local needs, circumstances and character, to a point whereby any local influence to truly shape or influence development would essentially be lost.</p> <p>Submission by Mr J Fleming, Gladman Developments</p> <p>Following the general introduction to the submission on some of the legislative requirements and relationships to the Local Plan a number of specific points are then made in respect of the Hellingly NDP.</p> <p>Policy HNBP E – Habitat Regulations – The representation appears to suggest this Policy is superfluous and not needed as it would be covered by the LPA in consideration of development management matters. Further that similar policies are currently in train of being examined through Wealden’s own Local Plan examination and so the NDP can essentially forget about this matter.</p>
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		<p>Both contentions are, in the Parish Councils submission incorrect and unsupportable.</p> <p>Firstly, the NDP is required to show compliance with European legislation and essentially the impact of any Plan or Project, alone or in combination with other plans, is subject to this requirement.</p> <p>It should also be pointed out that there is currently no adopted Development Plan Policy on such matters and the very close relationship of the Parish and development proposed within it to European designated sites, and essentially the Pevensey Levels, makes the Policy both necessary and justified. The NDP does, contrary to the suggestion made, potentially allow for development over and above that proposed within Wealden's Emerging Plan, and this would be required to be tested for any significant impact under the Habitats Regulations.</p> <p>The Policy does enable development where and when satisfactory mitigation measures can be identified and implemented to the satisfaction of the competent authority – in this case Wealden District Council.</p> <p>Policy HNPD 1 – Area of Locally Valued Landscape – The Parish Council is disappointed that the submission seems to imply its designation is not based on any landscape significance but “solely on community support”.</p> <p>The matter is addressed at some length within the NDP itself and in more detailed evidence within the relevant Topic Paper No 2 – Landscape. Comments regarding better definition of the key landscape characteristics are also addressed by the Parish Councils response to the Examiners own query.</p> <p>The Parish Council is disappointed that the term “solely on community support” appears to be used in this rather dismissive way to suggest that landscapes that are clearly valued and cherished locally should not particularly be seen as important to protect.</p> <p>Policy HNPD 2 – Local Green Space – The Parish Council notes but strongly disagrees with the comments that it has failed to meet the tests for such designations as set down in the NPPF. In</p>
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		<p>particular any cursory look at a map of Hellingly will clearly show how the Green Spaces identified are in reasonably close proximity to the communities they serve. Most are indeed adjacent to or surrounded by, the communities they serve.</p> <p>Policy HNPD 4 – The Parish Council disagrees with the suggestions made. Policy HNPD 4 already acknowledges and indeed requires any mitigation to be to the satisfaction of the Local Planning Authority and the County Council as Lead Flood Authority (where such raising can be shown to be mitigated to avoid any risk of flooding elsewhere – as required by the NPPF).</p> <p>The Parish Council is aware that it is not the decision-making body for development applications but would respectfully point out in response to the comment that the NDP cannot “permit” – that post referendum the NDP will become a formal part of the adopted Development Plan.</p> <p>Policy HNPD 5 – Green and Blue Infrastructure – The Parish Council considers that the points made are already covered by the proposed Policy wording at HNPD 5 (iv). Gladman’s recognition of the overall importance of this Policy is welcomed.</p> <p>Policy HNPD 9 – Housing – This matter has been covered within the Parish Council’s response to the Examiner’s own similar query (para 22 of Examiner’s comments). The role of the Local Planning Authority and also the District as a Housing Authority means that Wealden is best placed to match this local need as and when applications for development are submitted.</p> <p>Policy HNPD 10 – Sustainable Transport – Whilst noting the valid comments made in the submission by Gladman the Parish Council is of the opinion that the County Council who recommended the insertion of such wording, together with Wealden as LPA need to consider these points.</p> <p>The Examiner has asked the District Council to comment further on sustainable transport as part of his initial comments on the NDP.</p>
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		<p>Policies HV 1, HV 2, LHB 1, LHB 2, LD 1, LD 2, RP 1 and RP 2 – The Parish Council believes that the various pronouncements by Government giving Neighbourhood Plans a clear role in delivering the type of development they want is of relevance here.</p> <p>The Council's evidence base on Village Character Assessments within its Topic Paper 7 has demonstrated what is seen as necessary and appropriate, in design terms, to help protect the identity and character of the principal settlements within the Parish. The Policies are not considered to be unduly prescriptive but serve to promote good use of design and materials that are sympathetic to local circumstances. This is built from the detailed evidence base identified in the Village Character Assessments.</p> <p>Whilst noting the references made to possible use of Supplementary Planning Documents the Framework also clearly allows for and encourages the use of evidence-based Policies within Neighbourhood Plans.</p> <p>Policy LHA 1 – The Parish Council would reiterate the comments made in response to Batchelor Monkhouse on this matter (Heritage).</p> <p>Whilst the Parish Council clearly acknowledges that it is the Local Planning Authority that will determine planning applications the NDP once adopted will become part of the Development Plan. The Local Planning Authority has an obligation to determine applications in accordance with that adopted Plan.</p>
Hellingly Parish Council	Response to Examiner's Letter	<p>Wealden District Council should feel suitably embarrassed at letting down the residents of Hellingly and Hailsham by failing to produce a viable Local Plan. This has led to a tidal wave of planning applications in a development led, as opposed to a Plan led, approach to take advantage of Wealden's enfeebled position – exacerbated by the Council's acknowledgement that it cannot currently demonstrate a 5yr housing land supply as required by Government.</p> <p>The Neighbourhood Development Plan (NDP), in meeting the statutory legal tests required of it must have regard to National Planning Policy/the National Planning Policy Framework (NPPF)</p>

