

HPC RESPONSE TO HNP EXAMINER, 17TH APRIL 2024

Document 1: Horam Parish Council responses to questions raised in the Examiner's Clarification Note of 25 March 2024

[Notes:

- The Horam Neighbourhood Plan is referred to throughout as HNP
- When proposing amendments, the standard convention is used, with ~~striketrough~~ for deletions and underlining for new text.]

Examiner's Questions	HPC Response
<p><i>Policy HCD1</i></p> <p>This policy is underpinned by appropriate information and sets a broad spatial strategy for the Plan.</p> <p>The visit highlighted the sensitive location of the various settlements within the countryside and their distinctive characters and settings.</p>	<p>Noted. This policy is indeed central to delivering the local Vision and provides a framework for several other, specific policies.</p>
<p><i>Policy HCD2</i></p> <p>This policy raises important issues. On the one hand, the proposed Settlement Gaps are helpfully explained in the supporting text and the relevant Background Paper. On the other hand, the concept of Settlement Gaps does not feature in either the adopted or the emerging Local Plan. In addition, the proposed Settlement Gaps are strategic in their scale and, in some cases, overlap with proposed housing allocations in the emerging Local Plan.</p> <p>It would be helpful if the Parish Council explained further its approach to the policy and whether it has regard to national policy and is in general conformity with the strategic policies in the development plan.</p>	<p>As the Examiner will have noted from the substantive work on settlement character in the Landscape Character Background Paper and that undertaken independently by AECOM in preparing design guidance, the relationship between the villages and hamlets in the Parish is integral to their distinct identities (see HNP Appendix 2 'Horam Design Guidelines', pages 29–32, 57–59, and page 66).</p> <p>Furthermore, residents are very concerned about the tendency towards settlement coalescence undermining their separate identities, as evidenced by the overwhelming level of support for this policy (see Consultation Statement Volume 5a pages 12-13).</p> <p>Hence, the identification of “local settlement gaps” should be seen as the policy tool to implement this basic policy objective.</p>

