HPC RESPONSE TO HNP EXAMINER, 17TH APRIL 2024

Document 2: Wealden District Council comments on the Submission HNP and Horam Parish Council responses

[Notes:
- The Horam Neighbourhood Plan is referred to throughout as HNP
- The emerging (Reg. 18) Wealden Local Plan is referred to throughout as the Draft WLP.
- When proposing amendments, the standard convention is used, with ~~strikethrough~~ for deletions and underlining for new text.]

Wealden District Council (WDC) Comments	Horam Parish Council (HPC) Responses
Overview It is clear that an enormous amount of work has gone into producing the Horam Neighbourhood Plan (HNP) and the supporting background papers. Whilst many of our comments at the Regulation 14 stage have been addressed in the Regulation 16 version of the HNP, we consider that there are some remaining issues. These mainly relate to the Local Settlement Gap Policy (HCD2), the Important Local Views Policy (HCD4) and a number of the proposed Local Green Spaces (HCE4).	The recognition that the HNP and its evidence work have been thoroughly produced is noted, while it is also believed that its policies (as amended to take account of Reg.14 comments) readily meet the threshold of necessary justification, including those mentioned – which address locally important issues, in line with the "localism" agenda.
Conformity and Justification There are no conformity references on any of the policies. Whilst this is not a requirement, they would be useful to help to demonstrate how the plan is in conformity with the NPPF and the current adopted Development Plan consisting of the Wealden Local Plan (1998) and Core Strategy	Noted, but the supporting text does include cross references to higher level policies where helpful to the reader, while a more comprehensive consideration of contextual higher-level policies that demonstrate 'general conformity' are set out in the Basic Conditions Statement and its Addendum, in line with legislative requirements.
Policy Map At Regulation 14 the Council commented that the HNP would benefit from a policy map to show all the different proposed designations in one place e.g. LGS, settlement gaps etc., as well as existing designations such as the High Weald National Landscape, Ancient Woodland, Flood Risk Areas etc. Whilst Figures 18 and 19 have been added at Appendix 1 which show some of the designations, they do not show all of them. A policies map would assist decision makers and other users of the Plan.	Many Neighbourhood Plans do not have a single Policies Map. However, one is provided for the Reg. 16. This identifies all the policy areas defined by the HNP, supplemented where necessary by detailed maps, such as for Local Green Spaces. It is not considered necessary to show all existing designations and would make the Policies Map very difficult to read, allied to which, those designations are already identified by WDC

	mapping and that WDC will add the HNP policy areas to its comprehensive Policies Map, when the HNP is made. Of course, HPC would look to work with WDC to prepare such a policies map that could be integrated with its GIS system.
Contributing to Sustainable Development The HNP is not seeking to meet the future housing needs of the neighbourhood area or allocate sites. Future housing and other development needs in the neighbourhood area will therefore be addressed through the Local Plan process. The Council has considered the environmental designations proposed within the HNP and notes that many of the proposed environmental designations e.g., Settlement Gaps, Waldron Ghyll Valley, Important Local Views and Local Green Spaces cover sites that have been submitted to Wealden as part of its Strategic Housing and Economic Land Availability Assessment (SHELAA) and have been found at a 'high level' to be suitable for residential development. In effect, the designations could result in limiting the supply of potential housing sites and the number of dwellings that can be delivered on these sites to meet the housing needs of the local community in Horam. The NPPF at paragraph 29 is clear that Neighbourhood Plans should not promote less development than is set out in the strategic policies for the area or undermine those strategic policies. The Council published its SHELAA Report alongside the now withdrawn Wealden Local Plan in 2019.The Council has recently published its SHELAA to inform its emerging Regulation 18 Local Plan. This includes a review of the suitability and deliverability of all sites submitted, including both previous sites that were submitted and reported on in the SHELAA 2019 publication, as well as new sites that have been submitted since this date. The SHELAA review has informed the Council's growth strategy and site allocations within the emerging Local Plan, which has now been published for a decision at Full Council on 8th February 2024 to consult on the Draft Local Plan Regulation 18 Document. We can update the Examiner by way of written update in due course, should this be helpful.	This comment raises important questions about the relationship between the HNP and the very recently published draft (Regulation 18) Wealden Local Plan (and its supporting SHELAA), to which the HNP Steering Group has given further consideration. For clarity, the HNP does not plan for housing nor allocate sites, which was a decision of HPC, fully in line with Planning Practice Guidance and in the knowledge that WDC was preparing a new Local Plan. Moreover, it should be clarified that the Reg 18 Local Plan was published after the HNP had been submitted, and that there was no prior knowledge of proposed allocations. i.e. there was clearly no intention to "frustrate" developments, as preferred sites were not known. HPC is aware of the earlier (2019) SHELAA, as well as the withdrawn (following examination) 2019 Local Plan. (Indeed, a key site at issue that was excluded from the 2019 development boundary and included as part of the Gap between Horam and Marle Green, as well as proposed as a LGS, is now being put forward as a housing site in the SHELAA and Draft WLP). In any event, a SHELAA is a high-level assessment, without the benefit of any consultation input and, as WDC rightly accepts, does not in itself determine whether a site should be allocated for development. HPC considers that the proper test of the HNP as regards contributing to sustainable development is whether it will, or be likely to, frustrate WDC in meeting its strategic development needs.

The Parish Council has stated within the Consultation Statement accompanying the HNP that there is no up-to-date Local Plan in place that provides a basis for concluding that the HNP promotes less development than the strategic policies for the area. These comments are noted; however, the Council's evidence base that has been available during the course of developing the neighbourhood plan has presented the Council's conclusions on suitability of these sites for future development in the 2019 SHELAA. Whilst the SHELAA does not determine whether a site should be allocated for development in a Local Plan it is a robust evidence base that should be considered as part of developing a Neighbourhood Plan. Whilst we have been unable to share the review of the latest version of SHELAA (February 2024) with the Parish Council during the course of progressing a Neighbourhood Plan, sites submitted to the SHELAA have been publicly available via our online mapping and we have provided comments on proposed designations (including Local Green Space Designations) where these include sites submitted for consideration in the SHELAA throughout the neighbourhood plan process including at the Regulation 14 stage and earlier. The Consultation Statement accompanying the HNP also states that the SHELAA review should take account of the aspirations and emerging policies within the HNP to determine whether they are suitable locations for growth. The suitability assessment of each site is based on a range of factors, as set out in the planning practice guidance and the SHELAA methodology. In addition, the SHELAA is an evidence base document that will be used to inform policy including both Local Plans and emerging neighbourhood Plans as relevant. We also need to be mindful that the Horam Neighbourhood Plan currently has limited weight and will not have full weight until it is formally 'made'. Lastly, it should be noted that the 'standard method' calculation within the NPPF (paragraph 61) for calculating housing need for the district stands at 1,200 dwellings per annum (dpa) that is considerably higher than that within the Council's adopted	Of course, WDC has only just produced it first Draft WLP, which still being consulted upon. Therefore, as WDC Councillors noted when approving the WLP, it is for the purposes of consultation and may well change markedly in the final version. Therefore, it is regarded as far too early to be prescriptive on a housing target for Horam. This said, HPC accepts that the presence of the High Weald National Landscape (and its setting) means that growth will need to be focussed on the Low Weald. However, HPC also notes that the Draft WLP is proposing a dramatic level of growth at Horam, with a scale of housing allocations on a par with the towns of Uckfield and Hailsham, and more than twice that at the town of Polegate[1], such that it would about double the number of houses in the village in 15 years – which has taken 150 years (since the coming of the railway) to grow to its current size. The point here is that there will inevitably be serious questioning through the various rounds of consultation, and then, if retained, at examination, of whether the currently proposed scale of growth at Horam is actually "sustainable". Even if Horam were to remain a focus for growth, the scale being envisaged would not be undermined by the HNP. The two sites where there are direct inconsistencies would only provide for 50 dwellings between them, of total allocations of 847 dwellings (and a further 130 with pp) in Horam, i.e. about 50/977 = 5.1% of planned growth. In a district-wide context, the numbers are negligible, being less than 1% of the total 5,616 dwellings on these two proposed allocations. Moreover, it is stressed that the HNP does not prevent the bringing forward of the strategic site in the Draft WLP to the south of Horam, focused on Coxlow Farm, where 750 dwellings

[1] Draft Wealden Local Plan as presented to Full Council, Table 6

development plan (Core Strategy 2013), which stood at 450 dpa (see Policy WCS1 Provision of Homes and Jobs 2006-2027 of the Wealden District Core Strategy Local Plan). In short, this demonstrates that the requirement for housing in the district has increased substantially since the adoption of the Wealden District Council Core Strategy.	are envisaged, along with a new primary school and some employment and community floorspace. Hence, if this proposal were to be ultimately endorsed through the WLP, there would be no conflict with the requirement in the PPG not '*to constrain the delivery of a strategic site allocated for development in the local plan or spatial development strategy'*. (Paragraph: 044 Reference ID: 41-044-20190509) HPC also wishes to record that the SHELAA assessments referred to by WDC have, by their own admission, not taken account of the vision, policies or evidence base of the Submission HNP to determine whether they are suitable locations for growth. In conclusion, HPC is confident that the HNP has been prepared positively, is in general conformity with the current spatial strategy (which focuses growth in the towns) and, furthermore, is consistent with WDC's emerging strategic growth strategy, while maintaining that the two specific sites at issue are not suitable for development, but should be retained as green spaces, as proposed in the HNP, for the reasons set out in the supporting documents. The merits of these sites are reviewed further below.
Climate Change Climate change is not considered very extensively within the Neighbourhood Plan as a whole and whilst it is referred to within the Design Guide in chapters such as Sustainable Construction, it would have more weight if it was covered in the HNP itself. The design policy for example refers to reducing energy consumption and promoting renewable sources of energy, but neither the policy nor supporting text explains why this is necessary. It would be helpful to add supporting text to cover this.	This point was considered further to WDC's Reg 14 comments, but it was found that there was real consideration of climate change, which was recognised as having many facets, which are reflected in a range of policies. Objective 7 is specifically "*To help address climate change*" and underpins several policies, including HCE6 in relation to the adaptation and mitigation of increasing flood risk and use of SuDS, the support for active travel (policy HTM2), protection of trees and woodlands (policy HCE2), promoting biodiversity (policy HCE1) and conserving permanent grassland (policy HCD1 refers).

	Not only are the policies sufficiently justified, especially when read in conjunction with the NPPF's policies, but it is noted that the emerging WLP promotes a suite of district-wide "Climate Change" policies. In conclusion, it is not considered necessary, or appropriate, to add further text to the HNP in this respect.
Objective 10: Transport and Movement It was suggested at the Regulation 14 Stage that this objective should be inclusive and accessible, and the objective could be changed to 'to encourage and enable inclusive and accessible cycling, walking and public transport services', to accord with the NPPF paragraph 116. This has not been changed. You could also add in 'wheeling' if minded to also.	Noted, but HPC is reluctant to change the objectives, which have had multiple iterations/consultations. Also, it is felt that cycling, walking and public transport services are inherently inclusive and accessible. Therefore, while in agreement with the principle, the additional wording is not considered necessary for a broad objective.
Policy HCD1: Settlement pattern and landscape character **Wording of the Policy** It is not clear what part 2a of this policy refers to where it states, 'the existing settlement pattern… should be maintained'. If this refers to the dispersed pattern of rural villages, hamlets and scattered farmsteads then this needs to be explained in the policy. If this refers to not building within settlement gaps, then it should be removed (see our separate comments on Policy HCD2: Local Settlement Gaps). **Recommendation** Further clarification is added to criteria 2a within the policy, or this criterion should be removed	Policies to maintain a settlement pattern are common and well recognised. Indeed, policy EN2 of the extant Wealden Local Plan has the same phraseology as the HNP (but using "*will*" rather than "*should*" be maintained). Indeed, the reference to Policy EN2 was not raised by WDC at the Reg. 14 stage. In any event, the supporting text at paragraph 4.3 provides the context: "*The dispersed pattern of rural villages, hamlets and scattered farmsteads*". Therefore, amending the policy is not considered necessary, although HPC would be agreeable to add wording to Part 2(a), if the Examiner felt it appropriate, so that it reads: ***"a) the existing settlement pattern of rural villages, hamlets and scattered farmsteads, including the topographical setting of settlements, should be maintained;"***

	[HPC notes that the identification of 'local settlement gaps' is a complementary policy, relating to a particular aspect of the settlement pattern. Further elaboration is given in response to WDC comments on Policy HCD2 below.]
Landscape Character Background Paper Figure 3 in the Landscape Character Background Paper would benefit from the parish boundary being a different colour to the flood zones.	HPC has tried to change map colours, but has been restricted by the functionality of 'Parish Online'. The regular thickness of the Parish boundary line as well as differences in tone make it quite distinct from the flood zones. If necessary, WDC can change colours on its overall Policies Map.
All maps/figures need to have the sources referenced and weblinks added if appropriate.	Only Figures 1 and 2 do not give (clear) sources, and can be amended as follows (new text shown in **bold**): Figure 1 – While the *source mapping is actually in the bottom right-hand corner of the map, the title will be amended to read:* *Figure 1 Topographical map of the Horam Parish and locality* ***(Source: https://en-gb.topographic-map.com/map-27514/Horam/)*** Figure 2 – Add source to title, to read: *Figure 2 Terrain Height map of Horam Parish, highlighting the Waldron Ghyll* ***(Source: Parish Online)***
Paragraph 20- see our comments on this statement in the flooding background paper.	Noted. Those comments are addressed separately.
When describing the Council's landscape evidence base, the document should start with the most recent / strategic document first (i.e., the Landscape Character Assessment 2022, then the site-specific studies and then the 2014 Landscape Character Assessment). The Council has now published updated Landscape assessments to support the emerging Draft Wealden Local Plan. These supersede the site-specific studies set out within the 2014 Landscape Character Assessment (LCA). We note that the latest	The ordering of the LCAs may be changed to refer to the most recent first, as WDC requests. At the same time, the level of spatial refinement of the later LCAs is less than the 2014 LCA, which is useful in providing more a localised landscape context. (It is also noted that the 2024 document is not site-specific, and that the landscape character has not really changed in the recent times, so it is appropriate to refer to all LCAs.)