		<p>and should not be in conflict with the strategic policies of the Development Plan. Following the essential demise of the Submission Wealden Local Plan 2019 (The Council's Director of Planning and Deputy Chief Executive has confirmed they will not be challenging the Inspectors letter) the Development Plan for Wealden now constitutes the Core Strategy 2013 and, somewhat alarmingly, the 1998 Wealden Local Plan. There is also the Wealden Design Guide Supplementary Planning Document – adopted October 2008 and thus itself some 10 years old.</p> <p>Whilst it is true that parts of the NDP, and especially the Recommendations, have been influenced by Wealden's failed Submission Plan, the legal tests regarding the adopted Development Plan and National Policy are unchanged.</p> <p>Very little of the background evidence to Wealden's 2019 Plan has been tested at examination. Indeed, perhaps the only, and indeed key piece of evidence that was tested related to the District Council's approach to air pollution on the Ashdown Forest. This approach, which was key to Wealden setting its strategic housing distribution, was widely criticised by their Inspector Louise Nurser who found it was simply not based upon any scientific credibility.</p> <p>The subsequent removal from the Hellingly NDP of 'Ashdown Forest' elements of Policy HNDPE that Wealden had insisted went into the NDP has now enabled the NDP to proceed.</p> <p>Within the NDP each Policy is clearly referenced to those Development Plan Policies that it is consistent with and supports. There is no conflict with the Strategic Policies of the adopted Development Plan. These have further been built upon the main local evidence studies Topic Papers and Support Papers. Such approach is all square with the Governments heralding of NDPs as giving communities "direct power to develop and deliver a shared vision for their neighbourhood and deliver the sustainable development they need".</p> <p>Will this require parts of the NDP to be re-written. Is further public consultation required?</p> <p>In response to the Inspectors specific query it is therefore considered that the essentially untested bulk of the background evidence in that failed Wealden Plan is of limited relevance now.</p>
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		<p>Of far more relevance are the various local and bespoke background evidence studies carried out in the development of the NDP itself.</p> <p>It is not felt that this situation requires any significant re-writing of the NDP or that further public consultation is required. Indeed, a brief paragraph in the text explaining why the Wealden Local Plan failed is all that is considered to be required.</p> <p>The Hellingly Plan and indeed that for Hailsham has been significantly delayed by Wealden's slow progress, not 1 but 2 purdah periods and by the lengthy consideration of the Submission Plan itself. This has caused great disruption for Hellingly and potentially lost the Parish hundreds of thousands of pounds in Community infrastructure Levy receipts.</p> <p>Indeed, by its failure to Plan properly the District Council's now unfortunate reliance on Development Plan Policies that are some 22 years old, out dated and inconsistent with the NPPF it is considered imperative that NDPs should proceed apace to at least bring some greater degree of relevance, modernity, control, certainty and support for both residents and developers. Indeed, to help fulfil the promises made to communities when the Localism Act came into being.</p> <p>The validity of the Plans inclusion of Recommendations relating to planning matters</p> <p>The Parish Council is rather surprised, and a little hurt, that in his letter of 28 January 2020 the Inspector appears to infer that any 'lobbying' or inclusion of Recommendations relating to planning matters is somehow an unseemly or illegitimate behaviour.</p> <p>The Parish Council believes such inclusion is wholly consistent with NPPF advice on the purpose of NDPs – namely: "to give communities the power to develop a shared vision for their area – to shape, direct and help deliver sustainable development by influencing local planning decisions" (NPPF para 29)</p> <p>The Inspector does however concede that there is no Government advice on this matter. More importantly there is nothing, legislatively or otherwise, that prohibits or even discourages such approach.</p>
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		<p>The Recommendations within our NDP are founded on the very strongly felt, very often stridently aired, views of Hellingly residents following the many comprehensive consultation phases of the NDP.</p> <p>Wealden has previously indicated that they (the Recommendations) might form the basis of representation on the Wealden Local Plan. Wealden has however now denied this opportunity to any Hellingly resident by their failure to progress that Plan to full examination. It has also denied any opportunity of testing its evidence base or indeed current developments against any up to date Policies.</p> <p>It is a moot point as to whether even the Inspectors query can be explored further in the face of a Wealden Local Plan that is now dead, will need to be rewritten and is unlikely to be back before any examination for a number of years.</p> <p>The inclusion of the Recommendations within those chapters of the NDP that they clearly relate to provides a more cogent, cohesive and understandable document. The NPPF 'test' such as it is simply requires them to be clearly identifiable from any Policies. In the Parish Councils submission that test is clearly met.</p> <p>It will no doubt have not escaped the Inspectors notice on his various site visits that parts of Hellingly are awash with yellow signs and development sites. The Inspector is accordingly requested to progress the NDP as soon as possible in order to restore an element of certainty, control and Policy relevance and to help fulfil some of the many benefits promised of the NDP process to the local community.</p> <p>Policies that require the submission of documents with a planning application.</p> <p>The Inspector has asked as to the relationship between a number of Policies contained within the NDP and the Councils Local Validation Checklist which is a different document setting out the LPA's requirements as to what documents are required to be submitted with an application.</p>
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		<p>There is no mutual exclusivity in a legislative sense, that is brought about by a validation checklist, that prevents a Policy requirement for submission of particular information documents or assessments. Indeed, within some of Wealden's 'saved policies' e.g. EN19 there is a clear requirement for the provision of much detailed information to be submitted, even at outline application stage.</p> <p>More relevant still however to this question is the unarguable principle, expressed at paragraph 43 of the NPPF that "the right information is critical to good decision making" Paragraph 44 of the NPF confirms that: "Local Planning Authorities validation lists should be reviewed at least every two years"</p> <p>In this regard it is extremely worrying that Wealden's Validation Checklist has not been formally reviewed and consulted upon for a considerable number of years and certainly not "at least every two years" as clearly required by Government (NPPF para 44).</p> <p>At the pre-examination meeting held in December with representatives of both Hailsham and Hellingly and in response to a query from the Inspector regarding landscape assessments the Council's officer's response was along the lines of their dealing with matters on a case by case basis. Whilst this might seem acceptable in some cases it is worrying that without any recent or regular reviews of their validation checklist, that a number of decisions may well not be being made on the basis of the 'right information' (para 43 NPPF).</p> <p>b)</p> <p>The Inspector has also asked is it reasonable to expect all applications to be accompanied by an ecological survey up to 2 years old? And how that sits alongside the conditional requirements set out in the Council's Validation Checklist.</p> <p>Bearing in mind the deficiency in reviewing these validation checklists the Parish Council would submit they are, by this measure alone, inconsistent with the NPPF and need urgent reappraisal.</p>
