

Appendix 1: Response to Hellingly Neighbourhood Plan – Regulation 16 Consultation (June 2018)

- Effect of Local Plan Inspector's letter, dated 20th December 2019 recommending withdrawal of the Local Plan - February 2020

Landscape and Open Space

Policy/ Para	Reg 16 Wording	Proposed Amendment	Comment	Effect of Local Plan withdrawal
1	Broad aim: <i>'To retain the separate character and identity of the 4 main settlements in the Parish (Hellingly Village, Lower Horsebridge, Lower Dicker and Roebuck Park)'</i>	<i>Clarification</i>	This point is clearly related to the perceived coalescence of Hailsham and its surrounding villages. In order to avoid physical coalescence however, a strategic green gap would need to be established which visually and physically retained a separation between the existing and proposed settlements. Arguably this is not achievable within HN1C if all allocation requirements are met in full (i.e. delivery of 370 dwellings at 30dph).	Comments still remain valid. Whilst the HN1C and HN1D formal allocations would no longer be applied, the land forms part of Strategic Development Area SD3 (land at north Hailsham) under policy WCS4 of the adopted Core Strategy which remains a key part of the development plan. Policy WCS4 identifies SD3 as an urban extension to provide for around 700 dwellings. The land at Park Farm therefore remains identified as part of an established area of growth in north Hailsham and we would maintain that the aims sets out at para 1 of the NP would hamper the ability of the adopted Strategic Development Area to deliver housing as identified.

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219	<i>'Properties on the southern fringe of Roebuck Park have elevated and commanding views over the Parkland'</i>	<i>'There are a select number of properties off Chichester Road and The Drive that back onto the agricultural field. Given the lack of existing boundary vegetation there are existing views from these properties southwards across an agricultural field towards the existing development of Hailsham House.'</i>	Suggested amendment to more accurately affect the baseline landscape character. In particular the use of the word "parkland" denotes a level of landscape value that does not accurately describe the land to the south – particularly the western HN1C land allocation. It would be more representative if the western site was described as an 'agricultural field'	Comments remain unchanged
219	<i>'The streets are predominantly orientated east west providing a physical and visual connection with the drive and parkland'</i>	<i>'Due to the orientation of the streets within Roebuck Park, there are a select number of properties off Chichester Road and The Drive that have a visual connection, from the rear of the properties, with the agricultural field to the south. This is primarily due to the lack of boundary vegetation along the southern fringe of Roebuck Park.'</i>	Suggested amendment to more accurately affect the baseline landscape character.	Comments remain unchanged
220	<i>'The landscape structure of the Parkland, woodland and surrounding farmland is a much valued, sensitive and important characteristic of the area.'</i>	<i>Suggested removal of paragraph</i>	There is no Public Right of Way or permissive access routes within the agricultural land that connects to Roebuck Park, and it is not	Comments remain unchanged

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			within an area defined on the existing or Draft Proposals Map as having any elevated landscape value. We do not therefore consider there to be firm basis upon which to allege the land is “much valued”. In addition, the site areas are described in the SHLAA as having a low landscape and visual sensitivity – which directly contradicts this statement. Therefore, it is suggested that this paragraph should be removed.	
221	<i>‘the loss of parkland habitats and structural landscape due to poor maintenance or further encroachment from development.’</i>	<i>‘Any additional development within the allocation sites adjacent to the southern fringe of Roebuck Park should provide additional structural landscaping to enhance the existing character of its setting. Given the lack of boundary vegetation along the southern fringe, landscape proposals should aim to enhance the existing baseline conditions and will seek benefits for both ecological habitats and landscape character.’</i>	The statement is generalised and the suggested amended wording would represent a greater acknowledgement of the development allocations that exist to the south of Roebuck Park.	Comments remain unchanged

