

Horam Neighbourhood Development Plan 2023-2040

**A report to Wealden District Council on the Horam
Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Wealden District Council in March 2024 to carry out the independent examination of the Horam Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood area on 22 March 2024.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on retaining the character and appearance of the parish. It proposes the designation of a package of Local Green Spaces and the identification of three Local Settlement Gaps around Horam village.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum area should coincide with the neighbourhood area.

Andrew Ashcroft
Independent Examiner
12 July 2024

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Horam Neighbourhood Development Plan 2023-2040 ('the Plan').
- 1.2 The Plan was submitted to Wealden District Council (WDC) by Horam Parish Council (HPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018, 2019, 2021 and 2023. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises indirectly from my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope and can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan. It seeks to provide a context in which the neighbourhood area can maintain its character and appearance, including the separation of its settlements.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WDC, with the consent of HPC, to conduct the examination of the Plan and to prepare this report. I am independent of both WDC and HPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. I have 41 years' experience either in various local authorities at either Head of Planning or Service Director level or since 2016 as an independent examiner. I have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted should proceed to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan, I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report and am satisfied that they have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement (and Addendum).
- the Consultation Statement (and Addendum).
- the SEA Screening Report (May 2023).
- the HRA Screening Report (May 2023).
- the various Background and Assessment Papers.
- the Design Guidelines.
- the representations made to the Plan.
- the responses to the clarification note.
- the adopted Wealden Core Strategy Local Plan (2013).
- the adopted Affordable Housing Delivery Local Plan (2016).
- the saved policies of the Wealden Local Plan (1998).
- the appeal decision on land east of Rosemead, Horebeech Lane, Horam (WD/2022/1694/MAO).
- the National Planning Policy Framework (December 2023).
- Planning Practice Guidance.
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 22 March 2024. I looked at its overall character and appearance and at those areas affected by policies in the Plan.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations and the detail within the package of submission documents.

3.4 The NPPF was updated in December 2023 after the Plan had been submitted. Plainly this was outside HPC's control. For clarity, I have assessed the Plan against the December 2023 version of the NPPF for the way in which it has regard to national policy.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), HPC has prepared a Consultation Statement. It is proportionate to the neighbourhood area and its policies. It is structured as follows:
- Volume 1 presents a summary of the consultation undertaken;
 - Volume 2 presents an overview of the initial consultation events to generate ideas for the Plan;
 - Volume 3 presents a summary of consultation associated with the objectives for the Plan;
 - Volume 4 presents a summary of consultation associated with policy ideas for the Plan;
 - Volume 5a presents a summary of the consultation on the pre-submission version of the Plan (May to July 2023); and
 - Volume 5b presents the comments received from WDC on the pre-submission version of the Plan and how these have been responded to by HPC to inform the submission version of the Plan.
- 4.3 Volumes 2 and 3 helpfully advises about the way in which the community was involved in the initial stages of the Plan preparation process.
- 4.4 Volumes 5a and 5b provide details about the ways in which the Plan was refined following consultation on the pre-submission Plan. This helps to describe the way in which the Plan evolved.
- 4.5 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. WDC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Consultation Responses

- 4.6 Consultation on the submitted plan was undertaken by WDC. It ended on 6 February 2024. This exercise generated representations from the following organisations and businesses:
- Blackden DL and G

- East Sussex County Council
- Environment Agency
- Heathfield and Waldron Parish Council
- High Weald National Landscape
- Natural England
- Southern Water
- Welbeck Strategic Land
- Wealden District Council
- National Highways
- Historic England

- 4.7 A significant number of representations were also submitted by residents. In the main they offer support for the Plan.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Horam. Its population in 2021 was 3121 persons living in 1298 households. It was designated as a neighbourhood area on 14 November 2019.
- 5.2 The parish is rural in nature, and displays many of the characteristic of well-wooded high weald landscape. The northern part of the parish is within the High Weald National Landscape.
- 5.3 Horam is the main village in the parish. It has a vibrant village centre with a range of commercial and community facilities. The Cuckoo Line runs through the heart of the village. It is a well-used recreational route which extends from Heathfield to the north to Polegate to the south. The smaller villages of Maynard's Green and Vines Cross are located to the north and east of Horam respectively. The parish also includes several hamlets and other pockets of development.

Development Plan Context

- 5.4 The development plan for the Wealden District consists of the saved policies of the Wealden Local Plan (1998), the Wealden Core Strategy Local Plan (2013) and the Affordable Housing Delivery Local Plan (2016). It is this broader development plan context against which I am required to examine the submitted Neighbourhood Plan.
- 5.5 In the Core Strategy, Horam is one of a series of Local Service Centres (as described in Table 1 – Settlement Hierarchy).
- 5.6 In addition, the following policies in the Core Strategy Local Plan are relevant to the submitted Plan:
 - Policy WCS2 Distribution of Housing Growth
 - Policy WCS7 Effective Provision of Infrastructure
 - Policy WCS9 Rural Exception Affordable Housing
 - Policy WCS12 Biodiversity
 - Policy WCS13 Green Infrastructure
- 5.7 The Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. It provides confidence to all concerned that the submitted Plan sits within its local planning policy context. The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents. This is good practice and reflects key elements in Planning Practice Guidance on this matter.
- 5.8 WDC is working on the preparation of a new Local Plan. Once adopted, it will replace the existing development plan. It will set out the vision and spatial development strategy for Wealden District up to 2040. Consultation on the Regulation 18 Plan