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		<p>The list of exemptions from any requirement for an ecological/biodiversity survey – as set out at para 37 of Wealden’s comments, of 19 September 2019 – is, quite frankly shocking in terms of its potential adverse impact and thus appears inconsistent again with the NPPF.</p> <p>Paragraph 170 confirms that planning policies and decisions should contribute to and enhance the natural environment by: “minimising impacts on and providing net gains for biodiversity”</p> <p>Paragraph 174 confirms Plans should: “a) identify map and safeguard components of local wildlife rich habitats for habitat management, enhancement, restoration and creation” NDP Policy HNPD 5 does exactly that.</p> <p>In contrast Wealden’s Validation Checklist exemptions does the opposite. For example, all applications for Tree Works are currently exempt as are all applications to replace an extant permission (no scale of development is limited apparently).</p> <p>Many TPO trees are old, many ancient, some potentially veteran and most would be notable trees. Many will contain bat roosts – either hibernation roosts or maternity roosts. And all bats are protected species. Such trees may also well provide nesting or roosting trees for barn owls, another protected species resident in the Parish.</p> <p>By such exemptions remaining on the Validation List in particular the one referencing renewal of an extant permission, irrespective of scale of the development, the resulting impact on biodiversity could well prove catastrophic.</p> <p>The latest State of Nature Report (as with all previous ones) confirms that the significant majority of our biodiversity is in perilous decline. Latest RSPB research suggests the UK has lost 40 million birds in the last 50 years.</p> <p>The Parish Council fully accepts that any biodiversity survey needs to be proportionate to the scale of development proposed. The time period of less than 2 years is recommended by the Wildlife Trust and indeed the great majority of professional ecological surveys now issue a disclaimer to suggest they have a shelf life of no more than 2 years.</p>
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		<p>Without proper and up to date information we won't even know what we are losing before it is lost. Equally with Wealden having little else to fall back on apart from outdated Policies from a 1998 Plan the dangers are all too apparent. It is considered imperative that this failure is rectified – Policy HNPD 5 of the NDP does that.</p> <p>c) Appropriate thresholds for requirement for ecological management plans</p> <p>In response to the Inspectors final query on this issue the Parish Council considers that the appropriate threshold to be applied to developments requiring a management plan should be all those defined as 'major developments' by Government – in the case of residential development e.g. this would mean 10 units or more. Policy HNPD 5 can be amended accordingly to clarify this point.</p> <p>Policies for Valued Landscapes Does having a policy for an ALVL for the northern half of the parish devalue the rural character of the southern area and would a development proposal be considered differently in the south than in the north?</p> <p>For the last 60 years legislation has provided for valued landscapes (e.g. National Parks and AONBs) to be given stronger protection than other areas which are, as a corollary, given less protection. Wealden is a classic example of this, with the SDNP and AONB being kept largely in aspic and most housing and commercial development being confined to the Low Weald corridor.</p> <p>This approach was confirmed in the NPPF (revised) which in para 170 states that "planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes" and in para 171 that "plans should allocate land with the least environmental or amenity value".</p> <p>No proposed ALVL in any other NDP has, to our knowledge, been rejected on the ground that it would devalue another area.</p> <p>Indeed, the mere fact of designation of the northern half of the Parish as a locally valued landscape does not, per se, devalue the rural character of the southern area. Just as the act of</p>
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		<p>designating National Parks, does not of itself devalue other non-National Park areas. It is poorly conceived and inappropriate development and poor planning decisions which have the most direct devaluing impact upon landscape character.</p> <p>Designation as an ALVL would though mean that applications would need to be treated differently here in order to respect the key characteristics that led to designation. These are set out in detail within the NDP (paras 18 & 19) and within the Parish response to the Inspectors initial comments dated 18 July 2019.</p> <p>The premise of the question is however itself open to question. The rural character of the southern area has, in the view of most residents, been significantly eroded in recent years and threatens to be still further eroded. The southern eastern part is in the process of becoming wholly urbanised. The A22 through the Dicker is a favoured location in the County Plan for employment growth. Traffic on all roads, including C class and unclassified village lanes, is increasingly noticeable as development in the area proceeds, with associated noise, pollution and environmental degradation. The character of much of the southern area may indeed now be described as 'urban fringe' rather than 'rural'.</p> <p>Within the southern area, 2 such areas may be correctly described as likely to remain rural – the largely inaccessible countryside between the north side of the A22 and the Bull River and the flood plain around Hellingly Village. Both would continue to be subject to saved Policies of chapter 4 of the 1998 Wealden Local Plan and the latter would additionally be subject to the national and local policies relating to flood zones. Development proposals in any part of the District would be considered in relation to the Policies applicable to them, which may differ from place to place.</p> <p>In Phase 2 of the NDP Public Consultation, 18.2% of all electors in Hellingly Parish completed and returned a questionnaire and 94% of the respondents supported the identification and designation of locally valued landscapes (HNDP/S3). Given that the parish population is located predominantly in the southern area where such landscapes were unlikely to be identified, it is evident that they did not feel that such a policy would be to their disadvantage.</p>