Landscape work (2024) was not published at the time the neighbourhood plan was being prepared. However, the Council published an updated Landscape Character Area study in 2022 and this superseded the 2014 Landscape Study. We would recommend deleting reference to the 2014 LCA, or at least making it clear that the 2022 LCA supersedes the 2014 LCA and should be the one to set the character context for Horam, including landscape guidelines. This will then ensure that the HNP is in line with the most up-to-date evidence.	[Footnote: At the recent appeal into development at Horam (application ref. WD/2022/1694/MAO), the appellant's landscape witness advised that the 2014 LCA is the most useful in helping to assess landscape sensitivity in the area.]
Policy HCD2: Local settlement gaps and background paper on respecting and retaining the separate identities of settlements in Horam Parish. As stated at the Regulation 14 stage, the Council has concerns regarding the proposed Local Settlement Gap designations set out in the draft HNP. There is no strategic policy contained within the district's development plan framework relating to settlement gaps and coalescence and therefore it is questioned whether an additional designation for Local Settlement Gaps in the HNP is in line with the Council's strategic planning policies or the National Planning Policy Framework (NPPF). The 'saved' policies of the Wealden Local Plan (1998) referred to in paragraph 4.5 of the HNP that includes policies EN2 (Development Pattern), EN6 (Landscape Conservation of the High Weald AONB) and EN8 (Low Weald) largely relate to landscape character rather than settlement coalescence. As the Parish response in the Consultation Statement points out, policy EN2 does state that 'the Council will seek to maintain the existing settlement pattern'. However, the Council considers that this relates to the shape of the settlements (i.e., nucleated or linear), rather than the gaps between.	HPC is very concerned that WDC appears to be putting unreasonable obstacles in the way of an important locally-specific Neighbourhood Plan objective and consequent policy that seeks to maintain the distinct, separate identities of recognised settlements in the Parish. Preventing coalescence can be a fundamental planning objective, recognised in a multitude of planning decisions – including Inspectors' decisions in Wealden. It is noted that the methodology for the very recently WDC-commissioned Landscape Sensitivity Assessment work (LUC, 2024) has '*Settlement setting and coalescence'* as one of its *'Indicators of Landscape Sensitivity*' (page I 9). The suggested meaning of Local Plan policy EN2 - put forward for the first time opposite - is of particular concern. It is not regarded as a true interpretation of the policy, applying the test of how a reasonable and literate person would understand it, using the ordinary meaning of the words. The key to its meaning is in both the phrasing of the policy and the supporting text:

	- Paragraph 4.12 relates to the role of settlements, not their "shape", where it refers to *"… supporting the community, shopping and employment roles of existing local centres in both urban and rural areas*." and goes on to, at paragraph 4.13, to refer to the established development strategy being "… *to concentrate new development in the towns, with some growth in certain villages and more restrictive policies elsewhere in the countryside*.", adding that "*The substantial existing housing commitments in the District reflect this approach, and are considered to enable efficient access to goods and services without unnecessary increase in demand for transport and road space or a degradation of environmental quality. Therefore, any change to the pattern of future development implied by existing commitments would be inappropriate.*" - The wording of policy EN2, namely that "*The Council will seek to maintain the existing settlement pattern and ensure that major new developments generating significant travel movements are located efficiently in relation to existing development and to public transport*." (rather than one, as suggested by WDC's comment, along the lines of "*The Council will seek to maintain the pattern (layout) of individual settlements*") is entirely consistent with the supporting text that refers to the overall settlement pattern. [Footnote: HPC would consider a legal challenge the WLP policy interpretation contained in this WDC representation if it is pursued as a basis for resisting this legitimate HNP policy.] It is also noted that WDC has referred to Policy EN2 as a supporting policy in a recent planning decision refused, in part, on the impact of development on the separate identities of settlements.

The main policy approach of Wealden District Council used to safeguard land in the countryside is 'development boundaries' that includes 'saved' policies of the Wealden Local Plan (1998) GD1 (Development within development boundaries) and GD2 (Development outside development boundaries). In short, these development boundaries support new development within them, provided it is in accordance with other policies of the Local Plan. It resists new development outside of those development boundaries unless it is in accordance with other policies of the Local Plan or material considerations suggest otherwise. This approach continued as part of the Wealden District Core Strategy Local Plan (2013) and will continue as part of the new emerging local plan also.	Noted. However, as stated in the HNP Background Paper: 'Respecting and retaining the separate identities of settlements in Horam Parish': *52. To be clear, the identification of local settlement gaps should not represent a general approach to preventing inappropriate development in the countryside. Such policies are matters for the District Council in the drawing of its limits to built development (locally referred to as 'development boundaries') of settlements as part of its development strategy. Rather, it should only be applied where necessary with the specific purpose of maintaining the separate identities and character of settlements.* It should be evident that there is a material difference between the definition of 'development boundaries' and the 'Local Settlement Gaps', while not being mutually incompatible. For example, there will be areas of land outside of development boundaries (and hence subject to 'countryside' policies) that are not within Gaps, but are still inappropriate. Where a proposal is both outside a development boundary and in a Gap, it would be considered against both policies. It would be quite possible for a proposal to be found acceptable/unacceptable in the context of one policy but not against the other. In other words, the Gaps policy provides a discreet (and spatially limited) means of specifically preventing coalescence of settlements wholly within the Parish – not incompatible with the definition of development boundaries, but complementary to them. It follows that consideration of relevant proposals should involve assessment against both policies.

It is noted that some Neighbourhood Plans locally (outside of Wealden District) do have Local Settlement Gap policies (for example Battle in Rother District and Hassocks in Mid Sussex District) but in these cases, the local planning authority does have an adopted strategic Local Gaps/Settlement Coalescence Policy in place that supports the Neighbourhood Plan policy. This is not the case for Wealden District, and it is therefore advised that Local Settlement Gaps will not conform with the adopted approach of Wealden District Council. It should also be noted that for some Local Settlement Gaps, there may be also other important designations (i.e. the High Weald AONB) that would protect such land in any case. It should be noted that this issue has very recently been considered as part of the Wealden District context as part of the examination into the Wadhurst NP, with the examiner's report considering the approach of the Wadhurst NP in identifying 'green gaps' or 'strategic gaps' between paragraphs 39 and 47. At paragraph 41 of the examiner's report into the Wadhurst NP, the following is stated: *'There is no strategic policy contained within WDC's development plan framework relating to green gaps or coalescence. The main policy approach of WDC to safeguard land in the countryside is "development boundaries" that derives from saved policies of the local plan (1998) GD1 and GD2. Those policies are in typical form i.e. to support development within the boundaries and generally resist new development outside those boundaries. While development boundaries in Wadhurst may well be reviewed as part of the emerging local plan, the policy approach is, in my view, unlikely to change... Neither national policy nor guidance provides specific support for a green gap/coalescence policy'.* The examiner for the Wadhurst NP goes onto conclude at paragraph 45 of his report the following: *'I have given very careful consideration to the Green Gap concept, being fully aware of its local support. However, I conclude that this*	As set out in the HNP and the relevant Background Paper, the Local Settlement Gaps policy relies on adopted Local Plan Policy EN2 in terms of general conformity. It is also found to be compatible with the NPPF – as other such "gaps" policies elsewhere have been. Indeed, where circumstances warrant it, other neighbourhood plans also include similar policies. Some are included in the CPRE Guidance document 'What's special to you: Landscape Issues In Your Neighbourhood Plan'. These are presented in the context of addressing (where appropriate) the 'avoidance of coalescence between settlements'. (see https://www.cpre.org.uk/wp-content/uploads/2019/11/CPREZLandscapeZZNeighbourhoodZPlanningZtextZonly.pdf). This gives a few examples of Gaps policies in NPs. Attention is drawn to that of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan (adopted 2014) Gaps between villages, policy NP/EN1. See https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/ascot-sunninghill-and-sunningdale-neighbourhood-plan (page 23) This is in the Royal Borough of Windsor and Maidenhead. Its Local Plan does NOT have a strategic (or local) gaps policy. Nevertheless, the NP Examiner (Mr McGurk) found the Gaps policy acceptable. (His report can be viewed via the above link.) Therefore, a specific Local Plan policy is **not** a prerequisite for a Neighbourhood Plan 'gaps' policy. Logically, neither should it be, as the NP policy is locally justified and specific, not a district-wide approach. The test is, quite reasonably, whether it undermines a strategic policy, such as a strategic allocation that is proposed even where it is conjoins settlements. That it not the case for Horam where, in fact, the HNP does not look to define a gap to the

proposed policy concept is not supported by national policy or guidance, will tend to constrain appropriate sustainable housing development, and is contrary to the strategy of the development plan. It should therefore not be included in the NP'. It is noted that a background document has been provided which describes how the settlement pattern has evolved, outlines the community views and sets out how a local policy would in the opinion of the Parish Council, be compatible with national and local policy contexts, despite our concerns raised formally at the Regulation 14 stage of the HNP. Criteria for designation have been provided and an assessment of each of the gaps made against these criteria. Despite the background document provided, there are sites submitted within the SHELAA process that would form part of these local settlement gaps, with a number of sites being considered to be suitable for residential development within the 2019 SHELAA as well as the SHELAA (February 2024) that has been published to support the emerging Local Plan. One of these sites has been proposed to be allocated for development within the emerging Wealden Local Plan as published on the 31st January 2024 for a decision at Full Council (one already has planning permission). This policy will therefore conflict with the emerging Local plan also. There are also some housing development sites within Local Settlement Gaps that are subject to live planning applications, that may be approved/refused and then subject to planning appeal, as relevant[2]. Neighbourhood plans should plan positively and should not be used to constrain the delivery of growth that could be allocated for development in a local plan, and this policy currently does just that. It should be noted that the examiners report into the Wadhurst NDP also speaks to this issue at paragraph 44 of that report and noted	south of the village (that could impact on the emerging Draft Local Plan strategic allocation). The submitted Wadhurst NP and its Examiner's Report have been reviewed. However, it is found that there are significant differences in the local context, the approach to "gaps" in the Wadhurst NP and those contained in the HNP, and in the evidence before the Examiner, as set out below: a) The Inspector did not regard the policy as being a genuine policy to prevent coalescence, noting, at paragraph 40, that "*Their purpose is variously described as preserving the physical and visual separation of settlements, or settlement communities, as having a landscape function, and to "protect against ribbon development*"." and added, as stated at paragraph 46, that "***I found that most of them do not perform a genuine function of preventing coalescence between settlements or parts of settlements."*** For ease of reference, Figure 4.2 of the examined Wadhurst Neighbourhood Plan, which put forward nine discrete fields as 'green gaps', is attached here as **Appendix A**. This is in sharp contrast to the focused approach within the HNP, and clearly justified in the supporting Background Paper. b) The Examiner noted that Wadhurst is entirely within the High Weald AONB, as well as having three distinct Conservation Areas within the locality, which (in addition to Local Plan 'development boundaries') meant that, as stated in paragraph 43, *".. there is and will be a raft of policies and constraints that would strongly control inappropriate or*

[2] For example, such as at the Horam – Marle Green Gap (see ref. WD/2022/1694/MAO). This was an outline planning application for the erection of up to 46 dwellings. It had an officer's recommendation of approval which was overturned/refused at Committee. There is currently a live planning appeal on the site.

that there is a clear overlap between the Green Gap designations and sites submitted to the SHELAA process (similar, in our view, to the Horam NDP). In that case, the examiner into the Wadhurst NDP shared the concerns of the Council, that a neighbourhood plan should plan positively and not be used as a mechanism to constrain development.	*damaging development, without the need for a further constraint, especially one whose purpose – see paragraph 40 above – seems somewhat inconsistent and confused."* In contrast, only the northern part of the Parish, to the north of Horam village is within the AONB, while all of the proposed 'Local Settlement Gaps' include land not within the AONB. While two of the Horam's Gaps are partially within the AONB, it is stressed that the policy relates only to the issue of coalescence; it is not a landscape policy as such, and hence should not be conflated with, or seen as duplicating, national (and local) AONB policy. c) While the Wadhurst NP Examiner correctly noted, at paragraph 41, that "*There is no strategic policy contained within WDC's development plan framework relating to green gaps or coalescence.*", he seemingly relied on the Reg 16 representation from WDC which stated, on page 4, that while other (quoted) cases of NP "gaps" policies were where "*the local planning authority does have an adopted strategic Local Gaps/Settlement Coalescence Policy in place that supports the Neighbourhood plan policy*", adding that "*This is not the case for Wealden District, and it is therefore advised that Local Settlement Gaps will not conform with the adopted strategic approach of Wealden District Council.*" However, an example of a NP "Gaps" policy where there is no Local Plan "Gaps" policy is cited above. This evidence was **not** before the Wadhurst NP Examiner. In fact, HPC cannot follow the logic of the argument that the absence of a Local Plan policy means that such a policy in a Neighbourhood Plan would be 'not in general conformity' with the Local Plan's strategic policies.

	HPC understands that there is only an issue of general conformity if the policy raises a conflict with an adopted Local Plan's strategic policy – which has not been claimed by WDC. It is concluded that the above further information, allied to the fact that the HNP policy does not have the same constraints or multiple (confused) policy objectives as at Wadhurst – which made it *more akin to controlling development in the countryside*, as recognised by the Wadhurst NP Examiner in his Report (see above) - fully justifies a different conclusion in this case. The acknowledgement of the HNP's robust methodology for defining local settlement gaps is noted. HPC has sought clarification in response to WDC's comments about conflicts with permitted developments and proposed Local Plan allocations. WDC 's explanations, together with HPC's assessment of actual conflicts are set out in **Appendix B** below. Of course, the emerging Wealden Local Plan post-dates the submitted HNP. Even so, HPC notes that there is only one proposed allocation where there is a conflict. This relates to land to the east of Rosemead Place, which lies within the Horam-Marle Green 'local settlement gap'. The development of this site (for a similar quantum of housing as the proposed allocation) has actually been refused by WDC and, as the Examiner appreciates, is the subject of a current appeal (with a hearing held on 5 March 2024), a decision on which is awaited. Further comment on this site is made below, as the land is put forward as a 'Local Green Space' in the HNP. Other sites submitted as part of the SHELAA process have been found unsuitable for development by WDC – hence, it cannot reasonably be suggested that there is any conflict even with the emerging (first draft) Local Plan.