finished on 10 May 2024. The Local Development Scheme (January 2024) anticipates that the Plan will be adopted by or before end of Quarter 1 2026/27. I return to this matter in the part of this report which comments on the way in which a made neighbourhood plan would be monitored and reviewed.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 22 March 2024. I approached it from Heathfield to the north. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network.
- 5.10 I looked initially at Maynard's Green. I saw its range of interesting houses, the Primary School, and its relationship with The Cuckoo Trail to the west.
- 5.11 I then drove to Horam and looked initially at the village centre. I saw its location around the junction of the two main roads and the range of commercial and community uses. I also saw the adjacent well-used car park.
- 5.12 I looked carefully at the area around the former railway station. I saw the importance of The Cuckoo Trail to residents and visitors alike.
- 5.13 I looked at the range of proposed Local Green Spaces in Horam.
- 5.14 I then drove along Vines Cross Road to Vines Cross. I looked carefully at the proposed Local Settlement Gap between the two settlements. I then drove along Laundry Lane to Marle Green. I also looked carefully at the proposed Settlement Gap between it and Horam.
- 5.15 I then drove back into Horam along Horebeech Lane. I saw the scale and significance of the recently-completed development based on Poppy Drive. I followed the footpath at the junction of Horebeech Lane and Laundry Lane into the proposed local green space to the east of Rosemead. I saw its relationship to the Poppy Drive development to the west and to the houses off Horebeech Lane to the south.
- 5.16 I then looked at the Village Hall and the adjacent recreation uses. Their significance to the local community was self-evident. I left the neighbourhood area on the A267 and drove to Hellingly. This part of the visit helped me to understand the relationship between the neighbourhood area and other settlements to the south.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative and well-presented document.
- 6.2 As part of this process, I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - not breach, and otherwise be compatible with, the assimilated obligations of EU legislation (as consolidated in the Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendment) Regulations 2023; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

I assess the Plan against the basic conditions under the following headings:

National Planning Policies and Guidance

- 6.3 For the purposes of this examination, the key elements of national policy relating to planning matters are set out in the NPPF (December 2023).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are particularly relevant to the Horam Neighbourhood Development Plan:
- a plan-led system - in this case the relationship between the neighbourhood plan and the development plan as described in paragraph 3.1 of this report;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.5 Neighbourhood plans sit within this wider context both generally and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF, I have also taken account of other elements of national planning policy, including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies on development and environmental matters.
- 6.8 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance. Paragraph ID: 41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. The Guidance also advises that policies should also be concise, precise, and supported by appropriate evidence.
- 6.9 As submitted, the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for the village centre (Policy HLE1), for employment development (Policy HLE2), and for visitor accommodation (Policy HLE3). In the social dimension, it includes policies on the size of houses (Policy HHD1), affordable housing (Policy HHD2), Local Green Spaces (Policy HCE4), and the Cuckoo Trail (Policy HTM3). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has policies on local settlement gaps (Policy HCD2), the Waldron Ghyll Valley (Policy HCD3), and design (Policy HCD5). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in Wealden District in paragraphs 5.4 to 5.8 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.13 The Neighbourhood Plan (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.14 In order to comply with this requirement, WDC undertook a screening exercise in May 2023 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It concludes that the Plan is unlikely to have a significant effect on the environment and therefore does not require a Strategic Environment Assessment.

Habitats Regulations Assessment

- 6.15 WDC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. The Assessment addresses the potential impact of the Plan's policies on the following protected sites:

- Ashdown Forest Special Area of Conservation (SAC);
- Ashdown Forest Special Protection Area (SPA);
- Pevensey Levels SAC and Ramsar site;
- Lewes Downs SAC;
- Castle Hill SAC;
- Hasting Cliffs SAC;
- Dungeness, Romney Marsh, and Rye Bay SPA and Ramsar site; and
- Dungeness SAC.

The Assessment concludes that the neighbourhood plan will not give rise to likely significant effects on these protected sites, either alone or in combination with other plans or projects, and that an Appropriate Assessment is not required.

- 6.16 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns on this matter. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with the relevant regulations.

Human Rights

- 6.17 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the

Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.18 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 The recommendations focus on the policies in the Plan given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and HPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans should address the development and use of land. It also includes a series of Projects.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. The Projects are considered briefly thereafter.
- 7.6 For clarity, this section of the report comments on each of the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial parts of the Plan (Parts 1-3)

- 7.8 The Plan is very well-organised and presented. It has been prepared with much attention to detail and local pride. It makes an appropriate distinction between the policies and the supporting text.
- 7.9 The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.10 Section 1 comments on the national agenda for neighbourhood plans and the way in which the submitted Plan has been prepared. It defines the neighbourhood area and the Plan period.
- 7.11 Section 2 provides information about the neighbourhood area. It provides interesting and comprehensive details which help to set the scene for the eventual policies. It includes a series of very helpful photographs.
- 7.12 Section 3 comments about the Plan's Vision and Objectives. It makes a strong functional relationship between the various issues and, in several cases, they set a useful context for the resulting policies. The objectives neatly overlap with the subject matter related sections.