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		<p>Policy HNDP 8 Isolated New Dwellings – are the additional criteria justified on the basis of the special character of the area having regard to the Secretary of States Policy requirements.</p> <p>Policy HNDP 8 of the Hellingly NDP confirms that isolated new dwellings in the countryside will not be permitted unless the relevant special circumstances set down in the NPPF are met in full.</p> <p>As detailed at paragraph 93 of the NDP the NPPF clearly states that such proposals should be avoided unless there are very special circumstances (NPPF para 79).</p> <p>Two of these special circumstances are covered in greater detail by Policy HNDP 8 covering instances where an essential need to live at or near the place of work is argued e.g. for a new agricultural dwelling or where the design is of exceptional quality, innovative and significantly enhances its immediate setting and be sensitive to the defining characteristics of the local area.</p> <p>However, whilst the NPPF sets stringent tests for such eventualities it provides no guidance at all on what constitutes or how to define essential need (para 79 (a) NPPF). This void is unhelpful as it is commonly this exemption that is argued to the general presumption against new isolated dwellings in the countryside.</p> <p>It is emphasised that Policy HNDP 8 does not add to any further level or scale of rigour to these NPPF tests.</p> <p>Indeed, it seeks to provide clarity for the benefit both of applicants and residents, and indeed for the Local Planning Authority of how the supportable yet rigorous tests set down as both necessary and required by these tests in the NPPF will be applied.</p> <p>Dealing with criterion (i) essential need it is considered that this is best met by use of both a functional and financial assessment of need. This being absolutely necessary to prove an essential need as opposed to merely the greater convenience of it.</p> <p>Policy criterion (ii) draws its wording directly from the NPPF para 79 (e) and is thus entirely consistent with and supportive of the Secretary of States Policy requirements in this regard. The</p>
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		<p>ability or otherwise of any proposal to meet the tests set down in the NPPF would be clearly set down in the detailed assessment required by Policy HNDP 5 (ii).</p> <p>In respect of the Inspectors note of 28 January dealing also with this matter the NPPF (para 79 (e)) does not require justification of the special characteristics of the Plan area to be separately identified. Rather it requires the applicant to show how the proposal will significantly enhance its immediate setting and be sensitive to the defining characteristics of the area. These characteristics will naturally differ from one proposed site or area to another.</p> <p>Of some additional relevance here it should also be noted that within the Appendix of Saved Policies from the 1998 Wealden Local Plan,1 Policy DC2 remains. This Policy sets down a number of specific criteria for agriculture and forestry dwellings including detailed functional and financial assessments.</p> <p>Within Wealden's comments on the NDP (19 September 2019) the Council confirms at their paragraph 42 that when determining applications for essential need that the Council appoints a specialist rural estates surveyor to assess each on a case for case basis. Central to all such assessment are analyses of functional and financial need – this approach is widely accepted and adopted by nearly all rural authorities.</p> <p>In conclusion it is considered that Policy HNDP 8 is both consistent with and supportive of the approach advocated in para 79 of the NPPF (amended February 2019).</p>
Hellingly Parish Council	Response to Independent Examiner's Questions for Hellingly Neighbourhood Development	<p>Is the plan's approach to flooding, including designating Areas of Critical Flood and Drainage Concern, which covers areas beyond Flood Zones 2 and 3 appropriate and consistent with national policy and advice?</p> <p>Our reason for extending the Area of Critical Flood and Drainage concern beyond Flood Zones 2 and 3 is summarised in our topic paper 5 at paragraph 32. Land that is near to watercourses will be most suitable for the future management of surface water, and provision of other drainage or wastewater treatment facilities.</p>

	Plan Hearing (Q.4)	<p>The revised NPPF of February 2019 includes several relevant paragraphs:</p> <p>22 – “Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.” Our plan will support the strategic need for Wealden District Council to allocate land for management of flood risk into the future.</p> <p>117 - “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment”. Again, our policy supports this aim.</p> <p>118 - Planning policies should "recognise that some undeveloped land can perform many functions such as for wildlife, flood risk mitigation, carbon storage etc "</p> <p>148 - "the planning system should support the transition to a low carbon future -taking full account of flood risk to minimise vulnerability and increase resilience"</p> <p>155 - "where development is necessary it should be made safe for its lifetime without increasing flood risk elsewhere"</p> <p>157(b)- "safeguarding land from development that is required or likely to be required , for current or future flood management"</p> <p>CIWEM’s reviewi of the 25 Year Environment Plan (UK Government, 2019)ii advocates a collaborative and systems-based approach to managing flood risk, with those agencies currently involved in the management of surface water working more closely together.</p> <p>A recent paper in the Journal of Flood Risk Managementiii highlights the failure of a “strengthened” planning system to provide adequate, robust policies to ensure sustainable drainage is provided for new developments. We may therefore need to re-visit current building programmes to retrospectively create community surface water drainage facilities. There are</p>
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		<p>already local examples where the surface water drainage specified at the planning stage for new housing appears to be inadequate. We may also want to expand surface water treatment to areas that do not currently have this, increase sewer capacity for foul flows, or alleviate highway flooding.</p> <p>The Natural Flood Management Toolkit (Environment Agency, 2017)^{iv} provides guidance for managing flood risk in a sustainable way; most recommendations will require land area, and our plan supports the availability of land near to watercourses for this purpose. Potential future changes to water management, such as separation of grey water (from sinks and baths) from sewage for separate treatment would also require land, ideally adjacent to watercourses.</p> <p>As we see increasing collaboration between LLFAs, WLMBs, Water Companies and Highways Authorities, and an increasing demand for low carbon technology, land availability for water treatment and flood risk mitigation will become ever more important, and the new NPPF demonstrates this need. Our plan will help to keep this land available for the future management and mitigation of flood risk.</p> <p>Our plan therefore remains consistent with national policy and advice, despite several developments in policy and advice since its initial drafting.</p> <p>Is the requirement to balance flood risk against “other public benefits” consistent with the Secretary of State’s advice for dealing with development in areas subject to flooding and is it in general conformity with Policy EN4 of the Wealden Local Plan 1998?</p> <p>In the 2007 publication “Improving the flood performance of new buildings”^v the Secretary of State acknowledges that we may have to build on sites with some risk of flooding and places a focus on making those buildings resilient to flood conditions. The hierarchy of flood avoidance / flood resistance / flood resilience / flood repairable is considered an appropriate mitigation approach to building in a flood prone area.</p>