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221	<i>‘this would be exacerbated by any major loss of farmlands to the south’ resulting in the merging of traditional settlement boundaries and loss of village identity.’</i>	<i>Remove wording</i>	This statement appears to directly reference the land contained in draft allocations HN1C and HN1D and seeks to prevent the loss of this land. This is in direct conflict with the Draft Local Plan which seeks to secure development of the land. It is therefore suggested the wording is removed.	Comments remain valid. The land at Park Farm may not be an express allocation with the withdrawal of the local Plan but it remains identified as part of Strategic Development Area 3 under policy WCSD4 of the adopted Core Strategy. We maintain that preventing the loss of farmland contained in the former HN1c and HN1D allocations would hamper the ability of the north Hailsham SD3 growth area to deliver the housing it is identified for in the adopted development plan.
221		<i>‘Any future development within the agricultural farmland to the south should aim to prevent the merging of traditional settlement boundaries and loss of village identity through the offsetting of future development from the southern fringe of Roebuck Park. This may be through the placing of public open space, sports pitches etc at the northern end of the agricultural farmland.’</i>	Additional wording suggested to be included in para 217. Development of the HN1C allocation would be able to offset any future development within the agricultural field to the south. This would primarily be achieved by placement of Public Open Space, sports pitches etc being located adjacent to the southern edge of Roebuck Park.	Comments remain unchanged in the context of the above.

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Policy RP1	<i>'Roebuck Park Character Area and its setting'</i>	<i>Clarification</i>	Roebuck Park Character Area is not defined on the neighbourhood plan proposals map.	Comments remain unchanged
Policy RP1	<i>'i) How it supports and does not adversely impact upon the parkland setting of Roebuck Park'</i>	<i>Clarification</i>	It would be useful for the parameters of the "parkland" to be defined in order to identify its setting (which, ideally, should also be defined). Is the parkland referencing the Country Park only? – it is currently unclear.	Comments remain unchanged
Policy RP1	<i>'iii) – references "important open views" to and from Roebuck Park and requires retention of...iv) Views from the south towards the parklands and Roebuck Park'</i>	<i>Remove or reword iii): 'the layout and form of proposals, as well as the position of POS, should be sympathetic to existing views towards the Parklands and Roebuck Park.'</i>	This subsection directly references the land allocated in HN1C and HN1D. Full retention of existing views would not be achievable in line with the wider aspirations of the Local Plan to secure development of this land. In light of this, criterion(iv) of this subsection should be removed or amended.	Comments remain unchanged
Policy RP1	<i>'Development that erodes the sense of openness and rural character of the setting of Roebuck Park will be resisted'</i>	<i>Remove or reword: 'Any development within the setting of Roebuck Park should</i>	The HN1C and HN1D draft allocations would potentially fall within the setting of Roebuck Park and therefore	Comments remain unchanged in the context of the former HN1c and HN1d land forming part of the adopted North Hailsham SD3

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		<i>be sympathetic to the existing landscape character, provide additional landscape resource and reinforce existing landscape features."</i>	this wording is not aligned with the objectives of the Draft Local Plan to secure development of the land. We suggest the sentence should be removed or substantially amended.	Strategic Development Area in the Core Strategy.
Rec 2 – Policy RP2	Recommendation 2 – RPR2 Sport and Leisure Recommendation -Subsection ii) 'That Wealden District Council require the provision of an outdoor playing area for youth and adult recreation of a minimum of 2.8 hectares'	<i>'That Wealden District Council require the provision of an outdoor playing area for youth and adult recreation of a minimum of 2.8 hectares to include an extension to Hellingly Country Park and separate formal sports provision. '</i>	The requirement for an extension to the country park to provide an outdoor playing area of 2.8ha will directly affect the land contained in draft allocations HN1C and HN1D. This can be delivered within the allocation as a whole. However, to provide formal sports pitches which do not require substantial land reprofiling within this extension area, the only feasible location adjacent to the country park would be on the land in the HN1C allocation given the topography of the HN1D land. Providing the sports pitches on the HN1C land would however inhibit the ability to deliver the 370 dwellings allocated for the site in the Draft Local Plan. We	Comments remain unchanged

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			therefore strongly suggest the policy is reworded either to remove requirement for formal sports provision within the country park extension or to allow delivery of the sport facilities as a separate facility elsewhere within the HN1D allocation – potentially to the south east of the allocation.	