	In any event, as stated above, it is not the case that the identification of local settlement gaps is designed to "constrain development". Rather, it is a legitimate and wholly appropriate policy "tool" to ensure that growth respects the identity of individual settlements. It can be clearly seen that there is still ample scope for the growth of Horam, as evidenced by the fact that the policy is not standing in the way of the suggested strategic growth of the village, as now being mooted through the Local Plan. As an aside, the HNP Gaps policy, to prevent coalescence, is seen as akin to many local plan (and NPPF) policies that effectively manage development for legitimate planning interests, such as to conserve the landscape character of AONBs (by limiting development), to retaining playing fields and other community uses of land and buildings (from loss to housing), and to protect biodiversity (restricting development of woodlands, unimproved grassland and other priority habitats), and, indeed, the definition of development boundaries.
Wording of the Policy The Council does not believe that the policy is necessary or in line with the Council's strategic policies as explained above. However, should the policy continue to be included in the HNP, there are still some issues around the wording of the policy. At the Regulation 14 stage, under criteria 2(i) of Policy HCD2 in defined Local Gaps, it stated that development will only be supported where it 'demonstrates how the proposal safeguards the open character of the relevant Gap.' The Council commented that almost all new development will have trouble in terms of meeting that requirement and that if this policy was to be included in the HNP, it is considered that the criteria under 2 (ii) and (iii) would be needed. However, in the Regulation 16 version of the HNP, criteria 2 (ii) and (iii) have been removed and only one criterion remains. This states that 'in the defined Local Gaps, development will only be supported which maintains the integrity of the relevant Gap'. This addresses some of our earlier concerns about the policy not supporting some	It is believed that there is scope to agree the most appropriate wording of the policy with WDC. In fact, the policy wording was previously amended in response to WDC concerns over the ability of any development to meet the policy requirements, specifically criterion 2(i) of the Reg. 14 HNP. Simplifying the policy to refer to the "*integrity of the relevant Gap*" was considered to be more clearly focused on the policy objective. However, HPC would have no objection to reverting to the earlier criteria (ii) and (iii) of Part 2 of the policy in the Reg 14 HNP, while omitting the earlier criterion (i). For clarification, these renumbered criteria would read:

developments in rural areas, however some of the detail has been lost.	***'2. In the defined Local Gaps, development will only be supported which ~~maintains the integrity of the relevant Gap~~:*** ***i) demonstrates how the proposal maintains a separate identity and would not, individually, or cumulatively, result in coalescence; and*** ***ii) is of a scale and visual appearance that would not detrimentally impact upon the rural character and appearance of the relevant Gap.'***
Policy HCD3 Waldron Ghyll Valley This policy covers a large proportion of the parish and in seeking to maintain the openness of the valley, is not dissimilar to the previous Local Settlement Gaps policy. Similarly, there are sites submitted within the SHELAA process that would form part of the area covered by this policy. This remains the case in the February 2024 SHELAA. The emerging draft Wealden Local Plan (Regulation 18) proposes an allocation in this area and there is therefore a conflict. At the Regulation 14 stage, the Council suggested that the policy may wish to consider defining the Waldron Ghyll Valley around SHELAA sites that are considered to be suitable for development. This was not carried out. However, the boundary of the Waldron Ghyll has been altered from the Regulation 14 boundary to take out more of the existing built-up area from the proposed designated area. The fundamental question regarding this policy is whether this policy is necessary? Normal policy considerations such as design, landscape protection, drainage and biodiversity will ensure its appropriate protection. If this policy is to be pursued, further evidence on the designation will be needed to demonstrate why this designation is needed at this large scale, given the existing protections in place (e.g. the northern part of the policy area is within the High Weald National Landscape and part of the area is within a Flood Risk Zone 2 and 3 around the Ghyll). The Council also questions whether the part of the designation outside of the National Landscape is worthy of designation as a 'valued	This policy is essentially a landscape policy, quite unrelated to the issue of coalescence that the Gaps policy addresses. The NPPF is clear at paragraph 180, that plans should recognise the intrinsic character and beauty of the countryside and should provide for the conservation and enhancement of landscapes, including "*valued landscapes*". While WDC question the need for the policy and whether the area outside the AONB is a 'valued landscape', it is clear from published Landscape Character Area Assessments that the Ghyll Valley is the distinctive local landscape feature. This context is set out in the Landscape Character Background Paper which, together with the supporting text to the policy in the HNP, also highlights its defining characteristics. Attention is drawn to Policy HNDP1 of the 'made' Hellingly Neighbourhood Plan, where the Examiner (John Slater) endorsed a policy (HNDP1) for an 'Area of Locally Valued Landscape' covering over half the Parish (far greater than being proposed here), being a mosaic of undulating pastoral countryside, rather than based on a clearly recognisable landscape entity, but similarly covering land beyond the High Weald AONB (now National Landscape).

landscape' and / or whether all of the land merits designation. Whilst there is a section in the landscape background paper on the Waldron Ghyll we feel this is not been sufficiently evidenced particularly in relation to how / why the boundaries have been drawn the way they have in landscape terms and whether basing the boundaries on a watershed in this location is the right approach and substantiated in landscape terms.	The watershed is a logical "edge", not only as its water catchment, but moreover as the extent of views across the valley. This has been carefully mapped from topographical data. HPC has sought clarification in response to WDC's comments about conflicts with permitted developments and proposed Local Plan allocations. WDC 's explanations, together with HPC's assessment of actual conflicts are set out in **Appendix B** below. There is only one site – the same as that highlighted by WDC in relation to Local Settlement Gaps – that is proposed to be allocated for housing in the emerging Wealden Local Plan and which straddles the watershed – or ridgeline - above the Valley. HPC maintains that this proposed allocation – made without regard to its impact on coalescence or Submission HNP policies generally, is unsustainable. Notwithstanding this, the degree of overlap can be seen to be very limited (at the northern edge of the site that dips northwards). Indeed, given that the application is in outline form and is subject to reinforcement of tree planting along the northern boundary – as is the proposed Local Plan allocation – then any conflict (if the development is supported in principle) would be very marginal – and resolved through a 'reserved matters' application. In conclusion, it is believed that the Waldron Ghyll Valley policy can reasonably be seen as in general conformity with the strategic policies of WDC – and no such adopted policies have been identified that are in conflict. Also, given that the policy does not actually prevent development, but seeks to ensure that it is sensitive to and not harm its character, then it need not be seen as preventing sympathetic development within its ambit.

	Indeed, the policy seems to reinforce the need for effective tree planting highlighted in the WDC Landscape Sensitivity Assessment for the above proposed allocation. Similar comments are made in response to the fact that there may be overlap with the emerging development boundary, in that it does not prevent sympathetic development, while there is no clear incompatibility with the scope for development allowed in the countryside under adopted Local Plan policies, or NPPF policies.
Wording of the Policy The Council considers that the policy is unnecessary and that it does not conform with the Council's strategic policies as explained above. In addition to this, the Council raised questions at the Regulation 14 stage about the wording of the policy and what is meant by 'the overall openness of the Waldron Ghyll Valley …shall be maintained'. The Council asked whether this is preventing all new development within the defined area? In which case this would contradict the NPPF and 'saved policies' of the Wealden Local Plan (1998), which permits development in rural areas in certain circumstances (e.g. NPPF paragraphs 82, 83, 84 and 88 for example[3]). The Council suggested that the wording needed to be less vague and that perhaps maintaining the character would be a better phrase here. It is considered that the Regulation 16 amended wording 'proposals for development shall be sensitive to and not cause harm to the essentially open landscape character of the Waldron Ghyll' is an improvement on the original Regulation 14 wording of this policy, however, our comments still remain in relation to conformity etc. The term 'existing built-up areas' within the first criteria of the policy is difficult in this context as there are several housing sites with planning permission as well as draft allocations proposed in the emerging Local Plan. On this basis, the approach taken on 'existing	The wording of the policy responds to WDC's earlier comments. (Its comments regarding conformity are addressed above.) HPC appreciates the continued use of 'development boundaries, but it is emphasised that Policy HCD2 is a landscape policy, not a development policy like that for development boundaries. The geographical coverage of the policy is clear on Figure 12 (and on the submitted Policies Map). That said, it was considered helpful to clarify that the policy does not apply to existing built-up areas within the Valley. However, HPC will be guided by the Examiner in terms of clarity of policy wording. HPC would not object if Part 1 of the policy simply referred to the area shown on Figure 12, with no reference to the existing built-up areas; that is: ***1. The Waldron Ghyll valley is a valued landscape. Proposals for development shall be sensitive to and not cause harm to the essentially open landscape character of the Waldron Ghyll Valley ~~beyond the existing built-up areas (as defined on Figure 12)~~.***

[3] NPPF December 2023

built-up area' as shown on the map will become out of date very quickly, particularly as the Council has proposed a number of allocations in the area within the emerging Local Plan. The Council raised concerns with the terminology of this policy at Regulation 14, in particular the phrase 'existing built-up areas'. Whilst the boundary of the Waldron Ghyll Valley has been reduced at Regulation 16 to exclude more of the existing built-up area, there is still some within the boundary. To avoid confusion this phrase should be removed. As above, the Council will continue to use 'development boundaries'. **Recommendation** Should this policy be considered positively, we suggest the removal of the phrase 'beyond the existing built up areas' and add in the landscape background paper: '…..landscape character of the Waldron Ghyll valley ~~beyond the existing built up areas~~ as defined in figure 12 **and as described in the landscape character background paper'.**	
Policy HCD4: Important local views and background paper on important views. At the Regulation 14 stage, the Council commented that the background document lacked a full analysis and explanation of the methodology used to assess the views. For example, who nominated the views? Who assessed the views? Were there any views nominated that did not meet the criteria? Have local residents had any involvement in the process? These questions have now been answered within the consultation statement accompanying the Regulation 16 HNP, although it is still not clear whether some views were discounted because they did not meet the criteria. From the background paper, it would seem that all the views that were proposed were considered important views and that none were discounted. At the Regulation 14 stage, the Council commented that there needs to be a clear rationale that relates to the quality/importance of the view in the neighbourhood area and that the assessment of each view relates back to the criteria for designation and states	Each view is individually justified against defined criteria, and are regarded as being important, locally. The identified views have come out of various discussions and consultation events on the emerging HNP, with views, including many views within the countryside, of the countryside, excluded in line with the methodology discussed at paragraphs 5-12 of the Important Views Background Paper. Only those views which met the assessment criteria are included in the HNP and on which formal consultation took place, while it is also noted that no additional views have been put forward in representations at either the Reg. 14 or Reg. 16 stages. In terms of views which extend beyond the Parish, this seems inevitable given the continuity of landscape, although the HNP will of only apply to proposals within the Parish.

how the view meets the criteria, or not. It is noted that the background document has been amended in the submission version of the HNP to state which criteria relate to each view. 28 proposed protected views (30 if you include 21 b and c) are a high number for a parish of this size. It is considered that this does need refining so that just those which are of the highest quality/ importance are included. There are some views which are on the edge of the parish looking out. Bearing in mind that the policies in the HNP will only relate to development in Horam parish, it is difficult to see how the policy could have any effect on these views. Also, there a number of views that are largely covered by Policy HCD2 and HCD3 (albeit, that the Council does not support either policy). For example, View 8 (Gap between Horam and Maynards Green) and View 11 (Hook Wood southeast across Waldron Ghyll) are covered by the policies HCD2 and HCD3, which means there will be duplication in terms of designations. Many of these views are across sites put forward in the SHELAA process and there may be issues around trying to restrict development as discussed at Policies HCD2 and HCD3. Again, neighbourhood plans should plan positively and should not be used to constrain the delivery of future housing sites. In the consultation statement accompanying the Regulation 16 version of the HNP, it is argued that it is a falsehood to say that NDP policies cannot have a restraining effect on future development, so long as there are sound reasons for the relevant policies. The Council would argue that some of these views do not have sufficient justification to be characterised as important or significant views and the number of those views is significant for a Parish of this size. **Wording of the Policy** At the Regulation 14 stage, the Council commented that the wording of the policy was too vague and that there needed to be some clarification. For example, in part 1 of the policy, it states that these views should be retained, but does this mean that there should be no change or development supported in those locations? This would contradict our existing Local Plan policies and the	It will be appreciated that different designations have different purposes and policy effects. Identifying important views from specific vantage points is quite different from, and does not duplicate other policies, such as those mentioned. If anything, it shows a consistency of local values. It is also stressed that the policy wording is not a blanket restriction on development, but requires consideration of the nature of the effect on the relevant important view(s). "*Adverse impact*" will be dependent on the nature of the view and the impact of the proposal on it. Neighbourhood plans typically identify important views. It seems inevitable that these will impact on proposals put forward by landowners and developers. This does not undermine the legitimacy of the views, and it will be for the LPA to weigh them in the overall planning balance. While WDC is concerned at the number of views identified under the policy, it is not clear which, if any, specific views it does not regard as important. HPC felt that it had amended the policy wording in line with WDC comments at the Reg 14 stage. Two matters appear to be of concern: 1) What adverse impacts is the policy trying to prevent? Is it on landscape character? 2) Should Part 1 of the policy be amended?

NPPF. The wording of Part 1 has not been altered in the Regulation 16 submission. At the Regulation 14 stage, the Council queried the wording of part 2 also and what type of impact the policy is attempting to prevent? The Council suggested that part 2 could be reworded to provide clarification (e.g. proposals for development which would have an adverse impact on the landscape character of an Important Local View as defined in Figure 13 of this NDP will not be supported). Alternatively, what would be supported – if you are to plan positively? This policy should be worded positively rather than negatively, (i.e. development proposals will be supported where they……?) At the Regulation 16 stage, part 2 of this policy has been reworded positively, but it still does not explain the type of impact the policy is trying to prevent. **Recommendation** Consider and potentially reduce the number of Important Local views to those which are 'important local views' Remove part 1 of the policy or restrict it to 'The views as shown in Figure 13 and as described in the Important Views Background Paper are identified as important views'. Amend part 2 of the policy to explain the type of impact the policy is trying to prevent e.g. 'development proposals will be supported where they do not result in an adverse impact on the landscape character of an Important Local View as defined in the Important Views Background Paper.	For ease of reference, the two parts of the policy state: 1. *Important local views, (as identified on Figure 13), should be retained.* 2. *"Proposals for development which would not have an adverse impact on an Important Local View, as identified on Figure 13, by virtue of height or massing for example, will be supported, subject to other development plan policies."* On the first concern, the interests in each view are clearly set out in the supporting Background Paper and, furthermore, are summarised on pages 29 and 30 of the HNP. This is considered appropriate, while bracketing the attributes, such as into generic "landscape character", does not seem necessary or helpful. (NB The revised wording to part 1 put forward below will be useful in pointing to where the value of views can be further explained.) On the second matter, it is accepted that parts 1 and 2 of the policy overlap, although HPC felt that the two parts are complementary, as part 1 sets the policy principle, while part 2 relates it to development proposals. However, as a development plan document, part 2 is agreed to be the real focus. Therefore, and in line with the Examiner's observations on the policy construction, HPC would not be averse to the policy being amended to read: ***Policy HCD4: Important local views*** ***~~1. Important local views, (as identified on Figure 13), should be retained.~~*** ***~~2.~~ Proposals for development ~~which would not have an adverse impact on~~ should respond positively to an Important Local View (or Views), as identified on Figure 13, ~~by virtue~~ in terms of their height, scale ~~or~~ and massing ~~for example, will be supported~~, subject to other development plan policies.***

HCD5: Design of development No comment	Noted
HCD6: Local heritage No further comment. The title of this policy has been amended following comments from WDC at Regulation 14.	Noted
Background Paper- Approach to identifying and protecting local heritage assets. There are two options for the group to create a local list, either as part of a future review of the neighbourhood plan or by inputting into a future district wide local list by the District Council. If the latter, then we would consult on a future local list criteria and at that point the parish, could put forward any suggestions/ amendments to the criteria which would cover the whole District. We would welcome liaison on future criteria.	Noted.
Project H(i) Local Heritage No further comment. The issues the Council raised at Regulation 14 have been addressed.	Noted.
Housing Needs Assessment. Please see the Council's comments made at Regulation 14. The Assessment has not been altered between the Regulation 14 and Regulation 16 consultations.	Noted. The Housing Needs Assessment was externally produced (by AECOM) and is a stand-alone evidence study. However, it is noted that HPC published an Addendum to it in the form of a 'Supplementary Note' alongside the Reg 16 HNP which responds to WDC's Reg. 14 comments.
HHD1: Housing type, size and mix Part 1 of the policy provides a suggested housing mix for new housing developments in the parish. The mix differs from both the suggested mix in the Council's Local Housing Needs Assessment (LHNA) and the suggested mix within the parish Housing Needs Assessment. This part of the policy is however supported by the Housing Needs Assessment Supplementary note regarding housing mix. The Council would prefer that the housing mix was split further into affordable rented, affordable ownership and market housing, rather than consider housing mix across the whole scheme, however, the Council does not oppose the overall figures given in part 1 of the policy.	Noted. The variation in housing mix between tenures is appreciated. In fact, this is recognised in paragraph 5.8 of the supporting text. Notwithstanding this, the proposed breakdown is a "blended" mix for all households, so should take into account variations between tenures. HPC is happy for WDC Housing Team to advise further on the bedroom size needs for affordable rented (and affordable home ownership tenures), within the overall framework provided by the policy and supporting text, for specific proposals.