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		<p>Where “other public benefits” are reason for building in a flood prone area, we are therefore aligned with the advice of the Secretary of State, as our policy asks that “the risk can be shown to be satisfactorily mitigated”.</p> <p>Policy EN4 of the Wealden Plan 1998 states " New development will be resisted within areas at risk of deep tidal flooding, coastal erosion or within river floodplains"</p> <p>Our policy is in general conformity with this policy as the area identified on the Proposals Map does include river floodplains. However, we note that policy EN4 is not one of the policies saved by Wealden District Council in 2007vi.</p> <p>Is the presumption against land raising on development sites anywhere in Hellingly Parish supported by evidence and is it a reasonable and practical policy?</p> <p>Land raising is a practice that increases the risk of flooding the surrounding area wherever it is used, and is best illustrated with a theoretical example:</p> <p>If we have a parcel of land that is 10m x 10m that is flooded to a depth of 2cm with water, the water volume retained on the land is $10 \times 10 \times 0.02 \text{ m}^3 = 2 \text{ m}^3$.</p> <p>If we build on the land, covering half the surface area, the water that can be retained on the land to the same depth is now only 1 m³ . The extra water will run off to adjacent land. If the entire surface of the land is raised, the entire 2m³ of water formerly held on the land is now shed to its surroundings.</p> <p>Land raising therefore increases the flood risk to neighbouring land, hence our policy heavily resists this option.</p> <p>Buildings in flood prone areas can be made flood resistant by following the guidance in the 2007 “Improving Flood Performance” document cited above. Within this document, the following advice appears:</p>
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		<p>"It is important that land raising is not carried out in areas, which will result in increased flood risk elsewhere. Typically, this would be in the areas alongside watercourses or poorly drained areas. The potential impacts of land raising could be to reduce flood storage capacity and displace flood water, thus increasing flow speeds and water depths in adjacent areas"</p> <p>Virtually all the Parish is poorly drained, so our policy is seeking to reinforce the guidance already in place.</p>
Wealden District Council	<p>13 February</p> <p>Written Submission for Hearing</p>	<p>Q1. What are the implications for the Hellingly Neighbourhood Plan, of the Local Plan Inspector's letter, dated 20th December 2019, which recommends that the emerging Wealden Local Plan should be withdrawn? Does it necessitate any changes to the policies and the supporting text in the plan?</p> <p>The Hellingly Neighbourhood Plan is required to be in general conformity with the NPPF and strategic policies of the Development Plan, which in this case, is the Core Strategy 2013, Affordable Housing Delivery Local Plan and South Downs National Park and East Sussex Minerals and Waste Local Plan 2017.</p> <p>The Submission Wealden Local Plan (submitted in January 2019) was an emerging plan and due to the timing of the production and submission of the Hellingly Neighbourhood Plan is not relevant for the purpose of the basic condition test. However, in accordance with the NPPG (paragraph 009), the Council's planning policy evidence base is relevant. The NPPG states that the evidence base supporting the local plan process 'is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested'. The majority of the evidence base, save the housing supply and SA/HRA, remains current as many of the assessments have been prepared in accordance with the NPPF / NPPG.</p> <p>The emerging submission Wealden Local Plan allocated growth in Hellingly Parish and there are currently 1,000 homes with either planning consent and/or are under construction. Please see</p>

		<p>appendix A. Wealden District Council does not currently have a five year housing land supply and will therefore be required to consider planning applications in Hellingly Parish on their merit.</p> <p>Wealden District Council will shortly start to produce a new Local Plan and this is a relevant consideration on the basis that it is not currently possible to predetermine the Council's strategy for future growth. This is relevant because certain policies and recommendations in the HNP seek to restrict or indeed support growth and request certain infrastructure provisions or studies. The Council has considered recommendations made in the HNP in this context.</p> <p>Following the receipt of the Wealden Local Plan Inspector's letter the Council has revised the Habitats Regulations Assessment of the Hellingly Neighbourhood Plan. The HNP will need to be updated in relation to HRA recommendations.</p> <p>The HNP makes a number of references in the HNP to the emerging Wealden Local Plan. The Council considers that these need to be removed and the text revised accordingly.</p> <p>Q2: Is it appropriate for the Neighbourhood Plan to include "Recommendations" which are not planning policy but nevertheless relate to matters regarding the "development and use of land", which are not subject to examination, or have regard to the basic conditions or will be subject to referendum?</p> <p>Whilst WDC understands that Hellingly Parish Council wishes to include recommendations, it concurs that should the Independent Examiner be minded to allow the inclusion of such recommendations that these should be separate from the main neighbourhood plan document. The Council has previously responded in this regard in its Regulation 14 2 response to Hellingly Parish Council as well as verbally at meetings. The Council also provided a response to the Examiner's initial comments dated 19 July 2019 on this matter. East Sussex County Council has also responded to the recommendations.</p> <p>Overall, the Council considers the recommendations to, in effect, be a 'list of asks' for action by other organisations. This includes Wealden District Council, East Sussex County Council and other infrastructure providers. Following comments made on the Regulation 14 version of the</p>