- 7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy HCD1 Settlement Pattern and Landscape Character

- 7.14 The context to this policy is set out in paragraphs 4.2 to 4.4 of the Plan. They advise that the parish comprises of villages, hamlets, and dispersed settlements with a unifying rural, well-wooded setting. It advises about a series of existing landscape character assessments with the key findings and recommendations relevant to the neighbourhood area summarised in the Landscape Character and Settlement Pattern Background Paper.
- 7.15 The policy comments that development should conserve and enhance the landscape character, settlement pattern and features of the parish, having regard to recognised attributes in published Landscape Character Assessments and in the Horam Design Guidelines.
- 7.16 In general terms, the policy takes a positive approach to the settlement pattern within the parish. The visit highlighted the sensitive location of the various settlements within the countryside and their distinctive characters and settings.
- 7.17 Within this wider context, I recommend the following modifications to bring the clarity to the policy as required by the NPPF and to allow WDC to apply its provisions in a clear and consistent way:
- including an acknowledgement in the first part of the policy that not all proposals will be able to enhance the settlement patterns of the parish;
 - a recasting of the opening element of the second part of the policy; and
 - a recasting of criterion a) in the second part of the policy so that its role is clearly related to the settlement pattern in the parish.
- 7.18 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace ‘Development should conserve and enhance the landscape character, settlement pattern and features of Horam Parish,’ with ‘Development proposals should conserve and where practicable enhance the landscape character, settlement pattern and features of the parish,’

Replace the opening element of the second part of the policy with: ‘In particular, development proposals should respond positively to the following principles:’

In the second part of the policy replace a) with: ‘the existing settlement pattern of rural villages, hamlets and scattered farmsteads, including the topographical setting of settlements, should be maintained;’

Policy HCD2 Local settlement gaps

- 7.19 The Plan advises that a fundamental principle identified in the suite of Landscape Character Assessments is the need to maintain the distinct identity of the various

settlements in the Parish. The supporting text proposes Local settlement gaps (LSGs) between:

- Horam and Maynards Green;
- Horam and Vines Cross; and
- Horam and Marle Green.

7.20 The policy is underpinned by the Background Paper – Respecting and retaining the separate identities of settlements in Horam Parish. The report addresses the issue in a comprehensive way. In summary it advises that:

- *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 (paragraph 52);*
- *while preventing the coalescence of settlements is not specifically a landscape policy, the identification of gaps should be grounded in an appreciation of “landscape character” in its broad sense. This is because “landscape” embraces regard to settlement pattern and the setting of settlements, as well as the layout and form of buildings and spaces within them (paragraph 53);*
- *when defined, the application of the policy should be focussed on the purpose of the gap to preventing coalescence and maintaining the separate identity of settlements (paragraph 59);*
- *(the proposed approach) is not a blanket restriction on development. There will be certain developments that would not have an adverse effect on the function of the gap – although they would still need to accord with other planning policies for development in the countryside (paragraph 60);*
- *the particular pressure for the growth of Horam is a further consideration that warrants the identification of gaps relating to it and its adjacent settlements (paragraph 65).*

7.21 The policy comments that the LSGs should be retained as essentially open countryside, to protect the setting and identity of settlements and avoid their coalescence, between. It also advises that within the defined LSGs, development will only be supported which maintains the integrity of the relevant Gap.

7.22 I looked at the proposed LSGs carefully during the visit to the parish.

7.23 In its response to the clarification note HPC suggested revisions to the policy (in response to WDC’s representation) so that the second part would read as follows:

‘In the defined Local Gaps, development will only be supported which: 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.’

7.24 In its representation on the policy, WDC comments as follows:

'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.'

7.25 The representation also highlights the importance of development boundaries in the planning policy context of the District. That concept 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. WDC advises that this approach continued as part of the Wealden District Core Strategy Local Plan and has featured within the emerging Local Plan.

7.26 Finally WDC draws my attention to the recent examination of the Wadhurst neighbourhood plan (in the District) where the examiner grappled with a similar policy.

7.27 Welbeck Strategic Land has interest in land to the east of Rosemead Place, north of Marle Green. In this context it commented as follows on the proposed LSG between Horam and Marle Green:

'settlement gap policies are intended to prevent settlement coalescence. However, there is no defined boundary between Horam and Marle Green. Indeed, local residents have differing opinions as to where Horam ends and Marle Green begins. This is clearly evidenced in the emerging Wealden Local Plan which includes much of the proposed 'gap' within the Horam settlement boundary. Furthermore, our client's Site is not experienced as a gap between settlements. As noted earlier in this representation, the Site is largely detached from the wider landscape given the adjacent residential development to the west, south and north east, and the hedge and trees to the eastern and northern boundaries.'