HHD2 Affordable Housing At the Regulation 14 stage, the Council commented under Policy HHD2, criteria 2. We assumed that the affordable housing splits relate to your local HNA, but this has not been tested in terms of financial viability. This is a risk to the NDP and could be questioned by housing developers/ agents etc (i.e. what evidence do you have on this point?) After reviewing Horam's HNA, it is noted that due to recent developments in Horam, there is already a higher percentage of such affordable housing in Horam, but this does not necessarily diminish the need for such accommodation at the district wide level. This split in tenure may be appropriate locally, however to note, the council is seeking to allocate land through its emerging Local Plan with a different affordable housing tenure mix to help meet the district wide need. The Neighbourhood Development Plan has not provided viability evidence to confirm that this affordable housing tenure mix is viable in Horam. The Council welcomes the addition of the phrase 'subject to viability' in criteria 2 of the submission version of the HNDP, which allows a degree of flexibility for applicants, in considering that there is no viability evidence to confirm that this affordable housing tenure mix is viable in Horam. Under criteria 3, a similar issue arises in respect of the 50% discount to First Homes, which is steep and is contrary to our district wide evidence that suggests that a 'discount of 30% looks generally reasonable for first homes, although higher discounts may be suited for 3-bedroom homes'. You may not be able to rely upon the Council's evidence base for this in terms of viability evidence produced for the Local Plan. It is noted that the policy only supports the 50% First Homes discount rather than requiring it, but it should be noted that the District Council's own policy on this matter may override the NDP on this point at a later stage.	Noted. As regards the tenure mix in part (criteria) 2 of the policy, it is expressed in terms of being "*subject to viability*". Furthermore, the split of 60% rented tenures and 40% affordable home ownership, is less onerous in terms of the requirement for developer subsidy than the current WDC Affordable Housing Delivery Plan policy AFH1 which requires 80% of the total number of affordable homes provided will be for social rented accommodation. Hence, unless WDC advises that its policy has been consistently unviable, it is assumed that the HNP requirement should be achievable in most cases. The comment regarding part (criteria) 3 is appreciated; hence, the viability test being part of the policy. It is also appreciated that the most recently adopted/made development plan document will prevail in the event of any inconsistencies. As a postscript, while district-wide housing needs are appreciated, HPC notes (and is minded to support) the reference in the emerging Wealden Local Plan at Policy HO1 Part (5) which states: *"5. … Therefore, the housing mix of new residential development (including mixed use schemes), where not covered by other strategic allocation policies within this local plan, will be considered against the following criteria as relevant to the scheme: …* *d) locally and robustly prepared evidence on housing mix, such as a 'Made' or referendum-stage Neighbourhood Plan or a local (parish) housing needs assessment."*
HCE1: Nature and biodiversity **Wording of the Policy**	For ease of reference, part 2 of the policy reads:

The Council queries Criteria 2 of the policy. In particular the second sentence where natural assets should be replaced within the site or where not practicable should be replaced off-site within the Parish. The Council considers that the mitigation hierarchy should be applied i.e. avoid, mitigate, compensate. This would strengthen the policy. In addition, 'Development that necessitates the unavoidable loss of' perhaps suggests loss is acceptable. In relation to provision off site, is this deliverable in the Parish and can this be achieved including appropriate mechanisms to manage any off-site provision? 11 There is also the application of BNG to consider. Should this policy be referring inadvertently to off-site BNG, then a site and mechanisms to manage the site for a 30 year period is relevant. **Recommendation** Could change criteria 2 to account for the mitigation hierarchy as well as add into the second part of criteria 'wherever possible within the parish'. Change 'Development that necessitates the unavoidable loss of' to 'development that results in the unavoidable loss of'.	"*2. Development proposals will be expected to retain well-established features of the landscape, including mature trees, species-rich hedgerows, watercourses and other ecological networks together with the habitats alongside them. Development that necessitates the unavoidable loss of natural assets should replace these within the site or, where this is demonstrated not to be practicable, replace them by way of off-site provision within the Parish."* The concern over part 2 of the policy was not raised at Reg. 14 stage and, while the concern is appreciated, it is considered that the use of "*unavoidable*" implies that other steps – avoidance of impacts, then mitigation of them – have been already pursued. (This would also apply to any BNG requirements, where the presumption is for on-site enhancements in the first instance.) In conclusion, the suggested change is not regarded as necessary, but HPC would support an amendment to the last sentence of part 2 of the policy along the lines of: ***"Development that necessitates the unavoidable loss of natural assets (having already pursued and exhausted avoidance and mitigation opportunities) should replace these within the site or, where this is demonstrated not to be practicable, replace them by way of off-site provision, within the Parish wherever possible, and with suitable management arrangements in place."***
HCE2: Trees and Hedgerows **Wording of the Policy** At the regulation 14 stage, the Council suggested that the wording at the end of criteria 2 should change to read 'should provide for their retention, where appropriate, and ongoing management'. This is because it can sometimes be the case that the removal of certain trees is needed/acceptable to ensure the well-being of others, and this would be determined on a case-by-case basis. **Recommendation**	For ease of reference, part 2 of the policy reads: *"2. Development that incorporates, or is likely to impact on, existing trees, woodlands or hedges, should provide for their retention and ongoing management."* HPC remains concerned that the addition of '*where appropriate'* after '*retention'* appears to weaken the presumption for retaining

That the end of criteria 2 is amended as we suggested at the Regulation 14 stage to read 'should provide for their retention, where appropriate, and ongoing management'.	trees and hedges as important landscape and ecological features. Any need for thinning may be considered as part of proposals for ongoing management, as provided for within the policy.
HCE3: Dark skies and lighting No further comment. The issues raised by the council at the Regulation 14 stage have been addressed.	Noted
HCE4: Local green space designations The table below contains the Council's comments and overall stance on those sites being proposed as Local Green Spaces in the Horam Neighbourhood Plan.	See comments below on each specific LGS overleaf.

Suggested Site	WDC Comment	WDC Reg 16 Stance	
Site 1- Land at Corner of A267	Part of this site is within the Council's SHELAA process (reference 1062/3030) and will therefore be considered for both employment and housing uses, which it is actively being promoted for (excludes the pond). Its designation as a Local Green Space may be seen as removing an opportunity for development. It is noted that the site is now overgrown and that there is some wildlife value to the site. However, the Council would not consider this site as tranquil, given its location adjacent to the A267 to the east and employment uses to the west. Given the above we do not believe this site is appropriate for Local Green Space designation.	Does not support	It is noted that the site is now proposed for housing (5 dwellings) in the emerging WLP. However, it is regarded as being more suited as an informal open space, for which purpose it should be managed as part of the redevelopment of the former Merrydown site (in accordance with conditions attached to permission (ref. WD/2011/2817/MAJ. Details are included as **Appendix C**. HPC clearly objects to the open space use of this land being rescinded and "lost" to further house-building, when it clearly has a continuing and important role to play. It is set back from the A267 behind a mature hedge, with a sizeable pond in its NE corner. It contributes to the setting of the adjoining formal Recreation Ground, as well as to the recent Merrydown site development, as well as a welcome green break in the built-up frontage. The HNP commits HPC to promote its management as green space, as a community project - Project H(iii).
Site 2- Land in front of Four Seasons	We would question the tranquillity issue once more here, given the proximity to the A267 and being bisected by Autumn Drive, but support the designation overall given its existing use.	Support	Noted
Site 3- Allotments	No comment.	Support	Noted
Site 4- Horam Rec	No comment.	Support	Noted
Site 5- Memorial Garden, Hillside Drive	Is there more that can be added here? We do understand the purpose of the Local Green Space designation, but given its owned by HPC is there any need for this designation? Is there some historical significance as this has been left empty in the Local Green Space Report?	Support (although it is not thought to be necessary given the land is owned by Horam PC)	Noted, but the approach to designation has been solely on the basis of the NPPF criteria at paragraph 106.

Site 6- Corner of Paynsbridge Way with Vines Cross Road	It is good quality residential amenity space, but does it meet the high bar of being demonstrably special to the community? Although the public can access the green space, there is no seating or other places to dwell / spend time.	Does not support	This is a valuable local amenity space, providing a level grass surface for informal play and recreation, separated from Vines Cross Road by a belt of mature trees and undergrowth. It is regularly used by children. It is almost identical in its size, function and use as Site 11, to which no objection is made, so WDC's comments appear contradictory for these two sites. While the absence of seating barely impacts on its use, nor does it detract from its value, the addition of a bench by WDC (as landowners) would still be welcomed.

Site 8- Area by Hillside Car Park	It is good quality residential amenity land for residential development, but does it meet the high bar of being considered as demonstrably special at this stage. Although the public can access the green space, there is no seating or other places to dwell / spend time.	Does not support	It is acknowledged that this is a relatively small informal open space but is still seen as providing a “green break” close to the village centre and, as it adjoins the public car park, is very used as a meeting/resting place for walkers and cyclists using the adjacent Cuckoo Trail. As for Site 6, the lack of a bench is not regarded as critical - but would be welcomed from WDC, as landowner.
Site 9- Station Area Horam, including access land from B2203	No comment.	Support	Noted

Site 11- Land between Horebeech Lane and Beauford Road	No comment.	Support	Noted
Site 12- Land between High Street and garages in Beauford Road	No comment.	Support	Noted
Site 13- Vines Cross Pond, Fords Lane junction	No comment.	Support	Noted

Site 14- Land at Hurst Shaw, Vines Cross	No comment.	Support	Noted

Site 22- Strip of land between Merrydown Estate and A267	No comment.	Support	Noted
Site 23- Pond between tennis/ football pavilion and Winter Gardens	No comment.	Support	Noted
Site 27- Field between Laundry Lane and Rosemead Place development	This site has been put forward within the SHELAA process under reference 830/3030 and at a high level was found suitable for residential development within the 2019 SHELAA assessment. The site has also been subject to several planning applications in recent years for residential development including the latest planning application under reference WD/2022/1694/MAO for 46 homes that was refused in June 2023 following a committee decision. The site is currently being considered at planning appeal. It is noted that there will likely be strong resistance from the developer during the NDPs preparation. In addition, the Council does not agree with the assessment in terms of designating the site as a LGS, given its agricultural nature and its proximity to the Poppy Drive development to the west that is constructed and reduces the tranquil nature of the site, which is semi-rural in nature and has no significant designations or historic value.	Does not support	This field (subdivided by a post and wire fence) is regarded as making a vital contribution to the countryside setting of Horam and Marle Green, as well as being fundamental to preventing their coalescence. It also contributes to the landscape setting of the High Weald National Landscape. While now presented as an extension of the adjoining Rosemead Place development, it is noted that this site was excluded from the 2019 Local Plan (when Rosemead was included) – and the site context has not changed. It is acknowledged that it is now proposed as a housing allocation in the emerging Local Plan (even though detailed Member scrutiny of such a proposal through the planning application process unanimously concluded that it was inappropriate – and even Stacey Robins, Head of Planning and Environmental Services said "*I'm not sure in my heart of hearts if we should be building here.*") In any event, at this point, given that the Draft Local Plan has not even undergone an early, Reg. 18 consultation – and it is not a strategic site – the draft allocation should not be seen as a barrier to its LGS designation at this time.

	HPC wishes to be clear that the proposal for LGS reflects the very strong community support for keeping this particular field open grassland. It is not about a general resistance to growth of the village – but about securing its recognised amenity and landscape value to the community. Of course, as noted earlier, a planning application for the development of this land (for up to 46 dwellings) was refused by WDC, but is subject to an appeal. It is appreciated that the outcome of this appeal (subject to the detail of the decision) may effectively pre-empt the HNP. If the appeal is dismissed, the LGS designation can be retained (subject to details of the decision). If the appeal is allowed, then HPC would have to accept that this LGS designation would have to be withdrawn from the HNP. If the decision is not issued when the Examiner completes his report, HPC would want to see the LGS designation retained in the HNP, acknowledging that it may be superseded by the appeal decision.

Site 28- Treed rural fringe alongside the Waldron Ghyll and footpath	Part of this site to the south has been submitted to the Council under the SHELAA process (reference 925/3030) and was found unsuitable for development due to TPO protections, views to the AONB and flood risk in the 2019 SHELAA. Given the environmental protections in place, including flood risk, it is not considered necessary to designate this site as a LGS, as there are limited options for development in this location. In addition, as stated before, given the submission of the land within the SHELAA process, there is a risk that the landowner will actively disagree with the assessment as an LGS.	Does not support	Noted, but these objections are not significant, as: a) The large number of mature trees, with stream-side trees protected by a TPO, its visibility, as well as public usage, are all seen as reasons that support its LGS designation in accordance with NPPF criteria. b) Only a small fraction of the SHELAA site lies to the west of the stream, with absolutely no prospect of development on this western part which forms part of the proposed LGS. In any event, the wider site is found to be unsuitable for development in the SHELAA, as being "*out of keeping with the general rural character and appearance of the countryside*." c) In response to notification letters to landowners, no objections were received. d) The fact that there are "*limited options for development in this location*" is not regarded as material, as the designation is based on its merits in line with the NPPF criteria. (NB WDC has variously argue against certain LGS designations because they have no development potential (Sites 1 and 27) and against those which may be seen as having no development potential (this site and Site 5). Neither argument is considered valid (unless a site was an allocation in an adopted Plan, had planning permission, or is a strategic site in an emerging Plan (such that designation could undermine meeting strategic development needs.) e) The LGS designation extends beyond that part falling within the same ownership of a wider SHELAA site.
Site 34- Fishing Lakes and surrounds, opposite Lakeside café	No comment.	Support	Site 34 - Noted

LGS Assessment The hyperlinks in this study still do not work. This will need to be addressed. Also, paragraph 3.7 of the Local Green Space Report refers to an old version of the Open 15 Space study (the 2016-2028 Open Space study). The latest Open Space Assessment is available on our website, so the following paragraphs will need updating. The Council produced its Wealden District Council Open Space Assessment Report - April 2022 and Wealden District Council Playing Pitch and Outdoor Sports Strategy (April - 2022) that can be found here: Open space, sports and recreation. - Wealden District Council - Wealden District Council. Whilst the Council may disagree with some of the overall conclusions (see above), the Assessment is a detailed document that assesses each proposed Local Green Space against the criteria for designation from the NPPF. There is a map of each site, but it would have been useful to have an overall map of the parish showing all of the sites. The Council would welcome this to be added to the Neighbourhood Plan to assist decision makers etc.	Noted. It is possible to update the Background Paper to refer to WDC's open space studies – being the Playing Pitch and Outdoor Sports Strategy – Assessment Report (April 2022) and the Open Space Report (April 2022), with weblinks, if this is considered helpful. All sites are shown on the HNP Policies Map, although due to their small-scale, detailed LGS boundaries are shown separately on maps in Appendix 3 of the HNP. It is anticipated that WDC will transfer all LGSs on to a District-wide Policies Map in due course.
HCE5: New amenity green spaces **Wording of the Policy** It could be clearer in the supporting text and policy that there are two different reports (see the commentary under the LGS Assessment above) relating to the open space study. Whilst the links take people to different documents, they are both referred to as the Wealden Open Space Study. **Recommendation** Amend the titles of the documents referred to in order to include their full titles.	The policy and supporting text can be updated to provide clearer reference to most relevant study, namely the Open Space Report, being that more relevant to the policy, which relates to 'amenity green space). Accordingly, HPC suggests that paragraph 6.28 is amended to read: "The Wealden District Council Open Space Report, April 2022 reports that, in Horam Parish, there are significant shortfalls against recognised standards both of natural & semi-natural and of amenity green space; also, the sites assessed fall below quality thresholds.

