



Ninfield Neighbourhood Development Plan

Regulation 16 Consultation

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CONTENTS

1	Introduction.....	4
1.1	Context.....	4
2	Legal Requirements, National Policy & Guidance.....	5
2.1	Legal Requirements.....	5
2.2	National Planning Policy Framework	5
3	Ninfield Neighbourhood Plan.....	7
3.2	General Comments	7
3.3	Policy N7: Local Green Spaces.....	7
4	Conclusions.....	12
4.1	Summary.....	12

1 INTRODUCTION

1.1 Context

- 1.1.1 These representations provide Gladman's response to the Ninfield Neighbourhood Plan (NNP) under Regulation 16 of the Neighbourhood Plan (General) Regulations 2012.
- 1.1.2 Gladman Developments Ltd specialise in the promotion of strategic land for residential development and associated community infrastructure and have considerable experience in contributing to the Development Plan preparation process having made representations on numerous planning documents throughout the UK alongside participating in many Local Plan and Neighbourhood Plan examinations.
- 1.1.3 Through these representations, Gladman provides an analysis of the NNP and the policy choices promoted within the draft Plan. Comments made by Gladman through these representations are provided in consideration of the NNP's suite of policies and its ability to fulfil the Neighbourhood Plan Basic Conditions as established by paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended) and supported by the Neighbourhood Plan chapter of the PPG.

2 LEGAL REQUIREMENTS, NATIONAL POLICY & GUIDANCE

2.1 Legal Requirements

- 2.1.1 Before a neighbourhood plan can proceed to referendum it must be tested against a set of basic conditions set out in paragraph 8(2) of Schedule 4b of the Town and Country Planning Act 1990 (as amended). The basic conditions that the MSGNP must meet are as follows:

“(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order.

(d) The making of the order contributes to the achievement of sustainable development.

(e) The making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

(f) The making of the order does not breach, and is otherwise compatible with, EU obligations.

(g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).”

2.2 National Planning Policy Framework

- 2.2.1 The National Planning Policy Framework (the Framework) sets out the Government’s planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of neighbourhood plans to be in conformity with the strategic priorities for the wider area and the role they play in delivering sustainable development to meet development needs.

- 2.2.2 At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread through plan-making and decision-taking. This means that plan makers should positively seek opportunities to meet the development needs of their area and Local Plans should meet objectively assessed housing needs, with sufficient flexibility to adapt to rapid change. This requirement is applicable to neighbourhood plans.

- 2.2.3 The recent Planning Practice Guidance (PPG) updates make clear that neighbourhood plans should conform to national policy requirements and take account of the most up-to-date evidence. This is so that Ninfield Parish Council can assist Wealden District Council in delivering sustainable development and be in accordance with basic condition (d).
- 2.2.4 The application of the presumption in favour of sustainable development will have implications for how communities engage with neighbourhood planning. Paragraph 13 of the Framework makes clear that Qualifying Bodies preparing neighbourhood plans should develop plans that support strategic development needs set out in Local Plans, including policies for housing development and plan positively to support local development.
- 2.2.5 Paragraph 15 further makes clear that neighbourhood plans should set out a succinct and positive vision for the future of the area. A neighbourhood plan should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. Neighbourhood plans should seek to proactively drive and support sustainable economic development to deliver the homes, jobs and thriving local places that the country needs, whilst responding positively to the wider opportunities for growth.
- 2.2.6 Paragraph 29 of the Framework makes clear that a neighbourhood plan must be aligned with the strategic needs and priorities of the wider area and plan positively to support the delivery of sustainable growth opportunities.

3 NINFIELD NEIGHBOURHOOD PLAN

3.1.1 This section is in response to the NNP consultation document and its supporting evidence base.

3.2 General Comments

3.2.1 The National Planning Policy Framework is clear that plans should serve a clear purpose while avoiding unnecessary duplication of policies that apply to a particular area¹.

3.2.2 As currently drafted, Gladman consider that a number of policies within the neighbourhood plan present unnecessary duplication of both national policy requirements and guidance set out in local authority guidance documents.

3.2.3 It is therefore required for the Parish Council to review the Plan and delete any policy wording that unnecessarily duplicates national or strategic policy requirements.

3.3 Policy N7: Local Green Spaces

3.3.1 Gladman have significant concerns regarding Policy N7 and specifically the proposed designation of LG6c 'Bexhill Road Verges, (Molly's Corner), Bexhill Road'. It is considered that the evidence base supporting Policy N7 does not provide a robust justification to the allocation of LG6.

3.3.2 Firstly, Gladman highlight that it is not in the remit of the neighbourhood plan to determine planning applications as this is the sole responsibility of the local planning authority and recommend that reference to '*planning permission will not be permitted*' is deleted from the policy wording. In addition, stating that 'very special circumstances' are required to justify permission is more restrictive than national planning policy and is more akin to the requirements justifying amendments to Green Belt boundaries.