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		<p>plan and also discussions with HNP the recommendations were updated by the Steering Group for the submission version of the HNP.</p> <p>The Council is mindful that if 'made' that the HNP will form part of the District's Development Plan as relevant to Hellingly Parish. Wealden District Council works closely and iteratively with its infrastructure partners as part of its Local Plan production and also during the planning application process. It is through this work in which studies and infrastructure requirements are identified and delivered (where required to support growth). The Council considers the use of the recommendations within the HNP to therefore be misleading and also unnecessary. They are also out of context on the basis that the HNP does not specifically allocate growth.</p> <p>For the purpose of informing the hearing, the Council has considered each recommendation in turn. This is provided in Appendix 2. Overall, the Council does not consider that it is appropriate to include the recommendations in a Neighbourhood Plan for the reasons provided above and also in appendix 2. This provides detail as to how the recommendations may be misleading for users of the HNP.</p> <p>Q3 Is it appropriate for the neighbourhood plan to be requiring the submission of various documents and studies or are they matters determined more appropriately by the Local List of Information Requirements and are the plan's requirements, particularly with regard to ecological studies, reasonable?</p> <p>WDC agrees that additional studies and documents would be triggered by the Councils "Local Requirements List", which includes "conditional documents", to help planners assess development applications. The "Local Requirements List" is derived from local plan policies, national guidance and specialist requirements.</p> <p>With regard to criteria iv) of policy HNDP5 and the requirement for a management plan for a green infrastructure asset on sites of 10 dwellings or more is ambiguous.</p> <p>Q4 Is the plan's approach to flooding, including designating Areas of Critical and Drainage Concern, which covers areas beyond Flood Zones 2 and 3 appropriate and consistent with</p>
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		<p>national policy and advice? Is the requirement to balance flood risk against “other public benefits” consistent with the Secretary of State’s advice for dealing with development in areas subject to flooding and is it in general conformity with Policy EN4 of the Wealden Local Plan 1998? Is the presumption against land raising on development sites anywhere in Hellingly Parish supported by evidence and is it a reasonable and practical policy?</p> <p>The NPPF at paragraphs 155 – 165 provide the requirements in relation to floodrisk. There is a national policy requirement to direct development away from areas at highest risk and a sequential test is provided. It also provides that when determining planning applications that flood risk is not increased elsewhere and development should only be considered appropriate in areas at risk of flooding where set criteria can be demonstrated. The NPPF 3 provides a policy approach for major and minor development as well as the process for allocating sites in development plans. The NPPG provides further detailed advice in relation to dealing with floodrisk for both development plans and planning applications.</p> <p>As noted by the East Sussex County Council Local Lead Flood Authority (LLFA) (commenting also with the auspices as Pevensey and Cuckmere Water Level Management Board), the HNP’s approach to flooding appears to add further policy advice beyond the NPPF and NPPG on areas identified as Flood Zones 2 and 3. This LLFA considered this as unnecessary and WDC share this view.</p> <p>It is also the case that the basis for the extent of the area designated a Flood Control Zone on the HNP’s proposals map is unclear as it extends much further than national models.</p> <p>The policy title for HNDP 3 was updated from the Regulation 14 version from ‘Areas at risk of flooding’ to ‘Areas of Critical Flood and Drainage Concern’. The title of this policy, if read alongside paragraph 50 of the supporting text ,appears to seek justification in the Areas of Critical Drainage Concern policy approach found in the East Sussex Local Flood Risk Management Strategy 2016 – 2026 (LFRMS).</p>
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		<p>The LFRMS is a key document in this regard which considers local flooding, defined as flooding from surface water, groundwater and ordinary watercourses. The Strategy acknowledges the cumulative impact of minor development and promotes the use the East Sussex SuDS decision support tool for small development, to help developers and planners when considering the drainage requirements of a particular site. In addition, the strategy confirms that ESCC, as LLFA, will review flood risk and drainage issues in the county to identify areas of critical drainage concern. Where these are identified by ESCC as LLFA planning authorities will be advised to require developers to use the SuDS tool to guide the drainage design of minor development proposals in these areas. It is important to note that to date ESCC as LLFA has not identified an area of critical flood and drainage concern within Hellingly Parish.</p> <p>Notwithstanding the above, the strategic priorities on page 29 should be noted. Key here is that ESCC provide that they will work with local planning authorities on all flooding issues including 'in areas it identifies as an area of critical drainage concern'. To date, ESCC have not started a comprehensive programme of identifying such areas across the county, including Hellingly. Should an area be identified, then this area would be subject to ESCC advice on mitigating drainage issues and the concept of areas of critical drainage concern is not compatible with that provided by policy HNDP 3.</p> <p>Currently ESCC is working with WDC (and all other planning authorities in the Pevensey and Cuckmere hydrological catchments), the Environment Agency, Natural England, the Pevensey and Cuckmere Water Level Management Board and the Sussex Wildlife Trust on a number of projects which will, collectively, develop a substantial evidence base¹ upon which strategic policy on flood risk and water quality can be developed. One of the objectives of this approach is to provide consistency of decision making within a catchment which crosses multiple planning boundaries. However, it should be noted that these projects have yet to conclude.</p> <p>Overall, the area identified as an area of critical flood and drainage concern has not been agreed by ESCC / LLFA. Policy HNDP 3 is more prescriptive than necessary and in its current form may prevent workable solutions to flood risk management. Furthermore, WDC is concerned with the wording "unless the proposal has other public benefits". This wording is not recognised within the</p>