	Also, that Policy HCE5 (1) refers to the "Wealden District Council Open Space Report, April 2022", rather than the "Wealden Open Space Study".
HCE6: Flood risk **Supporting text** At paragraph 6.35 it states, 'areas of most serious and/or persistent flooding are almost all at, or immediately upstream from where the watercourse is bridged by a road, track or footpath'. This cannot be a certain conclusion as the Flood Zones shown on Figure 5 represent the floodplain of the watercourse/river. They do not show persistence or severity of flooding, just where the river floods. At the Regulation 14 stage, the Council commented that evidence needs to be added to support this statement or the statement needs to be removed. This has still not been evidenced in the main report. Paragraph 6.35 also states that 'It follows that, unless the capacity of such bottlenecks can be increased, that any additional run-off upstream of them would increase flood risk in those areas.' Again, the Council commented at the Regulation 14 stage that evidence needs to be given to support this statement, but it has not been provided. Paragraph 6.39 states that developments 'should take opportunities to help reduce flood risk in Horam and the wider catchment of the Waldron Ghyll.' At Regulation 14, WDC commented that development is only expected to reduce its own flood risk and ensure it does not contribute to increasing flood risk elsewhere. This does not cover remediating issues that are beyond that required for a new development to address. This statement is desirable but may not be achievable in practice.	HPC has liaised with both East Sussex County Council, as the Lead Local Flood Authority, and with the Environment Agency in developing the HNP's approach to flood risk management. It should be appreciated that neither of these statutory flood risk bodies has raised objections to Policy HCE6. Furthermore, HPC understands that WDC engineers/drainage officers – previously Mr Palmer and latterly Mr Keen – have been contacted by local residents to highlight local flood issues. Given this, the need for further evidence is surprising. Nevertheless, additional, including photographic, evidence that elaborates on that already contained in the Water Management and Flood Risk Background Paper is attached as **Appendix D**. Noted, but attention is directed to the quoted texts of the NPPF and PPG at paragraphs 4.3 – 4.8 of the HNP's Water Management and Flood Risk Background Paper. (NB The NPPF paragraph 161 quoted in the Paper is now paragraph 167, with part (c) being most relevant. This looks to plans (local plans and neighbourhood plans) to "*use opportunities provided by new development …. To reduce the causes and impacts of flooding*". Improvements in greenfield run-off rates are also sought for the areas highlighted in the HNP by the East Sussex Flood Risk Management Strategy (see paragraphs 4.14 – 4.19 of the Background Paper).

	It is concluded that the wording of Policy HCE6 (3) – which includes "*where possible*" – is justified in the specific local circumstances to which it is applied, and is consistent with national and local flood risk management policies.
Paragraph 6.41 relates to Natural Flood Management (NFM) measures and asserts that 'The most suitable locations for these measures are woodlands. Open, low-lying land adjacent to watercourses, where flood waters can safely overspill for short periods, may also be appropriate. Potential areas of opportunity for NFM are shown indicatively on Figure 16'. At the Regulation 14 stage, WDC stated that there is no evidence given to support this statement. Whilst 'wet woodland' may be suitable, some woodlands may actually be damaged by letting them flood for example. The NPPF makes no specific mention of the types of habitats that could be used in NFM. NFM is dependent on landowner cooperation and the science is still untested.	It is evident from WDC's comments on the Background Paper (see below) that there is a general reluctance to support NFM. This is regarded as out-of-date and out of step with national and Environment Agency policy (see paragraphs 4.6, 4.9 and 4.11 – 4.13 of the Background Paper). It is agreed that there may be circumstances where NFM is not appropriate in woodlands, although it is noted that the Environment Agency has (through the High Weald AONB Partnership) recently completed an NFM scheme in Ancient Woodland just north of Horam (as illustrated on the cover of the Background Paper). In fact, the HNP policy is not specific on the siting of NFMs in woodland. If considered necessary, paragraph 6.41 may be amended to read: *"The most suited locations for these measures are <u>generally found to be</u> in woodlands."*
Paragraph 6.44 states that SUDs should be compatible with and contribute to local landscape character. This is desirable rather than enforceable.	Attention is drawn to the SuDs guidance document, Water. People. Places: A guide for master planning sustainable drainage into developments, which states on page 12: *"SuDS can be used to enhance and influence the character of development and its surroundings. As with all good design, SuDS design should respond to context, complementing the approach taken to landscape character and urban design."*
Paragraph 6.46- 'where hard landscaping is needed the use of porous materials should be maximised to enable infiltration' this should be subject to the SUDs hierarchy and soakage tests to BRE Digest 365.	Noted, but the ESCC guidance quoted highlights the SUDs hierarchy, while the soakage test is seen as a detailed matter. It is pointed out that the paragraph also highlights the need to liaise with ESCC and WDC on drainage solutions.

Figure 16- it is still not clear in the document why these particular areas have been selected and whether landowners are aware? **Wording of the policy.** Criteria 3cii of policy HCE6: Flood Risk seeks to achieve a reduction in peak run off rates in respect of proposals located upstream of Stream Farm and Horeham Bridges. WDC commented at the Regulation 14 stage that we could not apply this to any watercourse. The legislation provides for peak run off rates not being increased or maintained at the present level. This section is fine as an aspiration but goes well beyond what the planning system can insist on. **Recommendation** Remove section criteria 3cii.	These areas have been selected in discussion with the Environment Agency's lead NFM officer based at the High Weald Partnership (which can be verified). It is pointed out that Figure 16 states that these areas are shown as "*potential opportunity areas and will be subject to discussion and testing with partner organisations*", which should be taken to include landowners. See responses above and **Appendix D**, which provide further elaboration of the evidence for the policy.
Project H(iv): Natural Flood Management The Council would comment that early engagement with the landowners is required. **Water Management and Flood Risk Background Paper** Paragraph 2.8- whilst the paragraph has been amended, the last sentence 'which can result in increased run off' needs to be removed as this is addressed by SUDs. Paragraph 3.4 states that 'the areas of most serious and/or persistent flooding (darker blue shading) are almost all at or immediately upstream from where the watercourse is bridged by a road, track or footpath'. At the Regulation 14 stage, the Council commented that this cannot be a certain conclusion as the Flood Zones shown on Figure 5 represent the floodplain of the watercourse/river. They do not show persistence or severity of flooding, just where the river floods. This comment still stands.	Noted. The last part of the sentence may be removed, as sought by WDC, although it is still regarded as true, in that it only says that more impermeable surfaces can to "can result in increased run-off". This is responded to in relation to a similar comment on the policy above, with confirmation of the statements in the HNP provided in **Appendix D**.

Furthermore, within paragraph 3.5 of the background paper, there is no evidence to support the assertion that Stream Farm Bridge and Horeham Bridge cause blocking and upstream flooding.	
At the Regulation 14 stage, the Council raised issues around the phrasing of part of paragraph 4.2 where it states that 'Firstly, land at the lowest risk of flooding from all sources should be considered for development'. It is still considered that a direct quote from the NPPF would read better i.e. 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source'.	It is pointed out that the sentence referred to opposite is immediately preceded by "*This should be done by applying a 'Sequential Test' to ensure that land at the lowest risk of flooding is considered first.*" i.e. The point about the sequential test in the NPPF is already covered.
At Regulation 14, the Council stated that paragraph 4.5 is superfluous to the NDP as it is a policy requirement of the Local Plan preparation to undertake the Sequential, and potentially Exceptions, Tests. The NPPF clearly stipulates this and the NDP does not need to repeat this fact. The Council would also argue that the statement in this paragraph 'Given the clear evidence that Horam is susceptible to flooding' is misleading as the areas susceptible are contained along the river (fluvial flooding) and some parts of the Parish subject to surface water flood risk. The entire Parish is not shown to be covered by fluvial or surface water flood risk and in any case surface water flooding can be effectively managed through the provision of SuDS and in such cases should not be considered a constraint to development. These comments would still apply.	Aside from the fact that there isn't an up-to-date Local Plan, given the importance of flood risk management in the Parish, as highlighted by local residents, the policy is justified. (WDC does not appear to have objected to this in relation to the policy itself.) Notwithstanding the above, it is agreed that the first part of the first sentence of paragraph 4.5 could be clarified by the following amendment: "*Given the clear evidence that <u>parts of</u> Horam ~~is~~ <u>are</u> susceptible to flooding,* "
At paragraph 4.20 it states that 'it is considered both reasonable and necessary that development in the Heathfield– Horam – Hellingly areas should seek to contribute to reducing flood risk in the catchment of the Waldron Ghyll/Bull River/Cuckmere River.' At the Regulation 14 stage, the Council commented that development is only expected to reduce its own flood risk and ensure it doesn't contribute to increasing flood risk elsewhere. This does not cover remediating issues that are beyond that required for a new development to address.	This is responded to in relation to a similar comment on the policy above, drawing on statements in the NPPF, PPG and the LLFA's Flood Management Strategy.

This comment also applies to the final bullet point of paragraph 4.21. They go beyond what can be asked of developers. It is noted in the consultation statement that reference is made to Planning Practice Guidance (PPG) paragraph 037; however, this relates to the overall site and not addressing historic issues offsite related to flooding.	The final bullet of 4.21 is taken directly from WDC's SFRA, paragraph 236 on page 66.
At the Regulation 14 stage, the Council commented that there is little / no evidence to support the requirement at paragraph 4.22(c), and this approach does not align with the national policy approach to flood risk. The national policy approach does not specify "upstream" or "downstream" of specific infrastructure, rather it requires all developments to assess flood risk on a case-by-case basis through a site-specific flood risk assessment following the sequential test and potentially exceptions test. The Council's comments still apply and there is no evidence given behind referring to these two locations specifically.	This is responded to in relation to a similar comment on the policy above, with confirmation of the statements in the HNP provided in **Appendix D** below.
At the Regulation 14 stage, the Council commented that, paragraph 4.22(e) does not align with the national policy approach. It would be dependent on the location and size of the site and space for water would need to be considered on a case-by-case basis taking account of flood risk and all other material considerations. Furthermore, paragraph 4.22(f) does not align with national policy and this is not something that would be able to be requested of developers. Also, it is unclear whether the strategy would be just for the site or would it cover a much wider area. In addition, who would develop the strategy? The Council's comments are unchanged; point e and f are desirable rather than enforceable.	For reference, 4.22(e) says: "*Expect any larger developments to have a holistic greenspace strategy that 'makes space for water' in a way that provides multi-functional benefits to flood risk, biodiversity, amenity and recreation"* This is in line with the recommendation of the Wealden SFRA (at paragraph 234 on page 66). Further, it is highlighted that the policy includes "*where possible*" in relation to contributing to a wider GI network.
At Regulation 14, the Council stated that in the Natural Flood Management section, evidence needs to be provided to support the claim that "Given the terrain and landscape and flashy nature of the ghylls, the local area is suited to the use of NFM measures to mitigate the effects of extreme rainfall events and the most damaging impacts of flooding". This approach would require the	Noted, but the Environment Agency is already successfully implementing NFM schemes locally.

agreement and cooperation of landowners and could be difficult to implement.	
The use of leaky dams (paragraph 4.26) is a relatively new approach and is yet to be comprehensively proven to work. There is the risk that debris from the leaky dam is washed down stream and in fact could cause blockages to pipes or the watercourse further downstream.	This is responded to in relation to a similar comment on the policy above, drawing on statements in the NPPF, PPG and the LLFA's Flood Management Strategy.
The NPPF does state that local plans should manage residual flood risk by (alongside other measures) safeguarding land from development that is required, or likely to be required, for current or future flood management (paragraph 167(b)); however, the use of flood storage areas has issues as it is likely to involve the flooding of private land and therefore requires landowner approval / cooperation. This matter is best addressed through the production of the Wealden Local Plan rather than the NDP in the first instance.	Noted, but this is a local issue and one for which a local project is cross-referenced in the HNP. No specific reference to flood storage areas being created to address local issues is seen in the emerging Local Plan.
As stated at Regulation 14, the Council would urge caution as to the sweeping statement at paragraph 4.28 that "The most suitable locations are woodlands, as occasional, short-term flooding does not cause real damage to the woodland flora". There is no evidence given to support this statement. Whilst 'wet woodland' may be suitable, some woodlands may actually be damaged by letting them flood for example. The NPPF makes no specific mention of the types of habitats that could be used in NFM. Landowner agreement would be required.	This is responded to in relation to a similar comment on the HNP supporting text above, where an amendment is suggested.
Paragraph 4.32- SUDs in general became a statutory requirement in April 2015, the last element of the 2010 Act will come into force in 2024. This needs to be clarified here.	The legislative position was correct at the time of writing. Further, it is understood that the final mandatory requirement is not yet in force.
Paragraph 4.33- SUDs are a requirement not merely strongly promoted.	See above response.
Paragraph 4.35- whether infiltration will work should be determined by a site specific percolation test to BRE Digest 365.	Noted. See response to similar earlier comment. (This is a detailed implementation matter.)