3.3.3 In order to designate land as LGS, the Parish Council must be able to demonstrate robust evidence to meet national policy requirements as set out in the Framework.

¹ NPPF (2023) Paragraph 16(f)

The Framework makes clear at §101 that the role of local communities seeking to designate land as LGS should be consistent with the local planning of sustainable development:

"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."

- 3.3.4 Further guidance is provided at §102 of the Framework which sets out three tests that must be met for the designation LGS, stating:

"The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) 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; and

c) local in character and is not an extensive tract of land."

- 3.3.5 Gladman contend that the Local Green Spaces Report (January 2023) does not provide proportionate, appropriate or robust evidence as required by the PPG to designate such land. Failure to demonstrate how each designation meets the tests set out at §102 is contrary to the requirements of national policy and guidance and is therefore inconsistent with basis condition (a).

- 3.3.6 The Local Green Spaces Report (January 2023) assesses the proposed designation under reference LG6c) and considers it in Table 4 to be demonstrably special to the local community in regard to 'beauty', 'history' and 'wildlife'. Further detail is provided from page 42 of the report including a description of the site where it is noted:

"The verges here are another example of a residual fragment of an ancient meadow, previously used for grazing stock which is rich in wildflower species (Tithe Map 1844). There is a rural feel to this area despite the adjacent A269 main road and it forms a green gateway to the village. A wide range of species include Cuckoo Flower/Milkmaids (Cardamine pratensis), Wood Anemone (Anemone nemorosa), Early-purple Orchid

(Orchis mascula), Sheep's Sorrel (Rumex acetosella) and Bluebell (Hyacinthoides non-scripta). The verges provide a green gateway into the village from the eastern part of the parish. The line of mature trees forming a narrow strip of woodland running along the eastern side of the A269 Bexhill Road enhance the green character of the area and will be valuable screen to mask the large estate of housing currently under construction. The cut through from the main road to Lower Street is the old land (the principal route to Bexhill before the "bypass" was built). The banks are steep and species rich with a canopy of mature trees above and it retains a country lane character. The verges are owned by East Sussex County Council and managed by Ninfield Parish Council. A new initiative is underway to enhance the range of wildflower species in this and other verges."

- 3.3.7 It is considered that the site description and assessment is not reflective of all the areas included within LG6 and therefore all the areas included do not meet the tests of the Framework.
- 3.3.8 The Parish Council is aware that Gladman Developments has interest in the land to the west of Bexhill Road which was granted outline planning permission for up to 65 dwellings in September 2022². The site lies directly adjacent to the proposed LG6, and it must be noted that a proposed new pedestrian access and improvements will run through LG6. The development will include a pedestrian access point at the very north-eastern corner of the site and a new footway along the site frontage of Bexhill Road. To the north, the footway will extend to the B2095 Lower Street/A269 Bexhill Road junction with provisions to enable pedestrians to cross onto the existing footpath on the east side of Bexhill Road.

² Planning Application Reference: WD/2021/2454/MAO

- 3.3.9 The proposed new pedestrian access point is to be where the existing site access is located, as identified in Figure 1 below:



Figure 1 - Proposed location for pedestrian access in the north east of the site.

- 3.3.10 The Ecological Impact Assessment produced as part of the planning application highlighted that the boundaries to the south and north of the site had the greatest ecological interest and the scheme allows scope for habitat buffers to be provided to minimise development edge effects. It was also considered that the eastern boundary hedgerow is species-poor. In addition, there are considered to be no arboricultural constraints to development as confirmed within the Arboricultural Survey Report which supported the application.
- 3.3.11 Therefore, it is unclear why this element of the verge is proposed to be included within LG6 when it does not demonstrate arboricultural or ecological significance and there is currently limited wildlife species present.
- 3.3.12 The wording of Policy N7 is unclear in what types of development it is seeking to restrict. However, Local Green Space 6 (LG6) and its relationship with the permitted application's pedestrian access conflicts with the Neighbourhood Plan's Policy N17 which seeks to promote sustainable travel but increasing the attractiveness of

walking, cycling and use of public transport. Criteria 1 and 2 seek for new development to provide safe public footpath connections to existing public routes and where no such routes exist provision should be delivered as part of proposals.

- 3.3.13 Gladman reiterate that the LG6c should be deleted from the NNP as it is not justified by robust evidence, conflicts with the approved planning application for residential development (WD/2021/2454/MAO) and does not meet the basic conditions.

4 CONCLUSIONS

4.1 Summary

- 4.1.1 Gladman welcomes the opportunity to comment on the Ninfield Neighbourhood Plan Regulation 16 consultation. These representations have been drafted with reference to the revised National Planning Policy Framework (NPPF2023) and the associated updates that were made to Planning Practice Guidance.
- 4.1.2 Gladman have provided comments on a number of the issues that have been identified in the Council's consultation material and recommend that the matters raised are carefully explored during the process of undertaking the new Local Plan.
- 4.1.3 Gladman welcome any future engagement with the Council to discuss the considerations within forwarded documents.