7.28 Planning permission was granted on appeal for the parcel of land concerned (to the east of Rosemead) in April 2024. On this basis it would be inappropriate for that site to be included within a LSG.

7.29 I have considered the broader issue of the extent to which the proposed LSGs meet the basic conditions. In doing so I have given weight to my observations during the visit that the way in which the various settlements are located is a distinctive feature of the local landscape and the wider parish.

7.30 In this context I have specifically considered the extent to which the proposed designation of LSGs would be in general conformity with the strategic policies in the development plan. It is common ground that neighbourhood plans elsewhere in England have successfully incorporated LSGs (or similar designations using different wording). In those cases, the submitted plans have responded to strategic policies which set a context for the promotion of LSGs. As WDC comment:

'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.'

- 7.31 WDC draws my attention to the Independent Examiner's report on the Wadhurst Neighbourhood Development Plan. Paragraph 41 of the report advises that:

'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'

Paragraph 45 of the report comments that:

'I have given very careful consideration to the Green Gap concept, being fully aware of its local support. However, I conclude that this 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 (neighbourhood plan).'

- 7.32 HPC commented in significant detail to the WDC representation in its response to the clarification note. In summary it advised as follows:

'there is a material difference between the definition of 'development boundaries' and the 'Local Settlement Gaps' while not being mutually incompatible. 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.

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. 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 submitted Wadhurst NDP 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 NDP and those contained in the Horam NDP, and in the evidence before the examiner.

the (Wadhurst) examiner noted that Wadhurst is entirely within the High Weald AONB, as well as having three distinct Conservation Areas within the locality. 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.

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 NDP examiner in his report - fully justifies a different conclusion in this case.'

- 7.33 Plainly these are important matters. In the circumstances, I address these issues in turn below:

The relationship between Development Boundaries and Local Settlement Gaps

- 7.34 I have considered this matter carefully. I agree with HPC that, if correctly applied, the two policies could perform a complementary function. In the context of Horam parish the LSG policy has a specific focus on maintaining the gaps between settlements, and preventing their coalescence.
- 7.35 On the broader matter I have examined neighbourhood plans elsewhere which have successfully incorporated LSGs (or similar approaches with similar titles) which also have a parallel approach towards development boundaries.

General Conformity with the strategic policies in the development plan

- 7.36 Planning practice guidance (ID: 41-074-20140306) advises that:

'When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach*

- 7.37 In this case I am satisfied that Policy HCD2 of the submitted Plan is in general conformity with the strategic policies in the development plan. I have reached this conclusion for the following related reasons:

- the character of the District is heavily influenced by separate settlements;
- this approach is captured in saved policies GD1 and GD2 of the Wealden Local Plan (1998);

- the proposed definition of LSGs around Horam do not hinder the development of strategic housing development in the five main towns in the District (Uckfield, Hailsham/Hellingly, Crowborough, Heathfield, and Polegate);
- 433 homes have been developed or are committed in Horam within the Core Strategy Local Plan period.

The approaches taken in the Wadhurst and Horam neighbourhood plans

- 7.38 On the one hand, it is important that there is a clear and consistent development plan context in the District, both generally, and as WDC implements the wider development management process. On the other hand, neighbourhood plans are expected to include distinctive policies which reflect the nature and character of their respective areas.
- 7.39 I have looked at the contents of the Wadhurst neighbourhood plan and the examiner's report. I have concluded that there are significant differences between the character of the two neighbourhood areas and the submitted policies in each plan. As the examiner of the Wadhurst Plan comments much of that neighbourhood area is within the High Weald National Landscape and the Plan includes a variety of policies affecting the relationship between the various settlements. In contrast Horam Parish is less affected by the High Weald National Landscape and Policy HCD2 has clear focus on the separation of settlements. HPC has suggested that the focus of the policy is further refined in its response to the clarification note.
- 7.40 In these circumstances I am satisfied that there is no automatic need for the decision on LSGs in the Horam Plan to follow the approach taken by both the examiner and WDC in the case of the Wadhurst Plan.

Extent of the High Weald National Landscape in Wadhurst and Horam

- 7.41 For clarity the High Weald AONB has now been retitled as the High Weald National Landscape (HWNL) as part of a national review of such designations.
- 7.42 Based on the available evidence I have concluded that there are significant differences between the land in each of the parishes which fall within the HWNL. Plainly there is a higher degree of protection in the HWNL than would otherwise exist in the countryside outside a development boundary.

The extent to which the circumstances in Wadhurst and Horam justify the same examination outcome

- 7.43 Plainly each neighbourhood plan is examined on its contents/approach/policies. In Horam I am satisfied that the LSG policy has a clear focus on the definition of LSGs and preventing the coalescence of settlements.
- 7.44 In these circumstances I am satisfied that the examination of the Horam Plan is not bound by the outcome of the Wadhurst Plan on this matter.