Comments on the water management and flood risk strategy are given separately under the policy heading.	
HLE1: Horam village centre **Wording of the Policy and Supporting Text** Paragraph 7.5 and Figure 17-The Horam Village centre boundary as shown in Figure 17 of the HNP is based on the withdrawn Wealden Local Plan (2019) which holds no weight and should not be referred to. Most of our current Neighbourhood Plans do not attempt to define this, leaving this for a Local Plan to define. The emerging Local Plan proposes a village centre boundary. This is not dissimilar to that proposed in the HNP, apart from the HNP including Manor Court and Horam Chapel. As it stands this policy may become out of date. **Recommendation** At the Regulation 14 stage, the Council commented that given the issues raised about the village centre boundary, criteria 1 should be reworked to just talk to village centre uses within Horam Parish, rather than defining a town centre area. The criteria from 1(a) to 1(d) are considered appropriate.	No reference is made to the withdrawn 2019 Wealden Local Plan in the HNP. In fact, the proposed 'Village Centre' boundary is based on a current assessment. This said, as there have been no material changes of use since 2019, the fact that the boundaries coincide is not surprising. Notwithstanding this, it is noted that the village centre" boundary in the emerging Local Plan proposes to exclude Manor Court (a two-storey block of flats) and the Horam Chapel, although is otherwise coincident with the HNP's boundary. The Chapel is regarded as integral to the village centre and runs a number of groups. HPC believes that it is right to include it, not least as retail premises to the east, up to the railway bridge, are also included in both the HNP and the emerging WLP Village Centre areas. However, on reflection, although the HNP's proposed Village Centre boundary includes Manor Court, primarily to cover any future redevelopment, as well as public realm interest (and to avoid a "missing tooth" in the boundary), given that it is a relatively modern purpose-built block, it is unlikely to be impacted by the policy. Therefore, HPC would accept an amendment to exclude Manor Court, if this is felt appropriate by the Examiner. This would necessitate a small change to Figure 13, and a proposed revision is attached as **Appendix E**. However, the Wealden Local Plan is not timetabled for adoption until April-June 2026 – and may well slip – HPC wish to retain

	the Village Centre boundary in the HNP. It may be refined, if necessary, by a subsequent WLP. It is not suggested by WDC that this is a strategic policy.
HLE2: Employment No further comment. The issues raised by the council at Regulation 14 have been addressed. **HLE3: Visitor accommodation and facilities** **Wording of the Policy** At the Regulation 14 stage, the Council suggested that Criteria 1 should only be acceptable within development boundaries, or as small-scale extensions to existing holiday parks outside of development boundaries. This has not been amended. At the Regulation 14 stage, the Council commented that criteria 3a was a laudable aim but if a camping and caravan site is no longer viable and closes, this cannot be prevented. Also, does criteria 4 include camping and caravan sites, in which case is 3a required at all? At the Regulation 14 stage, the Council commented that criteria 3b should be subject to the design of the chalet, or lodge style development and its location. When commenting on paragraph 7.16 of the HNP (now paragraph 7.15) we added that provided the lodge style development or chalet was acceptable in character and location then they should be treated the same as other forms of tourism accommodation. **Recommendation** Amend criteria 1 to just apply to within development boundaries, or as small-scale extensions to existing holiday parks outside of development boundaries. Amend criteria 3a to 'they would result in the loss of sites in active use for camping and caravans' or remove. Either remove 3b or talk about the replacement of static caravans in terms of design and location and frame in a more positive way.	Noted Similar comments at the Reg. 14 stage were considered. However, HPC remains of the view that it wants to support, rather than stifle, visitor accommodation situated outside of Horam village, so long as they are consistent with the conditions set out in the criterion. It has borne in mind that there are a number of premises for visitor accommodation which do not detract from the rural scene and which contribute to the local economy. Hence, it not necessary, or appropriate to amend the HNP policy as advocated by WDC, especially as current development boundaries are out of date, and it will be at least 2 years before any new ones are approved through the new Local Plan. Hence, no amendment to part 1 of the policy is considered warranted.

HTM1: Traffic management No further comment. The issues raised by the council at Regulation 14 have been addressed.	Noted
HTM2: Active and healthy travel At the Regulation 14 stage, the Council commented that there is a viability issue here regarding criteria 2, as well as whether this can be secured through a section 106 agreement as one of the tests is whether it is directly relevant to the development. This could come from the Parish Council Community Infrastructure Levy (CIL) pot, however. **Wording of the Policy** Should criteria 2 relate to Project (vi) Encouraging walking and cycling, rather than Project (iv) which relates to Natural flood management? Should the reference in paragraph 8.9 also refer to Project H(vi) rather than project H (iii)? **Recommendation** That the project references are checked in the policy and supporting text. Project H(vi) Criteria 2g- As we commented at Regulation 14 stage, national policy seeks the consideration of gaps, then gates, then stiles for all new works on public rights of way.	Noted. Noted. The policy contains a typo, in that the reference to projects at Project H(iv) should read Projects at H(vi) in the Reg. 16 HNP. It is clear that this is an error, given the scope of the respective projects. HPC advises that Part 2 of Policy HTM2 is amended to refer to ***"… projects at Project H(iv) ~~(iv)~~."*** Noted. Of course, this is a proposed project rather than a land use policy.
HTM3: The Cuckoo Trail No comment.	Noted
HTM4: Public transport No further comment. The issues raised by the council at Regulation 14 have been addressed	Noted
HCF1: Community Facilities **Wording of the Policy**	

At the Regulation 14 stage, the Council commented that perhaps the term 'within the development boundaries' is needed in criteria 1 as otherwise we are supporting these uses in all locations. This has not been addressed. **Recommendation** That the wording of criteria 1 is changed to 'Proposals for new or improved community facilities, including healthcare and community meeting space, **will be supported within development boundaries and** should:	This point was considered, but it is seen as inappropriate to require community facilities to be within development boundaries because: a) there are very limited, if any, opportunities locally within the existing built-up areas for new community facilities; b) there are no development boundaries for either Vines Cross and Maynards Green; c) current development boundaries are out-of-date and, as noted above, it will be at least 2 years before they are formally replaced; d) the inclusion of criteria relating to accessibility and local character provide sufficient controls. [PS. HPC notes from the Examiner's clarifications that he considered this to be a 'first-class' policy'.]
HCF2: Sport, leisure and recreation facilities No comment.	Noted
HCF3: Infrastructure No further comment. The issues raised by the council at Regulation 14 have been addressed.	Noted
HCF4: Allotments and food growing opportunities **Wording of the Policy** At the Regulation 14 stage, the Council commented that clarification is needed as to which Green Infrastructure Strategy the policy refers to and that if it is referring to one to be submitted with the application, then this would be a matter for the Council's validation criteria to determine when it is required. The policy now confirms the green infrastructure strategy is to be prepared by the applicant, however, as the Council stated at Regulation 14, it is not the place of a Neighbourhood Plan to determine what documents	It is acknowledged that it is not generally appropriate to set information requirements of a planning application as a matter of policy. The policy is not intended to set a specific information requirement, but seeks to ensure that allotment provision is properly related to the provision of other green infrastructure, wherever possible. Therefore, HPC would suggest that the last sentence of Policy HCF4 Part (1) policy is tweaked to read:

need to be submitted with a planning application and that applications will be subject to the validation list. **Recommendation** That the last sentence of criteria 1 is removed.	"***Where it is proposed to provide growing space on-site, the location shall ~~be informed by an overarching green infrastructure strategy for the site prepared by the applicant~~ relate to the wider green infrastructure network where practicable.”***
Projects The table at 10.6 lists a number of projects. At the Regulation 16 stage, the Council has considered that, given its position just after the CIL section, that these were projects referred to in paragraph 10.4 that it might be appropriate to direct the neighbourhood portion of CIL towards. The Council commented that not all of these projects are suitable for funding via CIL.	Noted.
Comments on the Horam Design Guide- Regulation 16	
At the Regulation 14 stage and before, the Council raised a number of concerns regarding the draft Design Guidelines and Codes document, the main concern being that it aimed to be both a Design Guide and Code and that we were not convinced it could be both in its current format, or that it fitted the bill as a Design Code. The Council also queried how successful codes can be in a rural village context, where layout and design have developed more gradually and informally, quite different from an urban setting or a specific development site where codes may work better. At Regulation 14 the Council also commented on some formatting issues, namely that each guideline or part of a guideline should be numbered which will make it easier to reference the guide. Each guideline now has a number, and each individual part has a letter. The guidelines have also been put into coloured boxes which makes it much easier to distinguish them from the supporting text. The majority of our comments at Regulation 14 have been addressed and the document has now been extensively revised to	The Steering Group is pleased that WDC's more fundamental concerns have been addressed, and is particularly pleased that WDC state "*The result is a Design Guide that will be invaluable in shaping and guiding future development in the parish and securing a high standard of design*." We believe that the above statement is congruent with the Steering Group's rationale for initiating the Design Guide and look forward to it now being adhered to by developers and decision-makers alike.

remove any reference to coding. The result is a Design Guide that will be invaluable in shaping and guiding future development in the parish and securing a high standard of design. Notwithstanding this, there are some comments which the Council made at Regulation 14 that are still relevant.	
Specific Comments	
Section 2- other National level guidance that could be mentioned are the Historic England studies and guidance on contextual design in the historic environment may be relevant. See - Good Practice for Design in the Historic Environment: Principles and Case Studies | Historic England https://historicengland.org.uk/advice/planning/design-in-the-historic-environment/ and Promoting a Contextual Approach to New Housing in Historic Places https://historicengland.org.uk/content/docs/planning/design-in-the-historic- environment-report/	Although Horam Parish contains several listed buildings, these (and their settings) are subject to specific Listed Building regulations. Moreover, these Listed Buildings are dotted around the Parish and do not coalesce to form what we understand to be a substantial "*built historic environment*". Therefore, and given that the cited documents will have informed and elaborate on the National Model Design Code, the National Planning Policy Framework and related Planning Policy Guidance, which set the national policy framework, it is not considered necessary to make specific reference to them in the HNP. NB We were unable to access the document https://historicengland.org.uk/content/docs/planning/design-in-the-historic- environment-report/ as the search returned the message "*Page not found (error 404)*"
Section 3.1- Landscape Setting- Please see our comments on the Landscape Character Assessment regarding the Council's landscape evidence base. Some of the guidance would have the effect of preventing any major development e.g. on page 71 where it states that 'any extensive development that will alter the existing development form will not be accepted'. At times the document aims to direct where new development should be located e.g. on page 71 where it states that 'new development should propose design that is well contained within	Noted. See responses to comments on the Landscape Character Background Paper above. Principle DG.01.3u on page 71 where these two quotes are taken from refers specifically to the small settlement of Vines Cross and are considered entirely appropriate in that context. Moreover, they are consistent with WDC's existing (and emerging) Local Plan assessments insofar as: a) WDC ranks Vines Cross as a "type 6 – residential settlement", the smallest/lowest designation in its assessment of settlements) in its emerging Local Plan (Table

the core of the settlement, along the three rural lanes that form the triangle, and along the north side of Foords Lane'. The Neighbourhood Plan does not look at allocating sites- Wealden District Council will allocate sites as part of the forthcoming Local Plan.	3), which clearly presumes against its extensive development. b) Vines Cross lies at the apex of a narrow salient of undesignated land which protrudes into the High Weald AONB/NL where the AONB/NL boundary has been taken around this small settlement. As such Vines Cross is closely surrounded on three sides by the AONB/NL. c) WDC Local Plan policy does <u>not</u> give Vines Cross a 'development boundary', (nor does the emerging Local Plan), which essentially means that it is regarded as unsuitable for growth – which is consistent with, if not more restrictive than, the AECOM assessment of its potential. In conclusion, the Neighbourhood Plan is clear that it is not allocating sites for development, but it is still appropriate to include professional judgements on landscape sensitivity to development as part of the Plan and its design guidance - especially where this is shown to be consistent with WDC policy, as it is here. <u>Footnote</u>: It appears from a number of WDC's comments that it being overly protectionist of its own design role and seems reluctant to accept "localism" in which communities can set legitimate local parameters for development – which reflect local, community-led objectives, and still allows for significant growth. Indeed, NPPF paragraph 132 is very supportive of this role, where it states: *"Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers."*

DG.01.5- At Regulation 14 the Council commented that this section could be much broader. It seems to be treating development only as larger new housing developments within the setting of heritage assets, but could also address smaller changes to historic buildings themselves, and emphasize retention of historic features, including on non-designated heritage assets, such as timber windows, etc. Generally, there could be much more emphasis on non-designated heritage assets and protecting their character for the contribution they make to local vernacular and overall character. Also, it could be used to promote use of historic materials and construction techniques which contribute to local vernacular character and sustainability. The Council notes that some changes have been made, and part a would include non-designated heritage assets, however this could be re-iterated. The response in the Consultation Statement states that this section relates to heritage assets in the context of landscape character and settlement pattern, while material and construction techniques are dealt with elsewhere, however, DG.04.6 which covers materials does not promote the use of historic materials and construction techniques or the use of the whole building approach.	It is noted that WDC recognise that the words "*heritage assets*" in DG.01.5.a includes both designated and non-designated heritage assets, which is what is intended. However, if the Examiner feels it appropriate, in order to make it clearer, the opening words of DG.01.5.a could be changed to "***New development affecting a heritage asset, whether designated or non-designated, or its setting must respect.....***". This design principle applies to all development, while there is already refence to 'historic features' in part a. While DG.04.6.c does not explicitly promote the use of historic materials, it does not exclude them either and they are implicitly included in "*shall only use appropriate materials that contribute to the local vernacular*". Also, Section DG.04 'Built Form' has a section titled "*Recycling materials and buildings*" which actively promotes re-using materials; as written this includes historic materials.
DG.02.2 b states that the footpath networks need to be in place before first occupation of houses on sites. This sounds more like a policy than guidelines and should be rephrased.	This design principle is to ensure that a developer provides such infrastructure in a timely manner so that the first occupiers can immediately utilise sustainable transport infrastructure. This is regarded as a sensible expectation, in line with national and local transport policies, which the HNP should legitimately be able to set out. However, it is accepted that there may be circumstances, such as for certain phased developments, where it is not always practicable. HPC would accept an amendment to DG.02.2 b, if the Examiner feels it necessary, to read: ***"Footpath networks need to be in place before first occupation of houses on the sites, unless this is clearly demonstrated to be impracticable;"***

DG.03.3 a states ‘site new buildings well away from areas liable to flooding’. Please see our comments on the Water Management Background Paper in regards to this.	As a design principle, siting buildings away from flood risk areas seems patently sensible. At the same time, HPC would not object to the deletion of ***“well”*** in the policy, to be more compatible with the NPPF (if less precautionary) such that DG.03.3.a would read: ***a. Site new buildings ~~well~~ away from areas liable to flooding;*** See also response in relation to similar comment on the Background Paper.
DG.04.07 this section needs to be very careful with regard to retrofit and upgrades to any existing building of traditional solid wall construction – commonly ‘recommended’ measures may not always be appropriate on a listed building or any building of traditional construction. Historic England advocate a ‘whole house approach’ when considering improvements to ensure that energy efficiency works are suitable, robust, well-integrated, properly coordinated and sustainable: see https://historicengland.org.uk/images-books/publications/eehb-how-to-improve- energy-efficiency/ and https://responsible-retrofit.org/. They also provide a range of technical advice for energy efficiency improvements to Historic Buildings: https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic- buildings/. Please also be aware that Listed Building Consent is very likely to be required for many of these enhancements. There is also an opportunity to more broadly reinforce reuse of existing buildings and locating sensitive new uses within heritage assets where possible – as both an inherently sustainable approach to carbon lifecycle and conservation of heritage assets.	Noted. The appropriateness of retrofitting to any existing building will be controlled by Planning and Building Control Officers in accordance with Building Regulations and Listed Building Regulations (which are cross-referenced in DG.04.7.f, with reference to Historic England guidance on page 116). These technical matters are likely to be specific to each building, which is why section DG.04.7 uses generic language to encourage and support sustainable construction, while a more strategic approach to carbon lifecycle is regarded as more appropriately addressed through the Local Plan. On Page 122 the section titled “Recycling materials and buildings” actively promotes the reuse of existing buildings. Again, this section is written in generic language because the details will be building specific.