Design of Development

Policy/ Para	Reg 16 Wording	Proposed Amendment	Comment	Effect of Local Plan withdrawal
Policy HNDP4	<i>'ii) There will be a presumption against land raise on development sites in view of the high risk and incidence of surface water and other flooding in Hellingly, including to agricultural land'</i>	<i>Remove subsection ii) of policy.</i>	A general presumption against land raise on development sites does not take account of the topography of surrounding land and particularly within the allocation sites HN1C and HN1D. HN1D display a significantly undulating topography which would need to be addressed to bring forward development	Comments remain unchanged in the context of the above.

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			of these allocations. A blanket restriction on raising levels/reprofiling would render development of the HN1D allocation unviable. The policy is suggested to be removed.	
Policy RP2	<i>'iii) New dwellings should be no higher than 2 storeys with 'true attics'</i>	<i>'i) New dwellings with a direct relationship to Roebuck Park should be no higher than 2 storeys with 'true attics'</i>	The policy provides specific design criteria for new development to ensure the character and identity of Roebuck Park is protected. There is no justification provided for restricting all development in the vicinity of Roebuck Park to 2 storeys. It may be reasonable to assume that the application of this principle need only apply to new dwellings with a direct relationship to Roebuck Park (i.e. northern edge of HN1C), where this would not necessarily cause issue. We therefore suggest amended wording.	Comments remain unchanged
Policy RP2	<i>'iv) Where new development is considered acceptable it should provide for suitable and</i>	<i>Remove wording 'On street parking should be avoided' from subsection ii)</i>	The reference to on street parking is unnecessarily restrictive in urban design	Comments remain unchanged

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	<i>appropriate levels of parking ensuring that garages, car parking courts and spaces are unobtrusive. Blocks of garages should be avoided in any additional housing developments. On street parking should be avoided.'</i>		terms and is unlikely to be enforceable easily. We would recommend removing this wording from the subsection.	

Heritage

Policy/ Para	Reg 16 Wording	Proposed Amendment	Comment	Effect of Local Plan withdrawal
Policy LHA 1	<p><i>'All development affecting a non-designated heritage asset (local list) or its setting will be required to clearly demonstrate:</i></p> <p><i>i) How it conserves, preserves, respects and enhances the heritage asset and its setting including through use of design, materials and understanding of the heritage importance of the building or asset"</i></p> <p><i>Development proposals requiring the demolition or substantial redevelopment of a local heritage asset will be refused.</i></p>	<p><i>'Permission will be given for those developments that secure the preservation and enhancement of non-designated heritage assets and their settings. Schemes that show a positive commitment to retaining the asset, as an active part of the site will be encouraged. Development that would result in the loss of, or demonstrably harm the significance or setting of a non-designated heritage asset, will be resisted, unless the proposed development has other public</i></p>	<p>The proposed policy places more onerous requirements than the Draft Local Plan policy HE5 and the NPPF with respect to non-designated heritage assets. We suggest that the policy be amended to reflect that there is no requirement for development proposals to conserve, preserve or enhance a non-designated heritage asset, and that even harmful proposals may be found acceptable by the decision maker. We suggest</p>	<p>Comments remain unchanged in respect of a disparity between the severity of requirement in the NPPF and the proposed Policy LHA1</p>

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	<p>Development proposals which seek to support the restoration and conversion/reuse of local heritage assets including for social or community purposes will be supported subject to the setting and character of the building being conserved. A list of these buildings recommended for local listing is included at Appendix 2.</p> <p>ii) All developments will be required to demonstrate that they have no unacceptable impact upon any designated Heritage Asset.'</p>	<p><i>benefits that clearly outweigh the loss of, or harm to, the asset, or there is no other feasible means of bringing a key development site forward. Where the loss of an asset cannot be avoided, it will be the responsibility of the developer, as required by condition, to provide a fully documented and photographic record of the asset prior to its removal to be deposited with the East Sussex Heritage Environment Record.'</i></p>	<p>the policy is amended to reflect the wording of Draft Local Plan policy HE5.</p>	