Detailed assessment of the proposed LSGs

- 7.45 In this broader context, I now turn to a more specific assessment of the extent to which the proposed LSGs in the submitted Plan meet the basic conditions. Based on all the available information and my own observations of the parcels of land concerned, I focus this assessment on two key issues. The first is the way that the proposed LSGs relate to the existing development boundaries. The second is the scale and location of the proposed LSGs.
- 7.46 On the first issue, the proposed LSGs cover land immediately outside the development boundary of Horam. In principle such an approach is appropriate and, as described in 7.34 of this report, would be complementary to the development boundary approach which is used strategically by WDC.
- 7.47 Nevertheless, the submitted Plan has not directly addressed the definition of the development boundaries in the parish which date back to the Wealden Local Plan (1998). Whilst the inner edges of the proposed gaps (adjoining Horam) have been defined to respect development which has taken place since 1998, and the ribbon development along Vines Cross Road to the east of the Horam development boundary, the reinforced level of protection proposed by the identification of LSGs will effectively prevent the potential for further new development to come forward on the edge of Horam. In addition, the proposed LSGs fail to acknowledge that settlements in the parish have grown organically over years and have the potential to accommodate further growth without causing the coalescence of the settlements concerned. In coming to this conclusion, I have considered HPC's proposed revision to the wording of the policy in its response to the clarification note.
- 7.48 The importance of this matter is highlighted as WDC is preparing a new Local Plan which will have an identical plan period to that of the neighbourhood plan. Whilst the basic condition tests for a neighbourhood plan are with the adopted development plan, paragraph 41-009-20190509 of Planning practice guidance advises that:
- 'although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.*
- Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan (or spatial development strategy), the adopted development plan with appropriate regard to national policy and guidance.'*
- 7.49 I am satisfied that the submitted Plan has been prepared in good faith. Nevertheless, it fails to acknowledge that the emerging Local Plan will be addressing strategic growth in the wider District for the period up to 2040. WDC has advised about sites which have

been put forward for development in the Local Plan process within the proposed LSGs in the parish.

- 7.50 Planning practice guidance also advises that the local planning authority (here WDC) and the qualifying body (here HPC) should work together to ensure that local plan and neighbourhood plan policies are complementary and to minimise any conflicts between the policies in the two plans, including housing supply policies. At this point, there is no such assurance on this matter in relation to development in Horam parish.
- 7.51 In coming to this conclusion I acknowledge the lack of any certainty at this stage on the outcome of the emerging Local Plan. The adoption of the Local Plan may provide HPC with an opportunity to review its approach to LSGs. Plainly at that point, housing sites will have been identified to meet the strategic growth required for the District, and the need or otherwise for LSG in the parish (and their scale) will be much clearer.
- 7.52 On the second issue, the three proposed LSGs are different in scale. The Horam to Vines Cross is the largest, followed by the Horam to Maynards Green. As the Plan describes, the proposed Horam to Marle Green LSG recognises that the gap has been eroded as Horam has expanded to the east in recent years.
- 7.53 Plainly the scale of LSGs will be a matter of local judgement and will relate to the scale of the settlements concerned, and the distances between each settlement. At one extreme, a sliver of land (such as a paddock or a play area) between two settlements may justify such a designation, especially where the risk of coalescence is significant. At the other extreme, a much larger separation distance would fall into the category of a strategic designation (such as a Green Belt).
- 7.54 Based on the details in the Background Paper and my own assessment of the proposed LSGs, I have reached two conclusions. The first is that the proposed LSGs are strategic in scale. This conclusion applies particularly to proposed LSG between Horam and Maynards Green and between Horam and Vines Cross. Based on this conclusion any such designations should be assessed in one of two ways. The first would be within the overall preparation of a local plan (if considered necessary and otherwise important to the protection of the separation of settlements in the wider context of the Plan) taking account of the delivery of sustainable development including new residential development. The second would be the preparation of a neighbourhood plan (or a review of a made neighbourhood plan) within the context of an up-to-date and adopted Local Plan where their designation would be in general conformity with the strategic policies in the Local Plan.
- 7.55 The second conclusion is that whilst the proposed modifications to the policy suggested by HPC have merit, they do not avoid the strategic scale of the proposed LSGs.
- 7.56 On the balance of the evidence I recommend that the policy is deleted. Whilst I recognise that this approach will remove an important element of the Plan, Policy HCD1 addresses the character of the parish and the relationship between its various settlements in a more general way.

Delete the policy

Delete paragraphs 4.5 to 4.12 and Figure 11.

Policy HCD3 Waldron Ghyll Valley

- 7.57 Paragraphs 4.13 and 4.14 of the Plan assert that the Waldron Ghyll and its valley setting are a 'valued landscape' in line with para 174(a) (now paragraph 180a) of the NPPF. They also comment that it makes a significant contribution to the landscape of the Parish, as highlighted in landscape character assessments undertaken at both the county and district level, and which elevate it above other landscapes. They also advise that the landform associated with the Ghyll provides interest and helps create a sense of place, and in addition to providing the physical and visual setting of the villages, it is valuable in supporting wetland habitats and biodiversity.
- 7.58 The definition of the Waldron Ghyll Valley in the Plan as a valued landscape is underpinned by the Landscape Character Background Paper. It is shown in Figure 12 of the Plan.
- 7.59 The policy comments that 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
- 7.60 WDC questions the need for this policy. It also suggests that traditional policy considerations such as design, landscape protection, drainage and biodiversity will ensure its appropriate protection. It also comments about the potential conflict between the proposed designation of Waldron Ghyll valley and proposed housing sites in this part of the parish.
- 7.61 In its response to the clarification note HPC commented that:
- '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.'*
- 7.62 I have considered this matter carefully. On the balance of the evidence, I am satisfied that the Waldron Ghyll Valley is a valued landscape. It is a key element of the