	<p>The Examiner refers to (perceived) issues raised by WDC, namely:</p> <ol style="list-style-type: none"> 1. The absence of a Gaps policy in the adopted (or emerging) Local Plan and, as a result, whether the Gaps policy is in general conformity with the strategic policies in the development plan 2. Whether the proposed Settlement Gaps are strategic in scale 3. Regard to overlaps with emerging Local Plan housing allocations 4. Whether the policy has regard to national policy <p>Responses to WDC's concerns are fully set out in Document 2 accompanying this Document, while each of the above queries are addressed in turn below:</p> <p><u>1. The absence of a Gaps policy in the adopted (or emerging) Local Plan</u></p> <p>The absence of a District-wide policy on settlement gaps does not, in itself, amount to a legitimate objection to the HNP policy.</p> <p>The Localism Act was enacted to enable local communities to develop local policies to address local issues. (This is most obviously witnessed in the identification of 'local green spaces' for the first time in many NPs.)</p> <p>The issue is whether the identification of gaps is actually in conflict with any adopted Local Plan Policy, but no conflict with any adopted Local Plan policies has been identified by WDC.</p> <p>Furthermore, the policy can be seen to be in general conformity with the strategic policies of the development plan, as stated in the 'Respecting and retaining the separate identities of settlements in Horam Parish' Background Paper, at paragraphs 42 – 47.</p> <p>Of most relevance is Local Plan policy EN2, which states that:</p> <p><i>"The Council will seek to maintain the existing settlement pattern ..."</i></p> <p>It is clear from the supporting text to the policy that this relates to the respective roles of settlements and the general relationship between them.</p>
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	<p>(This point is elaborated upon in response to WDC’s comments on the Reg. 16 HNP, which are provided separately at Document 2.)</p> <p>In terms of the contribution of the gaps between the Parish’s villages and hamlets to the local settlement pattern and respective landscape settings, it is clear from the assessment by AECOM in its recommended Design Guidelines – see pages quoted in first response above – that these should be retained.</p> <p>It is also noted that WDC has referred to Policy EN2 as supporting policy references in a recent planning decision refused, in part, on the impact of development on the separate identities of settlements. (See Decision Notice re WD/2022/1694/MAO)</p> <p>Finally, in terms of basic conditions, it is stressed that the proposed Gaps do not conflict with the development allocations or the development boundary in the adopted Local Plan, nor with any outstanding planning permissions (as explained in the HPC responses to WDC’s comments – see Appendix B of Document 2).</p> <p>For confirmation of the (hopefully self-evident) fact that the absence of local plan “gaps” policy is not a bar to such a policy in a neighbourhood plan, the Examiner’s attention is drawn to another Neighbourhood Plan (for Ascot, Sunninghill & Sunningdale) which has had a local settlement gap policy accepted by an Examiner (and the LPA) where there was no such Local Plan policy. Details are set out in HPC’s response to WDC’s comments on this policy in Document 2.</p> <p><u>2. Whether the proposed Settlement Gaps are strategic in scale</u></p> <p>The proposal Gaps are regarded as local in nature, rather than strategic, in that:</p> <ul style="list-style-type: none"> a) they are wholly contained within the Parish and do not have implications for settlements beyond the Parish (or for cross-boundary LPAs); b) While NPPF paragraph 21 looks to LPAs to “make explicit which policies are strategic policies”, the situation in Wealden is that the 1998 Local Plan
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	<p>pre-dated this requirement, although the ‘Core Strategy’ sets out what it refers to as the “<i>strategic objectives and key planning policies for the area</i>”. Relevant strategic objectives (SPOs) include:</p> <ul style="list-style-type: none"> - “ <i>... to enhance and manage the distinct landscapes of the District, particularly, but not exclusively, those nationally designated</i>” (SPO1); - “ <i>... The majority of new housing will be accommodated within, or as sustainable extensions to, existing towns, while allowing for limited growth within those villages capable of accommodating development in a sustainable fashion</i>” (SPO3); - “<i>We will encourage the development of high quality, safe and attractive living environments for communities in both towns and villages, while promoting local distinctiveness through good design in all new development. ...</i>” (SPO13); <p>The HNP gaps policy is seen as helping to deliver these Objectives.</p> <ul style="list-style-type: none"> c) they do not impact on any strategic site contained in the adopted Local Plan or Core Strategy; d) they do not bear upon the need for strategic development releases put forward as part of the emerging Local Plan (namely the Coxlow Farm site which proposes some 750 dwellings for the village). <p><u>3. Regard to overlaps with emerging Local Plan housing allocations</u></p> <p>The only Draft Local Plan allocation that overlaps with a proposed Gap is that for 45 dwellings on land between Horam and Marle Green. While a similar proposal was refused by WDC, it 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, but it stressed that this is a boundary issue, rather than an ‘in principle’ one regarding having a Gaps policy in the HNP.</p> <p>If the appeal is dismissed, the Horam-Marle Green Gap can be retained (subject to details of the decision). If the appeal is allowed, then HPC would look to amend the Gap boundary to reflect the permission, again subject to</p>
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	<p>the details of the decision. If the decision is not issued when the Examiner completes his report, HPC would want to see the Horam – Marle Green Gap retained in the HNP as proposed in the HNP, acknowledging that it may be superseded by the appeal decision.</p> <p><u>4. Whether the policy has regard to national policy</u></p> <p>A number of made neighbourhood plans have “gaps” policies, which will all have been found to be consistent with the NPPF.</p> <p>The HNP’s Gaps Background Paper identifies, at paragraphs 32 – 38, how meets the test of regard to national policies in that, in summary:</p> <ul style="list-style-type: none"> - The policy contributes to the NPPF policy statement at paragraph 180 which states that: “<i>Planning policies and decisions should <u>contribute to and enhance the natural and local environment</u> by: a) <u>protecting and enhancing valued landscapes</u>, ...; b) <u>recognising the intrinsic character and beauty of the countryside</u>, ...”</i> - The policy falls within the scope of NPPF paragraph 28 in that identifying gaps between settlements that effectively maintain the distinct identities contributes to “...<i>conserving and enhancing the natural and historic environment and setting out other development management policies.</i>” - The policy is integral to developing and delivering the vision for the parish, in line with NPPF paragraph’s 29 statement that “<i>Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan.</i> - The policy delivers a clear design vision (as promoted by NPPF paragraph 132) which goes on to state that “<i>Design policies should be developed with local communities so they <u>reflect local aspirations</u>, and are <u>grounded in an understanding and evaluation of each area’s defining characteristics</u>. <u>Neighbourhood planning groups can play an important role in identifying the special qualities of each area</u> and explaining how</i>
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	<p><i>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.</i></p> <p>It is again stressed that the gaps are locally important, localised, relatively small and do not prevent the identification of sufficient suitable sites to meet local housing needs.</p>
<p><i>Policy HCD3</i></p> <p>It would be helpful if the Parish Council explained further its approach to the policy and whether it has regard to national policy and is in general conformity with the strategic policies in the development plan.</p> <p>It would also be helpful to receive the Parish Council's response to the District Council's suggested modifications to the policy (should I conclude that modifications are needed to ensure that it meets the basic conditions).</p>	<p>As stated in the HNP 'Landscape Character' Background Paper (at paragraphs 69 -80), the Waldron Ghyll and its valley setting makes a particular contribution to the landscape of the Parish. It is highlighted in both the county-wide and district LCAs. The Wealden LCA (2014) states in its section on Horam:</p> <p><i>"The landscape is bisected by a stream, the Waldron Ghyll, which flows past several farmsteads to later join the valley of the Cuckmere River. This is a key landscape feature within the setting of the village."</i></p> <p>The policy looks to give recognition to what is highly-valued local landscape feature, as well as help ensure that its key qualities are conserved.</p> <p>This includes taking a positive approach to the contribution it makes to local amenities and resources, including in relation to biodiversity and flood risk management.</p> <p>Further elaboration of the need/justification for the policy is given in response to comments by WDC (see separate Document 2). As part of that response, HPC finds that the geographical coverage of the policy is clear on Figure 12 (and on the submitted Policies Map), and is helpful in clarifying that it does not apply to existing built-up areas within the Valley. Hence, its suggested rewording is considered unnecessary.</p> <p>Notwithstanding this, it adds that HPC will be guided by the Examiner in terms of the clarity of the policy wording and would not object if Part 1 of the</p>

