HELLINGLY NEIGHBOURHOOD PLAN

Response to Examiner's Questions

Land at Park Farm, Hellingly

ON BEHALF OF
Catesby Estate PLC and Gribble Family

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1 INTRODUCTION

1.1 The Hellingly Neighbourhood Plan is currently under examination following the Regulation 16 consultation carried out in the summer of 2019. The Independent Examiner appointed to consider the plan has chosen to hold a public hearing to aid the examination which is scheduled to be held on Tuesday 18th February.

1.2 Following the Regulation 16 representations made in respect of land at Park Farm in Hellingly, the independent examiner has invited Catesby Estates Plc to make contribution to the hearing in respect of a number of identified areas. An outline written statement has been requested in advance of the scheduled hearing to cover a full response to the questions the Examiner has raised and has asked for response on. Further discussion of the matters raised will be held during the hearing.

1.3 On behalf of Catesby Estates Plc and the Gribble Family as landowner's this statement sets out our response to the Examiner's questions where input has been expressly requested. The response is made within the context of the landholding interest at Park Farm, Hellingly.

2 RESPONSE TO EXAMINER'S QUESTIONS

2.1 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Local Plan Inspector's letter dated 20th December 2019, which recommends that the emerging Wealden Local Plan should be withdrawn?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?

2.1.1 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.

2.1.2 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.

2.1.3 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 dwellings". 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.

2.1.4 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.

2.1.5 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.

2.1.6 We have previously made comments in our Regulation 16 representations on specific policy and supporting text within the Neighbourhood Plan Submission Version which would ether 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.

2.2 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?

2.2.1 It is not appropriate for the Neighbourhood Plan to make "recommendations" about development and use of land which are not embodied in policy, tested at examination or directly related to the basic conditions for a Neighbourhood Plan.

2.2.2 We would agree with many of the concerns raised by the Examiner in his initial comments (18th July 2019) about the use of "recommendations" throughout the Neighbourhood Plan. The status of recommendations is ambiguous and could easily be interpreted as forming a policy requirement.

2.2.3 The Neighbourhood Plan as a whole will take on development plan status and will be used in the determination of planning applications. It would appear that many of the recommendations made refer to aspirational matters which the Parish Council has identified rather than being a solid statement of intent and direction for the way in which land is used and developed. Given the nature of a Neighbourhood Plan and its function, its content must be policy focused and we share the examiner's concern about trying to elevate local aspirations to policy status when the requirements may not be achievable - particularly when the recommendations require buy-in from third parties.

2.2.4 The PPG is clear at paragraph 004 that '*wider aspirations than those relating to the development and use of land, if set out as part of the plan , would need to be clearly identifiable (for example set out in a companion document or annexe) and should make clear in the document that they will not form part of the statutory development plan".* We would request the Inspector calls for the recommendations to be removed from the main body of the Neighbourhood Plan and placed in a supplementary annexe.

2.3 QUESTION 3: 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?

2.3.1 If the Neighbourhood Plan is intended to be used as policy to guide decision making on planning applications in the same way as Local Plan policies, then the requirements of each should be 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.

2.3.2 With particular reference to ecological assessment and survey information requirement of Policy HNDP 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.

2.3.3 We would request the Inspector considers amending Policy HNDP6 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)

2.4 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 development sites anywhere in Hellingly Parish supported by evidence and is it a reasonable and practical policy?

2.4.1 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.

2.4.2 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.

2.4.3 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.

2.4.4 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.

2.4.5 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.

2.4.6 We would request that the Neighbourhood Plan is amended to remove the designation and any reference to Areas at Risk of Flooding from Policy HNDP4 and the proposals map. We would also request that the presumption against land raise and any reference to this is removed from Policy HNDP4 and the wider plan.