topography of the parish and a clear feature in the local landscape. Nevertheless, I recommend that the first part of the policy is recast so that it takes on the format largely as suggested by WDC in its representation and as supported by HPC in its response to the clarification note. In doing so I have recommended that this part of the policy is more explicit in the way the Plan defines the Waldron Ghyll Valley as a valued landscape. The modified policy is worded in such a way that it sets out expectations for new development rather than preventing it from coming forward. I also recommend that the supporting text is expanded so that it relates more closely to the modified policy.

- 7.63 I also recommend a specific modification to the wording of the second part of the policy so that it has the clarity required by the NPPF.
- 7.64 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the first part of the policy with:

‘The Plan identifies Waldron Ghyll valley (as shown in Figure 12) as a valued landscape. Development proposals within the Ghyll valley should be sensitive to its character and appearance and not cause unacceptable harm to its open landscape character.’

In the second part of the policy replace ‘its biodiversity and amenity value shall be supported’ with ‘the biodiversity and amenity value of the Valley will be supported’

At the end of paragraph 4.16 add: ‘Policy HCD3 is worded in such a way that it sets out expectations for new development rather than preventing it from coming forward.’

Policy HCD4 Important Local Views

- 7.65 This policy proposes a package of Important Local Views (ILVs). The approach taken is underpinned by the ILV Background Paper.
- 7.66 The Background Paper comments about a series of important principles which have been involved in selecting the ILVs including:
- a view should make a significant contribution to the appreciation of the visual amenities or character of the parish – its sense of place;
 - some views are appreciated because they exemplify the characteristics of the landscape, others are panoramas or distant views (these being less common largely by virtue of the extensive tree cover), while others are of historic or other notable buildings or other features intrinsically associated with the parish; and
 - in the most part, simply because of where people live, outward views from settlements into the surrounding countryside, that provide a distinctive frame for them, feature. Reciprocal views into settlements can also be particularly important, especially where they highlight the settlement’s form or a distinctive landmark. The (few) cases where there is inter-visibility between settlements, notably the view from Vines Cross to Warbleton Church, are highlighted.

- 7.67 The Plan explains the context to the policy. It advises that due to Parish's position straddling ridges either side of the Waldron Ghyll, there are various high points and locations where views are afforded over land between settlements and the countryside, including across the High Weald National Landscape and southwards across the Low Weald as far as the South Downs. It also advises that all the proposed ILVs are public vantage points.
- 7.68 The policy advises that ILVs should be retained. It also comments that proposals for development which would not have an adverse impact on an Important Local View by virtue of height or massing for example, will be supported, subject to other development plan policies.
- 7.69 WDC comments generally on the policy as follows:
- '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..... Many of these views are across sites put forward in the SHELAA process and there may be issues around trying to restrict development.'*
- Welbeck Strategic Land and DL and G Blackden also comment on the policy and specific views.
- 7.70 I have considered these various comments very carefully. In the round, I am satisfied that the Background Document has assessed the views in a consistent fashion. Whilst a range of views has been identified, they are typical of a parish with the landscape characteristics of Horam. In addition, there is no need for HPC to rank the views in terms of their order of importance.
- 7.71 There is a degree of tension between some of the ILVs and sites which have been promoted in the Local Plan process (through the SHELAA exercise). However, I am satisfied that the general nature of the policy (and as supplemented by my recommended modifications below) will enable any proposals which come forward in the Local Plan to be designed to be compatible with the contents of this policy.
- 7.72 In general terms, I am satisfied that the policy takes a positive approach to this matter and has regard to Section 15 of the NPPF. It complements the landscape character and appearance of the parish. Nevertheless, I recommend that the policy is recast so that it has the clarity required by the NPPF and can be implemented by WDC in a clear and consistent way. The recommended modified policy does not include the first part of the submitted policy which was a statement of fact rather than a land use policy. The recommended modified policy will allow WDC to apply the policy in a proportionate way in relation to the development proposed. In addition, it requires that proposals should respond positively to the identified ILVs in terms of their layout, height, scale, and massing.
- 7.73 Welbeck Strategic Land raises an objection to the identification of View 12 (Footpath 11). As I have already commented, planning permission has now been granted on

appeal for the residential development of the land to the east of Rosemead. As such I recommend that the view is deleted from the policy.

- 7.74 Plainly views do not respect administrative boundaries. However, I recommend modifications both to the supporting text and to the ILVs shown on Figure 13 to clarify that the policy applies only to those parts of the ILVs which are within the parish. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘As appropriate to their scale and nature, development proposals should respond positively to the identified Important Local Views (as shown on Figure 13) in terms of their layout, height, scale and massing.’

Delete view 12 from Table 1

At the end of paragraph 4.17 add: ‘Plainly views do not respect administrative boundaries. However, this policy applies only to those parts of wider views which are within the parish.’