	<p>policy simply referred to the area shown on Figure 12, with no reference to the existing built-up areas; that is, it (Part 1) be amended to read:</p> <p><i>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).</i></p> <p>(The Examiner is also asked to consider HPC's response to other points on this policy, as set out in its Document 2 addressing WDC comments.)</p>
<p><i>Policy HCD4</i></p> <p>As submitted the first part of the policy is a statement rather than a land use policy. Is it the Parish Council's intention that development proposals should respond positively to an identified view (or views) in terms of their layout, height, scale, and mass?</p> <p>The District Council comments about the selection of the views. It would be helpful to have the Parish Council's comments on how it approached this matter.</p>	<p>In essence, the policy is intended to be read as being that the starting point when considering development proposals is that, as stated, "<i>Important local views should be retained</i>". The second part of the policy gives elaboration of the matters to be considered and their impacts.</p> <p>However, the Examiner's observation that it is essentially requiring that "<i>development proposals should respond positively to an identified view (or views) in terms of their layout, height, scale, and mass</i>" is agreed as being a more clearly expressed statement of policy.</p> <p>Therefore, (and in line with HPC's responses to WDC's comments on the selection of views set out in Document 2 addressing all of WDC's comments) it is proposed that the policy is amended to read:</p> <p><i>Policy HCD4: Important local views</i></p> <p><i>1. Important local views, (as identified on Figure 13), should be retained.</i></p> <p><i>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.</i></p>