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		<p>NPPF and is ambiguous for decision makers. The Council also considers that Policy HNPD 3 goes beyond policy EN4 in the 1998 Local Plan.</p> <p>In relation to Policy HNPD 4, ESCC has confirmed in its responses that it cannot support this policy. The Council cannot also support this policy and considers that the policy should be deleted on the basis that it is not supported by evidence. There are many solutions to flooding including land raise where appropriate and these will need to be considered on a site-by-site basis.</p> <p>Question 5 Does having a policy for the Locally Valued Landscape Area for the northern half of the parish devalue the rural character of the southern area and how would a proposal be considered differently for a countryside location in the south, compared to the north of the plan area.</p> <p>Paragraph 172 of the NPPF places great weight on conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. As such, WDC advocates an approach which is evidence based and has produced a detailed landscape evidence base, which is considered to be up-to-date for the purpose of plan making. The Council considers that the area identified in the HNP as a LVLA does not accord with the landscape evidence base, which identifies 4 character areas to be within the Parish. The area identified as ALVL only covers half of the Parish and on this basis the HNP does not provide a landscape policy for the remaining area to the south. Should this policy come forward, there would therefore be a distinction in these areas as to how development would be considered. On the basis that the LVLA is not supported by appropriate evidence in accordance with the NPPF / NPPG it would be difficult for the Council to apply this policy.</p> <p>The HNP sets out that the “parish is a locally valued landscape not only because it is an area of attractive and unspoilt countryside but, more particularly, because it provides a green lung for the rapidly expanding town of Hailsham” (para 23. of NP).</p>
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		<p>WDC is concerned that HNBP1 presumes against development that would harm the “inherent visual qualities and distinctive character of the area” yet these are not explained. The para 23 preamble to the policy would appear to suggest the land is considered to be an important recreational resource rather than important as a landscape area or area with scenic beauty.</p> <p>The support to the text includes footnotes 11-13 which refer to articles in Planning Magazine from 2017 and 2018. It would be preferable to have the appeal decisions set out in the citation. WDC have been unable to source these appeals that are relied upon.</p> <p>It is of course important to note the distinction between the 2012 version of the NPPF and the current 2019 version. NPPF 2012 109. “The planning system should contribute to and enhance the natural and local environment by....’protecting and enhancing valued landscapes, geological conservation interests and soils...’</p> <p>NPPF 2019 Para 170 “Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) (emphasis added).The additional text indicates that land within statutory landscape designations (such as National Parks and AONBs) should be regarded as of the greatest value, but the value of non-designated landscapes must be informed by their identified qualities or valued attributes), as well as how a proposal would affect these attributes/qualities. The HNBP does not do this.</p> <p>The text to Policy HNBP 1 also presumes against the grant of permission unless the exceptions are met. Whether a site that is judged to be, or is judged to be part of, a ‘valued landscape’ can override the presumption in favour of sustainable development is clarified in the 2019 NPPF. The NPPF clearly sets out policies that can restrict development as a clear list rather than a non-exhaustive list of ‘examples’. The landscape-related policies set out in the list include those referring to Areas of Outstanding Natural Beauty, National Parks (or the Broads) and Heritage Coast.</p>
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		<p>The implication of this is that even if a site is proven to be part of a 'valued landscape', it will not be enough to override the presumption in favour of sustainable development unless it is also part of an AONB, National Park or Heritage Coast and the proposal can be shown to fail to protect those areas. It still stands, however, that an adverse landscape impact of a development can significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.</p> <p>Q6 Are the additional criteria set in Policy HNBP 8 –Isolated New Dwellings justified on the basis of the specific characteristics of the plan area?</p> <p>Paragraph 79 of the NPPF seeks to avoid new isolated homes in the countryside unless there are special circumstances which are set out in paragraph 79 (a) to (e).</p> <p>For HNBP8 'Isolated New Dwellings' (i), when determining such applications the Council can appoint a rural estates surveyor to assess each application on a case by case basis.</p> <p>Some of the phraseology used in (i) is unclear:</p> <p>'Where an essential need to live at or near the place of work is argued proposals will need to satisfactorily demonstrate that this need cannot otherwise be met nearby'.</p> <p>Nearby is not defined. It is not clear and this will present ambiguity when processing applications.</p> <p>'The essential need to live on the land as opposed to merely the greater convenience of it will be satisfactorily proven'.</p> <p>If this sentence remains, it should not be qualified by 'satisfactorily' since this is vague and generalised.</p> <p>'This should include a detailed assessment of the functional needs of the enterprise as well as a financial assessment of the investment and sustainability of the enterprise over the long term'.</p>
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		<p>If this sentence is to survive, long term ought to be defined. It is not clear and this will present ambiguity when processing applications.</p> <p>‘Proposals for any new dwelling should be able to justify the scale of the dwelling when assessed against the nature of and investment on the agricultural or local enterprise’.</p> <p>The industry standard used is 160sqm per dwelling (including an office space). The origins of this are rooted in the scale of a dwelling that can be mortgaged on an agricultural workers wage, however this may differ depending on the individual circumstances of the application.</p> <p>For HN8DP8 ‘Isolated New Dwellings’ (ii), the suggested requirement for submissions to explain how proposals significantly enhance their immediate setting and are sensitive to the defining characteristics of the area does not add to NPPF para 79 and should therefore be omitted.</p>
Batchellor Monkhuse on behalf of Catesby Estates and Gribble Family	14 February 2020	<p>QUESTION 1: What are the implications for the Hellingly Neighbourhood Plan of the Local Plan Inspector’s letter dated 20th December 2019, which recommends that the emerging Wealden Local Plan should be withdrawn? Does it necessitate any changes to the policies and the supporting text in the plan?</p> <p>The implications of the Inspector’s recommended withdrawal are that the development plan to which the Neighbourhood Plan must be in conformity with now reverts back to the adopted Core Strategy 2013 and the saved policies of the Wealden Local Plan 1998. In the context of the land at Park Farm proposed amendments to policies at Regulation 16 stage remain valid.</p> <p>It is recognised that with the imminent withdrawal of the Draft Local Plan the policy allocations covering the land at Park Farm as HN1C and HN1D in the plan fall away. However, these policy allocations were very much supported by previous aspirations for growth in the North Hailsham Area identified in the Core Strategy which remains the key development plan document for Wealden District.</p> <p>Under policy WCS4 of the Core Strategy, land at North Hailsham was identified as Strategic Development Area (SD3) - an urban extension which was identified as providing “around 700</p>