On Figure 13 restrict the views as shown to within the neighbourhood area

Policy HCD5 Design of Development

- 7.75 This is a key policy in the Plan. It comments about the design of new development. It is underpinned by the Horam Design Guidelines (HDG). This Plan comments that this reflects the approach taken in the NPPF which encourages the use of codes and guidelines to help deliver quality outcomes for new development.
- 7.76 The HDG presents a set of principles and guidance, advocating a character-led approach to the design of development which responds to and enhances the existing town and landscape.
- 7.77 Key characteristics across the Parish are identified in the HDG. They are summarised in Table 2. This is a key success of the Plan and will feed positively into the development management process. The policy comments that the design of all new development must respond positively to and reinforce the local character and distinctiveness, as summarised in Table 2, applying relevant guidelines in the HDG. In respect of housing development in, or within the setting of, the HWNL, the policy advises that regard should also be had to the High Weald Housing Design Guide. The policy also sets out a series of distinctive design principles.
- 7.78 In general terms the policy takes a very positive approach to this matter. It is an excellent local response to Section 12 of the NPPF. I recommend modifications to the first and to the third parts of the policy so that they can be applied by WDC in a proportionate way. This will bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development

In the first part of the policy delete ‘all’

Replace the opening element of the third part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should:’

Policy HCD6 Local Heritage

- 7.79 The policy addresses the built heritage of the parish. The policy and the supporting text acknowledge that there is already legislative and national policy protection to designated heritage assets. However, the text notes that there are non-designated heritage assets which are also important to the character and identity of the parish and its evolution over time. Details are set out in the supporting ‘Horam Parish: Historic Overview, Character and Issues Statement’.
- 7.80 The policy comments that development proposals should seek to conserve and, where possible, enhance the local distinctiveness of buildings and structures which are of local architectural and historic interest and contribute to the heritage significance of the Parish.
- 7.81 In general terms, the policy takes a positive approach to this matter and has regard to Section 16 of the NPPF. Nevertheless, I 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.
- 7.82 Otherwise the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the policy with:

‘Development proposals should seek to conserve and, where possible, enhance the local distinctiveness of buildings and structures which are of local architectural and historic interest and contribute to the heritage significance of the parish.

Development proposals should have regard to the historic character and evolution of the Parish set out in ‘Horam Parish: Historic Overview, Character and Issues Statement’ and other relevant records, including the East Sussex Historic Environment Record.

The effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining planning applications. In weighing planning applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

Policy HHD1 Housing type, size, and mix

- 7.83 The policy comments about the type of housing to be developed. Its approach taken in the policy is underpinned by the findings of the Housing Needs Assessment (HNA). It indicates that the housing stock in the Parish has a high proportion of detached and semi-detached homes, as well as a relatively high share of bungalows. Although it notes that the overall number of smaller homes, including 2-bedroom homes, has

increased since 2011, because of new development that has taken place, the size mix remains generally larger than the national average (though slightly smaller than the average for Wealden as a whole). The HNA notes that the type and size of housing in the Parish links back through to matters of affordability.

7.84 The policy is wide-ranging and comments about housing type, size, and mix. It includes elements on:

- specific guidance on house sizes;
- proposals for extensions and annexes; and
- the provision of homes suitable for older residents, including supported and specialist housing.

7.85 In its representation on the policy, WDC comments that:

'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.'

7.86 In its response to the clarification note, HPC advised:

'this (difference) 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.'

7.87 In general terms I am satisfied that the policy is underpinned by appropriate evidence and seeks to address some of the imbalances in the housing mix in the neighbourhood area.

7.88 I have considered the comments made by WDC about the first part of the policy very carefully. On the balance of the evidence, I am satisfied that the policy takes a balanced approach and meets the basic conditions. Nevertheless, I recommend that the supporting text is expanded to explain more fully the intention and details of the policy. This includes commentary on the way in which the policy would better apply to larger development proposals.

7.89 I also recommend that the second part of the policy is recast so that it has the clarity required by the NPPF.

7.90 The third part of the policy comments positively about proposals for extensions and annexes to support independent living by family members. Whilst the approach taken is appropriate, I recommend that the details about the family members included in the

policy are deleted. The very specific approach in the submitted Plan could exclude other equally-appropriate family members or relations.

- 7.91 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening element of the first part of the policy with: ‘Wherever practicable, a minimum of 70% of the homes in residential developments should comprise a mix of 1, 2 and 3-bed homes, to the following proportions:’

Replace the second part of the policy with: ‘Alternative mixes of housing will be supported where justified by appropriate data on housing needs or where the mix would result in a development out of character with its setting.’

In the third part of the policy delete ‘older children or elderly’

At the end of paragraph 5.8 add: ‘In addition, the mathematical approach in Policy HDD1 will inevitably apply better to larger proposals (of ten or more homes). Nevertheless, the principles of delivering smaller homes should be incorporated into smaller developments. Where appropriate, the WDC Housing Team can 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.’