<p><i>Policy HCD5</i></p> <p>This is an important policy in the wider context of the Plan. In combination the policy and the Design Guidance are a very positive local response to Section 12 of the NPPF.</p> <p>Is the first part of the policy intended to be applied proportionately to the scale and nature of development proposals?</p>	<p>The Examiner's comments are appreciated, as this has been a substantive area of work.</p> <p>It is agreed that the policy would be applied proportionately to the scale and nature of the development.</p> <p>HPC is not sure whether this needs to be expressed as part of the policy, as the application of policies generally depends on their relevance to a proposal.</p> <p>It may be that reference to the policy being applied proportionately to the scale and nature of development proposals could be added to the supporting text, at the end of paragraph 4.26.</p>
<p><i>Policy HCD6</i></p> <p>The supporting text helpfully explains the context to the policy.</p> <p>I am minded to recommend modifications to the wording used so that it reads as a local interpretation of paragraph 209 of the NPPF. This approach will ensure that the policy meets the basic conditions by applying the 'balanced judgement' for non-designated heritage assets as set out in national policy.</p> <p>Does the Parish Council have any comments on this proposition?</p>	<p>Within the context of seeking to conserve all heritage assets (as NPPF paragraph 195), the need to have regard to the scale of any harm or loss as a result of a proposal on the significance of a non-designated heritage asset, as required by NPPF paragraph 209, is appreciated.</p> <p>HPC would support an amendment that brings the policy more fully in line with the NPPF.</p>
<p><i>Policy HHD2</i></p> <p>In general terms the policy reads well. However, do the first and fourth parts of the policy bring any added value beyond national and local planning policies on affordable housing?</p>	<p>The first part of the policy is necessary, as the WDC policy, in its Affordable Housing Delivery Local Plan, is somewhat out of step with the current NPPF in that it sets a <u>District-wide</u> threshold for affordable housing on development sites with 5 (net) dwellings or more, whereas the NPPF (paragraph 65) has a threshold of 10 dwellings, except in designated rural areas.</p>

	<p>While WDC issued a “Clarification Note” following updated PPG in 2016, this is not part of the development plan. Moreover, it sets a threshold outside of designated landscapes of 11 dwellings, rather than the 10 dwellings in the NPPF.</p> <p>While the newly published Draft Wealden Local Plan will reconcile the anomalies - via Policy HO8, that aligns with the NPPF - it is at a very early stage. (It is also seen that this policy includes a similar clause, indicating that WDC also believes that it is important to clearly state this in the Local Plan, notwithstanding national policy.) Of course, with adoption of the Local Plan some way off, the NDP should 'fill' this gap.</p> <p>Of course, national policy on thresholds within designated areas is only permissive and does not set a national percentage requirement, which is the thrust of Part 1 of Policy HHD2.</p> <p>It is noted that the HNP broadly aligns with the emerging Local Plan policy, as well as including a qualification to requirements being potentially amended by the new Local Plan.</p> <p>In fact, the emerging Wealden Local Plan gives further support to local affordable housing evidence and policies, in that its Policy HO1 states, in Part (5):</p> <p><i>“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: ...</i></p> <p><i>d) <u>locally and robustly prepared evidence on housing mix, such as a 'Made' or referendum-stage Neighbourhood Plan or a local (parish) housing needs assessment.</u>”</i></p> <p>Part 4 of Policy HHD2, which covers the distribution and design of affordable housing, is also considered helpful, as the WDC Affordable Housing Delivery Local Plan policy only states that:</p>
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	<p><i>“The affordable housing will be distributed within the site to ensure it is integrated and indistinguishable within the new development and surrounds. It will also be comparable in design terms with the market housing on site.”</i></p> <p>Therefore, while there is a degree of overlap of Part 4 of the HNP policy and existing Local Plan policy on design, the HNP is regarded as providing useful elaboration in relation to both the <i>quality</i> of design and <i>materials</i>.</p> <p>Moreover, given the benefit that Policy HHD2 brings in terms of being based on up-to-date and very local evidence, as contained in the Horam Housing Needs Assessment, it is considered to be necessary and appropriate.</p>
<p><i>Policy HCE1</i></p> <p>In general terms this policy reads well. However, does it need to acknowledge that its contents will not necessarily apply to all development proposals?</p>	<p>HPC appreciates the point and would be happy to include some text along the lines of “where relevant and proportionate to the development” as a qualification (or introduction) to the policy generally. At the same time, the community feedback emphasised environmental issues, so HPC would not wish to undermine the thrust of the policy.</p>
<p><i>Policy HCE4</i></p> <p>I looked carefully at the proposed Local Green Spaces during the visit.</p> <p>In general terms this is a good policy which takes the matter-of-fact approach in the NPPF. Appendix 3 sets out proportionate details on the proposed designations.</p> <p>It would be helpful to receive the Parish Council’s comments on the representations from Welbeck Strategic Land and the District Council on the way in which of some of the proposed designations have regard to paragraphs 105 and 106 of the NPPF.</p>	<p>HPC has responded fully to comments made on the proposed LGS by WDC and Welbeck Strategic Land (and others with land interests in the same site) in separate documents which accompany this response:</p> <ul style="list-style-type: none"> - See accompanying Document 2 for responses to comments from WDC - See accompanying Document 3 for responses to other representors, which include responses to Welbeck Strategic Land on this policy.