DG.04.07 f- States that solar panels **can** be added, this may not be true and will be determined as part of an application. The Council would suggest this is rephrased. The second part is labelled 'on retrofits', does this mean existing buildings? If so, the title should be changed. The minimising construction waste section and the Recycling materials and buildings section - if these are not guidelines then it is not clear what the bullet points in these sections are. They should either be rephrased into supporting text or adapted into guidelines.	While "can" is used in part to relate to its possibility, and is a more positive word than 'may', as well as highlighting "need to be carefully sited and [that] Listed Building consent will be required", HPC would not object to the use of "**may**" in DG.04.07f if WDC feels this necessary, and the Examiner feels it appropriate. If the Examiner agrees, HPC would support changing the title from **"*On retrofits*"** to **'*On existing buildings*'.** While there are no specific 'design principles' in these sections (these being numbered and in green boxes), they are regarded as important for completeness and to actively promote and support WDC's efforts in this respect and its declaration of a Climate Emergency.
There is duplication between the guidance and some of the actual policies in the Neighbourhood Plan e.g. housing mix, the Cuckoo Trail, Suds, Street Lighting. At Regulation 14 the Council queried whether they were needed in both, but they still remain in both at Regulation 16.	The Design Guidance was written by an approved third party (AECOM), which has informed the policies in the Neighbourhood Plan. Therefore, there is an inevitable degree of overlap, but the policies are generally less detailed and, critically, are not seen to give rise to any internal inconsistences with its design guidance.

At times some of the guidance verges on being actual policy. For example, where it states that affordable housing should be provided in medium and larger developments or where housing mix is discussed on page 99. Also, on page 98 it states that 'Business areas should be retained to meet employment needs and remain compatible with local amenities' this sounds more akin to a policy. The Council would argue that as areas such as affordability and housing mix are discussed in the main plan they do not need to be in the Design Guide, other than relating to issues around design. At Regulation 14 the Council stated that some of the design guidance related to issues other than design guidance. The majority of these have been removed or amended at Regulation 16 however one remains on page 75 at - DG.02.1a, where it states that traffic on the A267 should be monitored to establish where pinch points/ congested areas are. - DG.02.1 c also relates to future work rather than design guidance per se (the figure numbers are also now incorrect). These parts of the guidelines need to be rephrased.	As noted above, guidance is seen to be in lines with the HNP policy and, moreover, simply sets out the general approach which is also taken by WDC in its Local Plan. Again, this is a reasonable design principle and, moreover, only states, in simple terms, what is more formally set out as Policy HLE2 of the HNP. These matters are about both place-shaping and meeting local needs, so there is some overlap between policy and guidance, but HPC would again highlight their consistency and complementary nature. The reference that WDC attribute to DG.02.1a is in fact in DG.02.1b. Assuming that it is a typological error, it is noted that ESCC Highways has not commented on this point, which reflects known issues of traffic build-up on the A267 through Horam and is included to help guide the design of highway improvements. Similarly, DG.02.1c, which only looks for physical changes that may make for safer movements to be "investigated", has not been objected to by the Local Highway Authority. Footnote: HPC has in fact noticed other cross-references within the document that were not updated following amendments made in response to Reg. 14 comments. These are fairly self-evident and will be made, in discussion with WDC, following the Examiner's report.

APPENDIX A - Figure 4.2 from the submitted Wadhurst Neighbourhood Plan

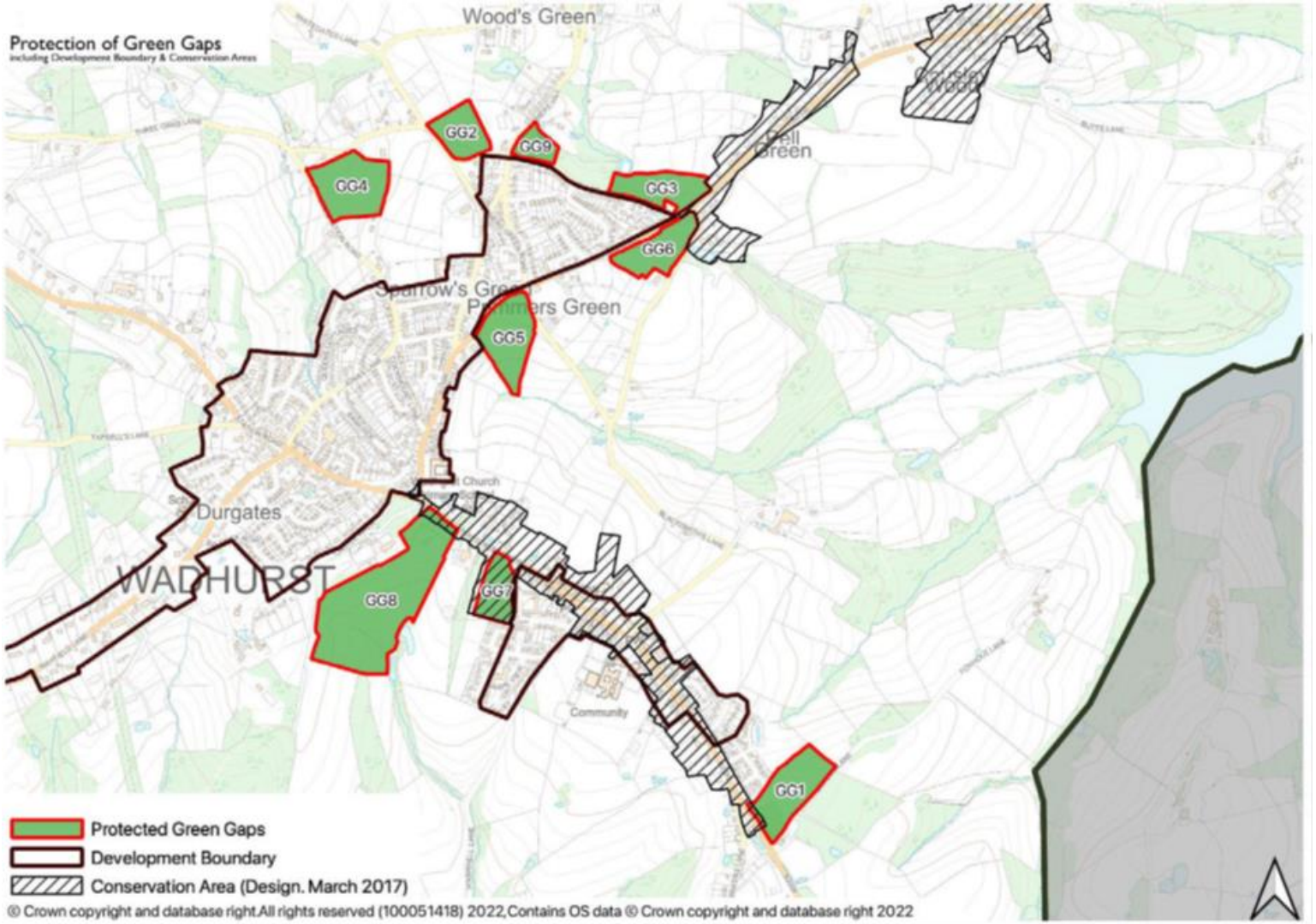


Figure 4.2: Green gaps identified in the neighbourhood plan area, in relation to the development boundary and Conservation Areas

APPENDIX B – HPC's clarification questions to WDC regarding its comments on HNP policies stated as being inconsistent with sites with planning permission for development and/or proposed for allocation in the Draft Local Plan, and WDC response (received on 28/2/24), together with the consideration of them by HPC.

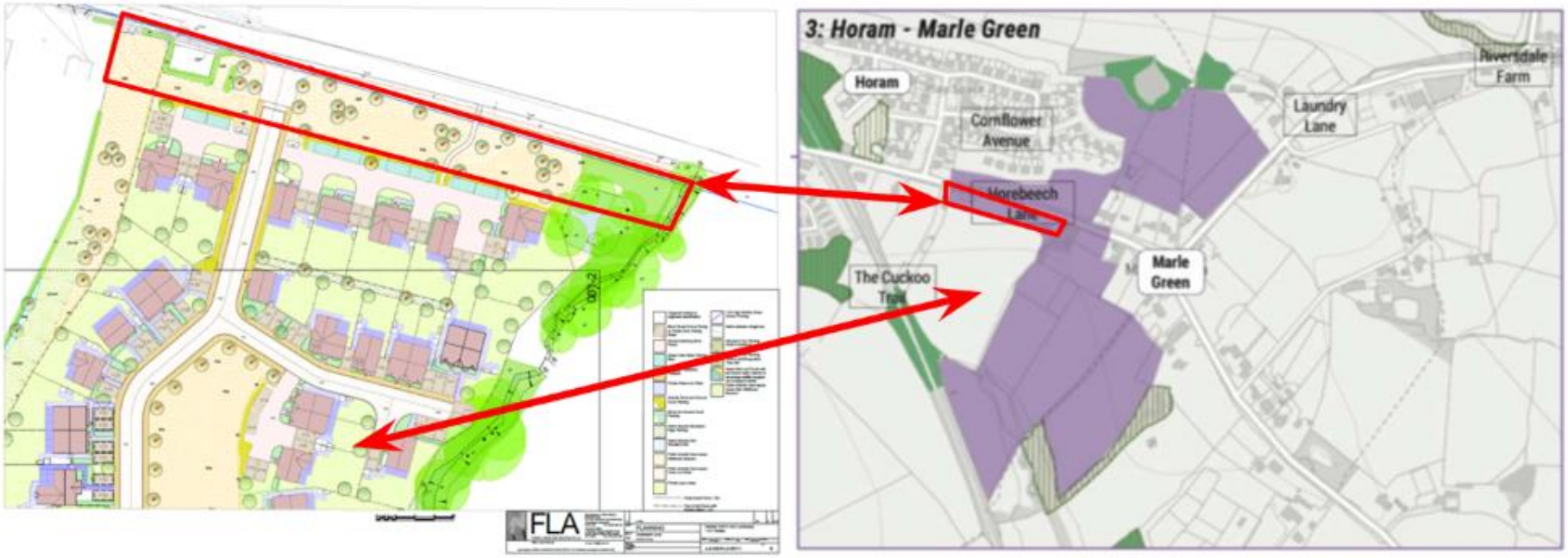
Topic	**Settlement Gaps**
HPC Query	**Q1 This reads as though there is a site which lies within one of the HNP's proposed 'Local Settlement Gaps' that already has planning permission. Please can you advise what site with planning permission this is?**
WDC Response	We stated in our Regulation 16 response to the Horam NDP that 'one of these sites has been proposed to be allocated for development within the emerging Wealden Local Plan as published on the 31st January 2024 for a decision at Full Council (one already has planning permission).' The site already with planning permission for residential development is Land adjacent to Old Orchard House WD/2021/2356/MAO (and now WD/2023/1585/MRM) which is to deliver 38 (net) dwellings. This is shown as a blacked-out area on the Horam proposals map on the draft Local Plan. The front of the site, including the proposed vehicular access, is situated within the Horam-Marle Green proposed Green Gap.
HPC Consideration	*HPC was fully aware of, and takes into account, the planning permission for this site, and is familiar with the subsequent Reserved Matters consent.* *It points out that the Local Settlement Gap designation in the HNP is actually wholly consistent with the permission, as it is only the frontage part of the site with permission as a substantial landscaped buffer comprising 'amenity open space' and 'structural tree planting' (to address Inspectors' concerns over the impact on the settlement gap) that forms part of the Gap. This can be seen from the approved site layout plan, as presented alongside the plan - Figure 11(3) - of the Gap in the HNP, reproduced below (see end of Appendix).*
HPC Query	**Q2 In addition, it refers to "some housing development sites with the Local Settlement Gaps that are subject to live planning applications". Aside from the application already at appeal which is cited in the footnote, please can you advise what other sites within the proposed HNP 'Gaps' are subject to live planning applications?**

WDC Response	Within our Regulation 16 response we stated 'there are also some housing development sites within Local Settlement Gaps that are subject to live planning applications, that may be approved/refused and then subject to planning appeal, as relevant. For example, such as at the Horam – Marle Green Gap (see reference WD/2022/1694/MAO). This was an outline planning application for the erection of up to 46 dwellings. It had an officer's recommendation of approval which was overturned at committee and refused. There is currently a live planning appeal on the site'. The number of live applications in the proposed Green Gaps is a constantly changing situation. At the time we were writing our response, WD/2023/1585/MRM would have been a live planning application, but it has now had a decision for approval of 38 homes. A substantial part of the Horam-Marle Green Gap will also be within the draft development boundary for Horam as laid out in the policies map for the Regulation 18 draft Local Plan, which was published as we were writing our response to the Regulation 16 consultation. Development within the development boundary will be supported in the draft Local Plan and therefore policy HCD2 would be in conflict with this, should it be taken forward.
HPC Consideration	*For clarity then, WDC is only referring to the site to the south-east, known as 'land adjacent to Old Orchard House', as discussed above, together with 'land east of Rosemead Place' that is currently at appeal.* *While no conflict is seen with the former, permitted development, it is accepted that the latter would be in direct conflict with its Gap designation.* *In terms of 'basic conditions', it is important to note that the proposed Gaps are consistent with the development boundary for Horam in the adopted Local Plan.* *The only potential conflicts with the emerging revised development boundary in the Draft Local Plan relate to the above site currently at appeal and with land proposed to also be included in the development boundary to the south of Horebeech Lane to the north of its junction with Laundry Lane.* *HPC points out that:* *a) Regarding the appeal site, the conflict may be resolved by the outcome of the appeal, which may require either WDC or WDC to review its respective plans.* *b) The fact that WDC has failed to have any regard to the distinct identity of Horam and Marle Green, despite the clear local evidence of this (as contained in the Design Guidelines, forming Appendix 1 of the HNP) and the overwhelming local support for its maintenance is seen as undermining its proposed definition of the development boundary in the Draft Local Plan (DLP). Indeed, HPC strongly challenges*

	the DLP assertion at paragraph 5.208 that "On the eastern side of the village, the development boundary is drawn to include land either side of Horebeech Lane up to Laundry Lane, which is considered a natural break and therefore forms the boundary." In fact, Laundry Lane is within Marle Green, while land between it and the current and approved extent of Horam is important in maintaining the settlement pattern. *c) The Draft Local Plan is at a very early stage and should not be given any material weight at this point, in accordance with NPPF paragraph 48 and case law. The proper process is for the Local Plan to be considered in the context of pre-existing development plan documents, including the HNP, rather than the other way around.*
Topic	**Waldron Ghyll Valley**
HPC Query	**Q3 The term 'existing built-up areas' within the first criteria of the policy is difficult in this context as there are several housing sites with planning permission as well as draft allocations proposed in the emerging Local Plan."**
	Please can you advise what pps and draft allocations are being referred to (in addition to the proposed site allocation for Land at Cauldavon - HOR2).