		<p>dwelling". The land at Park Farm lies at the centre of this identified SD3 area. Further specific allocations within the SD3 area were not included in the Core Strategy and were left to be identified in a subsequent Strategic Sites Development Plan Document. This document was never produced with the Council turning attention to producing a full new Local Plan. The allocation of the land at Park Farm in the eventual Draft Local Plan was therefore very much an anticipated part of securing the delivery of the north Hailsham Strategic Development Area.</p> <p>The withdrawal of the Draft Local Plan has put the Local Planning Authority firmly back in a negative housing supply position and the need to fall back on identified strategic areas of growth and to secure delivery of development here is all the more pressing now.</p> <p>The Neighbourhood Plan must take account of the fact that the land is identified for development as part of a wider strategic development area and acknowledge the fact that development is planned here to ensure conformity with the adopted development plan in line with Planning Practice Guidance (PPG). The PPG also places the Neighbourhood Plan in a position of supporting the delivery of strategic policies set out in the spatial development strategy which in this case rests firmly with the Core Strategy.</p> <p>We have previously made comments in our Regulation 16 representations on specific policy and supporting text within the Neighbourhood Plan Submission Version which would either hinder the ability to bring the land at Park Farm forward for development or does not adequately reflect the likelihood of development. We maintain that even without the formal allocation of the land in the Draft Local Plan, the commentary and amendments we have set out in our Regulation 16 Representations still apply. Appendix 1 to this statement provides a revised version of our previous representations indicating where our comments remain unchanged and within what context.</p> <p>QUESTION 2: Is it appropriate for the Neighbourhood Plan to include "Recommendations" which are not planning policy but nevertheless relate to matters regarding the "development and use of land", which are not subject to examination, or have regard to the basic conditions or will be subject to referendum?</p>
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		<p>similar. Local Plan policy does not seek to impose requirements for information to be submitted within the policy wording and allows for the flexibility to require submission of documentation appropriate and proportionate to the individual development proposal through the National Validation Requirements and Local Validation Checklist. As the decision-making authority, the Local Planning Authority should have the flexibility to determine what information it requires and considers is necessary to understand the impacts of a development. Having this written into policy would take away that flexibility and a Neighbourhood Plan which seeks to do this would undermine that approach.</p> <p>With particular reference to ecological assessment and survey information requirement of Policy HNBP 6 criterion iv) goes well beyond the requirements of either the Core Strategy or the Wealden Local Plan 1998 in setting a threshold and specification for information to be provided. We consider this to be largely unnecessary as the NPPF requires demonstration of assessment of the impacts of development on biodiversity and the employment of a sequential approach. There is also specific requirement to demonstrate biodiversity enhancement. This does not transcend into specific thresholds or specifications of work and information to be required at Local Plan level and we do not see why it is necessary to include this in a Neighbourhood Plan. Moreover, on this basis, the inclusion of such requirements where they are absent at Local Plan level would indicate the Neighbourhood Plan is not in conformity with the rest of the development plan.</p> <p>We would request the Inspector considers amending Policy HNBP6 to remove the express requirement for survey work which is required at the Local Planning Authority's discretion. In particular we would request the removal of criterion iv)</p> <p>QUESTION 4: Is the plan's approach to flooding, including designating Areas of Critical and Drainage Concern, which covers areas beyond Flood Zones 2 and 3 appropriate and consistent with national policy and advice? Is the requirement to balance flood risk against "other public benefits" consistent with the Secretary of State's advice for dealing with development in areas subject to flooding and is it in general conformity with Policy EN4 of the Wealden Local Plan 1998? Is the presumption against land raising on</p>
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		<p>development sites anywhere in Hellingly Parish supported by evidence and is it a reasonable and practical policy?</p> <p>We do not agree that the Neighbourhood Plan should refer to and attempt to control development in respect of flooding and drainage in a manner that is not consistent with the NPPF or adopted development plan policy.</p> <p>The NPPF sets out the required sequential approach that should be taken to assessing flood risk and this hinges on the Flood Zone categories mapped by the Environment Agency. Policy HNDP3 refers to different set of mapped Areas at Risk of Flooding to be shown on a Proposals Map attached to the Neighbourhood Plan. This raises concern that an alternative set of untested mapping and assessment is being used which may not align with the NPPF or the wider development plan.</p> <p>The presumption against land raise anywhere within the Hellingly Neighbourhood Plan Area contained in policy HNDP4 would introduce an unnecessary barrier to development in area which are not at risk of flooding. We can not see that a blanket restriction on any land raise regardless of location is justified in this context. It is not reasonable to extend this requirement to areas at low risk of flooding e.g Zone 1.</p> <p>We have concerns about the practicalities of employing policy HNDP4 in the context of satisfying the requirements of external bodies. The Local Planning Authority is the decision maker and is not bound to follow the advice of their external consultees such as the Local Lead Flood Authority or the County Council. The requirements of Policy HNDP4 appear to unnecessarily restrict the decision-making capability of the Local Planning Authority.</p> <p>There is no presumption against land raise to mitigate flood risk in the NPPF or the development plan and the Neighbourhood Plan is not in conformity with either on this issue. The matter of whether land raise is appropriate or not should be informed by a thorough assessment of flooding and drainage in the vicinity and made on a case by case basis.</p>
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