Ecology

Policy/ Para	Reg 16 Wording	Proposed Amendment	Comment	Effect of Local Plan withdrawal
Policy HNDPE	<p>'It will initially be required to demonstrate that development within the Hellingly NDP area, including any identified projects identified within this NDP, will have no likely significant effect alone or</p>	<p><i>'It will initially be required to demonstrate that development within the Hellingly NDP area, including any projects identified within this NDP, will not adversely affect the integrity of</i></p>	<p>The policy requires initial identification of no likely significant effect, rather than the test of integrity as set out under and Draft Local Plan. Given mitigation</p>	<p>Comments remain unchanged in respect of the need to reflect the test of integrity set out in the Habitats Regulations and practical requirements for development which can be complied with.</p>

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	<p><i>in combination with other plans or projects upon the Ashdown Forest Special Area of Conservation and Special Protection Area, the Pevensy Levels Ramsar Site and Special Area of Conservation, or the Lewes Downs Special Area of Conservation.</i></p> <p><i>Where likely significant effect is identified and an appropriate assessment concludes that the integrity of the European Site is adversely affected development will only be permitted where the Habitats Regulations Assessment for the relevant Strategic/Local Plan has been undertaken, the Imperative Reasons for Overriding Public Interest tests have been met and the suitable compensatory/mitigation measures contained within the Habitats Regulations Assessment are identified and secured.</i></p> <p><i>Any proposals for development must be accompanied by information to allow the competent authority to complete a full Habitats Regulations</i></p>	<p><i>the Ashdown Forest Special Area of Conservation and Special Protection Area, the Pevensy Levels Ramsar Site and Special Area of Conservation, or the Lewes Downs Special Area of Conservation, either alone or in combination with other plans or projects.</i></p> <p><i>Where likely significant effect is identified and an appropriate assessment concludes that the integrity of the European Site is adversely affected development will only be permitted where the Habitats Regulations Assessment for the relevant Strategic/Local Plan has been undertaken, the Imperative Reasons for Overriding Public Interest tests have been met and the suitable compensatory/mitigation measures contained within the Habitats Regulations Assessment are identified and secured.</i></p> <p><i>Any proposals for development must be accompanied by</i></p>	<p>is likely to be required in relation to water quality (and potentially air quality), most developments would be unable to demonstrate no likely significant effect. The policy also requires that mitigation measures are implemented prior to commencement, which may not be possible to secure where this relies on strategic measures implemented by the Council. The wording is more onerous than that set out under policies AF1 and AF2 of the Draft Local Plan. We therefore suggest the wording is amended to bring the policy in line with the Draft Local Plan requirements.</p>	

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	<p>Assessment of the impacts of the development.</p> <p>Mitigation measures, as approved by the competent authority, shall be implemented prior to commencement of the first occupation of the development as appropriate. Any required mitigation measures/compensation measure will be subject to a S106 contribution proportionate to the development proposed.'</p>	<p>information to allow the competent authority to complete a full Habitats Regulations Assessment of the impacts of the development.</p> <p>Where mitigation is in the form of contributions to strategic measures, a delivery mechanism shall be in place prior to occupation, and will be subject to a S106 contribution proportionate to the development proposed. Otherwise, site specific mitigation measures, as approved by the competent authority, shall be implemented prior to commencement of the first occupation of the development as appropriate.'</p>		
Policy HNPD5	'i) Are based upon survey work carried out in the last 2 years'	'i) Are based upon survey work carried out in the last 3 years'	The requirement for survey work within the last 2 years is more stringent than BS 42020:2013 Biodiversity and recent CIEEM guidance, which indicate survey work up to 3 years would be sufficient.	Comments remain unchanged
Maps 3 and 8		Suggest maps 3 and 8 are amended to reflect the	The area of Ancient Woodland shown in the	Comments remain unchanged

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		<i>boundaries as shown on the attached plan at Appendix 2.</i>	vicinity of Hellingly (south of the cricket ground) is not consistent with that shown on the MAGIC database.	