WDC Response	We clearly state in our Regulation 16 response, page 6 that there is one allocation within the proposed valued landscape area in the emerging draft Wealden Local Plan. The point we were making on page 7 was that the existing built-up area will change as a result of planning permissions and allocated sites in the draft Local Plan. As the policy map for Horam in the draft Regulation 18 Local Plan shows, there are several allocations proposed outside the existing built-up area, HOR 1-6 and several sites already with planning permission (shown in black). They may not necessarily all be located within the Waldron Ghyll, but they would have the effect of altering the existing built-up area. The difficulty here is with the terminology in Policy HCD3. It states 'not cause harm to the essentially open landscape character of the Waldron Ghyll valley beyond the existing built-up areas (as defined in Figure 12); however, the existing built-up area is not defined in Figure 12. The existing built-up area will be changing, and as we stated in our response, the approach taken on existing built-up area will be out of date very quickly. We therefore suggested the phrase be removed. We have produced a development boundary as part of the draft Regulation 18 Local Plan and part of this (Vines Cross Road and HOR2) will be within the proposed Wealden Ghyll designation. It is difficult to see how any development in this area would not be in conflict with the proposed Horam policy HCD3.
HPC Consideration	*WDC's reservations are unfounded, as the area to which the policy relates is clearly defined in both the policy and Figure 12.* *Of course, the 'existing built-up area' may change over time, but it is clearly related in the policy to the area as defined on Figure 12.* *Notwithstanding this, if the Examiner felt that the words "existing built-up area" were potentially confusing, then HPC would have no objection if the policy were reworded to simply refer to the area of the Waldron Ghyll Valley as shown on Figure 12. (Such a modification is set out in response to WDC's comment on the policy above.)* *HPC notes that there are no proposed site allocations in the area of the Valley (save for part of the site currently at appeal) and that there are no proposed changes to the existing development boundary that are likely to have a material impact on the character of the Valley.*

Extract of approved site layout plan for 38 dwellings at land east of old Orchard, Horebeech Lane, Horam (WDC ref. WD/2023/1585/MRM) relative to HNP Local Settlement Gap for Horam- Marle Green



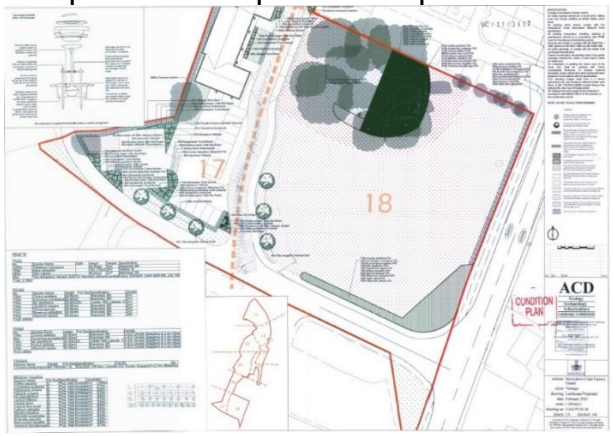
APPENDIX C – Background information re. Land adjoining the Village Hall/Recreation Ground

1. While WDC is suggesting, in its emerging Local Plan that this land be allocated for 5 dwellings, it is subject to planning conditions in which it should be managed as 'informal open space' as part of the Merrydown site redevelopment under permission (ref. WD/2011/2817/MAJ.

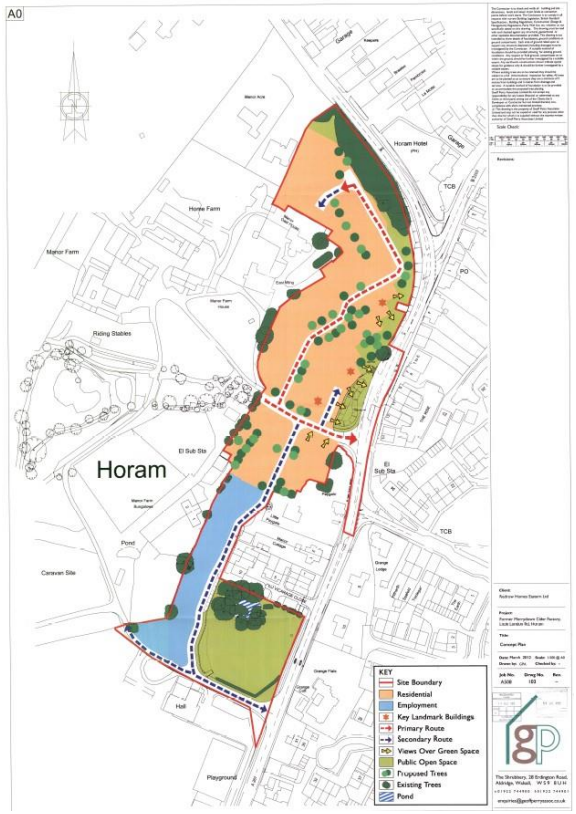
2. This supporting landscape assessment and accompanying plan for the permission sets out that:

> 6.4 As part of the redevelopment of the site, the unsightly warehouses and buildings have been demolished, removing an existing eyesore from the village. In their place, the proposals allow for the creation of a new mixed use development. The provision of a new village green at the frontage with the A267 will provide an appropriate setting for the housing area and a focal point for the village. The majority of the existing trees will be retained within the scheme, as will the meadow and pond at the southern boundary, within an area of habitat creation.

3. The Landscape Condition plan below provides for the following management as informal open space:



4. The approved Concept Plan makes the intention for the future use of this land clear:


A0
Horam
Horam Hotel
Horne Farm
Manor Farm
Riding Stables
El Sub Sta
Pond
Caravan Site
Hall
Playground
TCB
PO
KEY
Site Boundary
Residential
Employment
Key Landmark Buildings
Primary Route
Secondary Route
Views Over Green Space
Public Open Space
Proposed Trees
Existing Trees
Pond

APPENDIX D - Further information in relation to flood risk at Horam

1. The HNP 'Water management and flood risk' Background Paper submitted alongside the Regulation 15 HNP provides mapped evidence of flood risk from all sources for Horam.

2. The NPPF and supporting PPG promotes an approach designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk - namely Flood Zones 2 and 3.

3. WDC questions the use of flood zones as not necessarily showing the persistence or severity of flooding. Nevertheless, the definition of these higher flood zones is precisely because they are more likely to flood, with a 1% annual probability – before allowing for climate change. This is a good measure of "persistence".

4. It is also a matter of record that there have been 23 'flood alerts' for the Waldron Ghyll issued by the Environment Agency in the last 18 months alone (between November 2023 and March 2024), of which 8 were upgraded to 'flood warnings'.

5. While some land downstream of the Horeham Bridge is also liable to flooding, it does not impact on homes – which is regarded as the best indicator of the "severity" of flooding.

6. The Environment Agency Sussex Area's report entitled 'Autumn 2000 Floods Review' states on page 5-5:

   "At Horam,4 properties were flooded on 12 October when the Waldron Ghyll overtopped its banks upstream of the road embankment at Paynesbridge. The floor levels of all properties are below the crest of the road embankment and therefore flood before the road is overtopped." *[See cover and page extract of Report attached below]*

7. For confirmation, these four affected properties are immediately upstream of the Horeham Bridge on the north side of Vines Cross Road. Photograph 1 shows the flooding (as it subsided) looking towards the ghyll, which runs alongside the trees.

8. The EA report highlights the constraint of the "road embankment". It could have been added that the extent of flooding, if not the actual overtopping, was due to the water flow exceeding the capacity of the bridge arch. The limited capacity of the road bridge, as well as the substantial, and rapid, increase in water levels that can occur, is evident from Photographs 2 and 3, the former showing the background level and the latter showing the flow effectively filling the culvert, which contributes to flooding of adjacent properties.

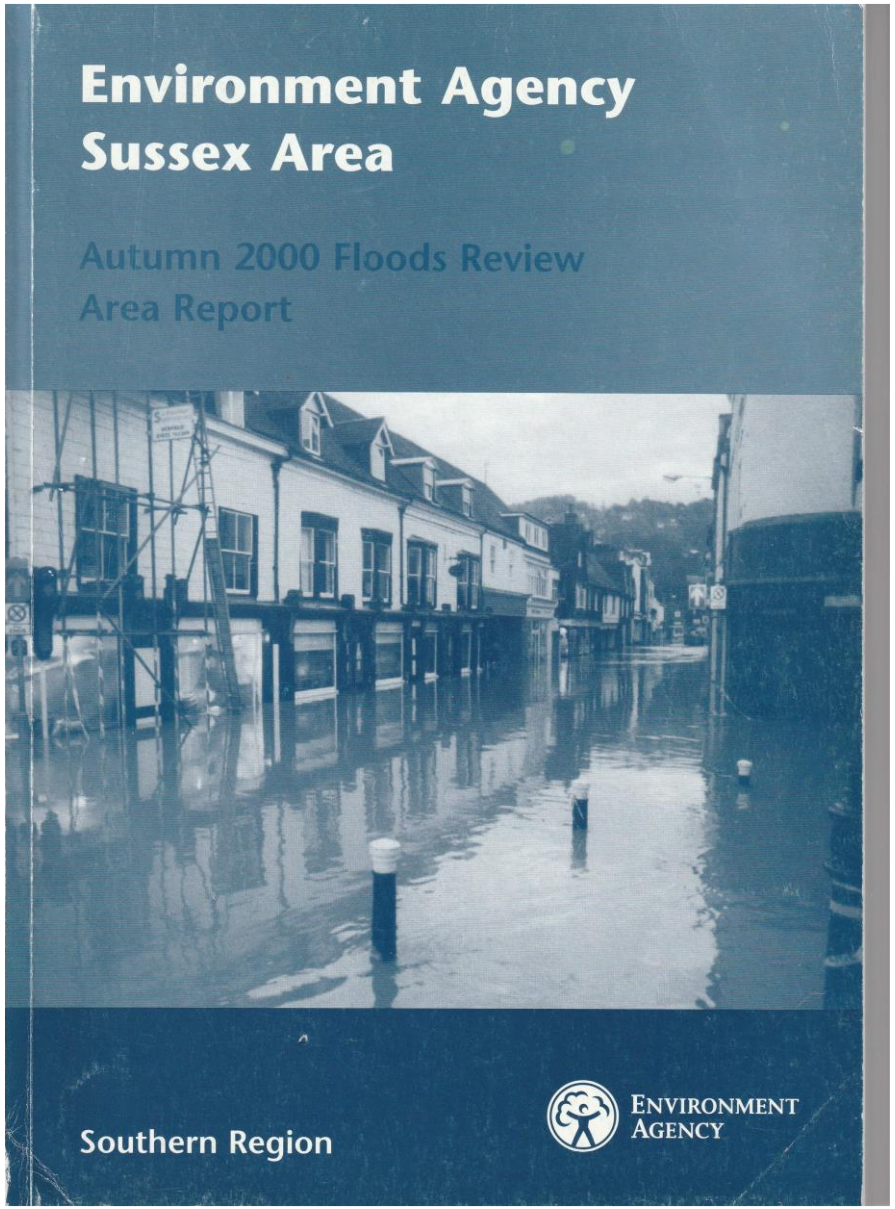
9. It is notable that the Environment Agency re- classified the section of the Ghyll north of the Horeham Bridge as 'main river' following this flood because it was recognised as posing a significant flood risk.

10. A similar situation occurs a little upstream where flows in the ghyll are constrained by a culvert under a track. Photograph 4 shows flows after heavy (but not storm) rain. The difference in levels between the upstream and downstream sides can be clearly seen, with the former only a little below the levels of the adjoining cottages. It will be appreciated from the volume of water trying to get through Horeham Bridge in Photograph 3 that this culvert (just upstream of it) is regularly at capacity, impacting on the adjacent Stream Cottages.

11. Where the ghyll crosses Maynards Green Road (at Stream Farm Bridge), the flow is also constrained by the size of the road bridge culvert and that the culvert under the embankment of the former railway line (now the Cuckoo Trail). Photograph 5 shows the size of the road culvert, which can be readily seen, from Photograph 6, to be smaller than the culvert under the Cuckoo Trail just to the north, which itself is at capacity in storm conditions, as shown in Photograph 7. The net effect is widespread flooding at Stream Farm, as shown on Photograph 8.

12. It should be clear from the above that there is a particular risk to properties from any increases in water flows upstream of the Horeham Bridge and the Stream Farm Bridge, which warrants a precautionary approach being set out in the HNP.

Extract of Autumn 2000 Floods Review



Debris

At Lewes, the Winterbourne stream flooded 18 properties in 'The Course' when a grill became blocked with debris. It later emerged that a passer by had seen that the grill was becoming blocked but unfortunately did not report it to the Environment Agency. From mid-October the Agency maintained 24hr clearance of the 4 grills on this watercourse, for approximately 4 months, often assisted by local residents and no further property flooding occurred. On another occasion, a school alongside the stream was almost flooded when a grill became blocked with freshly cut tree branches. It is believed that these came from gardens further upstream where tree surgeons were cutting back branches that were hanging down into the watercourse and trapping debris.

Road Embankments

Flooding on the upstream side of road embankments was a common problem throughout the Sussex Area. At Horam, 4 properties were flooded on the 12th October when the Waldron Ghyll overtopped its banks upstream of the road embankment at Paynesbridge. The floor levels of all the properties are below the crest of the road embankment and therefore flood before the road is overtopped. At Hellingly, a number of properties at the eastern end of Station Road were affected when surface water coming off the land behind the properties ponded behind the road embankment. It appears that there used to be a roadside ditch on the side of the embankment where the properties have been built, with pipes to take the water under the road. Only a short length of the ditch remains and it is believed that the remainder has been in-filled by the various owners. In these situations people often blame the capacity of bridges or culverts for the flooding when in many cases it is the location and design of the property that is the problem. Planners and the construction industry need to be made more aware of the dangers of building in these locations.

Drains and Sewers

Backing up of drains was thought to be a factor at many locations. Particular problems were experienced in areas where high ground water flows found their way into drainage systems that are simply not designed for this purpose. As is often the case in such situations, floodwater contaminated with sewage was a major hazard in many parts of the Area. The situation was not helped by people lifting manhole covers in order to alleviate their own flooding and causing far worse problems for others further down the system.

Photograph 1 – Flooding upstream of Horeham Bridge

Photograph 2 – Waldron Ghyll under Horeham Bridge

Photograph 3 - Waldron Ghyll under Horeham Bridge in a storm

Photograph 4 - Culvert between road bridges

Photograph 5 - Stream Farm Bridge

Photograph 6 - Culvert under Cuckoo Trail

Photograph 7 Railway culvert in heavy rain conditions

Photograph 8 – Flooding at Stream Farm

APPENDIX E - HPC's suggested amended extent of the Horam Village Centre, as defined on Figure 17

NB The revised area is the same as the submitted HNP except for the exclusion of Manor Court