<p><i>Policy HCE5</i></p> <p>In general terms this is a good policy. However, is it intended to be applied in a proportionate way?</p>	<p>Agreed. HPC would be happy to include some text along the lines of “where relevant and proportionate to the development” as a qualification (or part of the introduction) to the policy.</p>
<p><i>Policy HLE1</i></p> <p>I looked carefully at the mix of uses and the wider importance of the village centre during the visit.</p> <p>Is the first part of the policy intended to support proposals which would contribute to the delivery of one or more of the criteria in the policy? Plainly individual development proposals would be unlikely to meet all of criteria and/or have any direct influence on the investment decisions of other business in the village centre.</p>	<p>Yes, that is the intention. The use of the term “where appropriate” in the introductory text is meant to convey this.</p> <p>HPC would be happy if each point (a) – (d) had a “i” at the end, with “<u>and/or</u>” before point (d).</p>
<p><i>Policy HTM3</i></p> <p>I saw the importance of The Cuckoo Trail in the parish (and beyond) during the visit. The policy is a first-class approach towards this important recreational facility.</p>	<p>Noted. Comment appreciated.</p>
<p><i>Policy HCF1</i></p> <p>I saw the importance of the various community facilities during the visit.</p> <p>The policy is a first-class approach to this matter.</p>	<p>Noted. Comment appreciated.</p>
<p><i>Projects</i></p> <p>The Parish Council has approached the identification of non-land use Projects in a very positive way. They are commendably locally-distinctive.</p>	<p>Noted. Comment appreciated.</p>

<p>Representations</p> <p>Does the Parish Council wish to comment on any of the representations made to the Plan? It would be helpful if the Parish Council responded to the representations received from:</p> <ul style="list-style-type: none"> • DL and G Blackden; • East Sussex County Council; • High Weald National Landscape; and • Welbeck Strategic Land. <p>The District Council suggests a series of revisions to some of the policies and parts of the general text in the Plan. It would be helpful if the Parish Council responded to the various issues raised.</p>	<p>HPC has prepared responses to representations from each of these parties (together ones to a landowner of the site being promoted by Welbeck Strategic Land and to Gladman, which has representations bearing on the major site being promoted through the emerging Local Plan) These are brought together in the accompanying Document 3.</p>
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