Policy HHD2 Affordable housing

- 7.92 This policy is also underpinned by the HNA. It advises that the parish has a high percentage of home ownership compared to England as a whole, and a low percentage of social rented (9%) and private rented (11%) accommodation compared to England.
- 7.93 The policy is comprehensive and addresses the following elements:
- on developments of ten or more homes (or five or more if located in the HWNL), 35% (or any subsequent target introduced through the review of the Local Plan) of those homes must comprise affordable housing;
 - the provision of affordable homes should, subject to viability, be split such that 60% takes the form of rented tenures, with the remaining 40% as affordable home ownership options of which at least 25% are First Homes and the balance comprising other intermediate tenures;
 - on qualifying developments, applicants are encouraged to deliver First Homes at a discount of up to 50%, unless evidence is provided which shows that, when taken with other affordable housing requirements, is unviable. In this instance, regard should be had to the local (Parish) Housing Need Assessment (see Appendix 4) and any more recent data on local housing needs to determine priorities; and
 - all affordable homes, including First Homes, should be designed such that they are tenure-blind.

7.94 In its representation on the Plan WDC comments:

'The 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 HNBP, 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'

7.95 In its response to the clarification note, HPC advised about the way in which it had approached the viability issue and that it is minded to support the reference in Policy HO1 of the emerging Local Plan which comments about the importance of neighbourhood plan-related housing needs assessments.

7.96 I have considered the details of the policy carefully, including the views of WDC and HPC. On the balance of the evidence, I recommend that the policy is deleted. I have come to this judgement for the following related reasons:

- the policy takes a different view on the matter of the delivery of affordable homes and First Homes to that currently taken by WDC. This will not assist in bringing the clarity to the development industry and social housing providers required by the NPPF;
- the approach taken in the submitted policy is not supported by viability assessment; and
- whilst the policy acknowledges that the delivery of affordable homes and First Homes will be subject to viability testing, such an approach does not provide any clarity or certainty and defers any judgement to the detailed consideration of individual planning applications.

7.97 In reaching this judgement I am satisfied that the potential delivery of affordable homes and First Homes in the parish will be unaffected given that WDC already has a well-rehearsed approach to this matter and is working towards an updated approach in the emerging Local Plan. This includes the tenure-blind element of the policy.

Delete the policy

Delete paragraphs 5.16 to 5.24

Policy HCE1 Nature and biodiversity

7.98 The policy comments about the natural environment of the parish. It is underpinned by extensive supporting text which comments about national legislation and provides detail about biodiversity in the parish.

7.99 The policy is comprehensive and includes the following elements:

- development will be expected, as a minimum, to conserve, restore and enhance existing priority habitats, including ancient woodland;
- 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 should incorporate green infrastructure within the scheme design and layout where possible, either through retention and or provision of new infrastructure; and
- development should incorporate features that support local species.

7.100 In general I am satisfied that the policy takes a positive approach and has regard to Section 15 of the NPPF. It carefully avoids a duplication of national legislation on biodiversity net gain.

7.101 As submitted, the policy assumes that it will have universal application. However, it will not impact on most minor and domestic proposals such as new shopfronts in the village centre. As such, I recommend that the structure of the policy is reconfigured so that its four elements will apply both where relevant, and then on a proportionate basis.

7.102 The second sentence of second part of the policy comments about the potential for off-site mitigation. It has attracted comments both from WDC and the HWNL Team. On the balance of the evidence, I recommend that the second sentence is deleted. WDC will be able to make a judgement on a case-by-case basis when this matter arises. In any event, the matter is addressed generally in national policy.

7.103 I also recommend other specific modifications to the policy to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

At the beginning of the overall policy insert: 'Where relevant, and as appropriate to their scale, nature and location:'

In the first part of the policy replace 'Development will be expected, as a minimum, to' with 'Development proposals should'

In the first sentence of the second part of the policy replace 'will be expected to' with 'should'

Delete the second sentence of the second part of the policy.

In the third and fourth parts of the policy add 'proposals' after 'Development'

Policy HCE2 Trees and hedgerows

7.104 The policy comments that existing woodland, trees and hedgerows, especially veteran trees and Ancient Woodland as well as trees along stream courses, and roadside trees, should be retained and protected. It also advises that development which incorporates, or is likely to impact on, existing trees, woodlands, or hedges, should provide for their retention and ongoing management.

- 7.105 I saw the importance of trees and hedgerows in the parish during the visit.
- 7.106 WDC comment that in some cases existing trees may need to be removed to allow new development to take place or to allow the continued well-being of other trees. HPC comments that WDC's proposed revision would weaken the policy. I have considered this matter carefully. I recommend that the issue raised by WDC is addressed in the supporting text.
- 7.107 The third part of the policy is more a statement of the outcomes of tree planting rather than a land use policy. I recommend that the land use element is retained in a recast policy and that the other elements are repositioned into the supporting text.
- 7.108 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the third part of the policy with: 'The type and location of new tree, woodland and hedgerow planting should be informed by the historical character of the area.'

At the end of paragraph 6.14 add: 'The planting of new trees provides a buffer to existing ancient woodland; enhances landscape and wildlife connectivity, notably between existing woodland habitats; helps to slow surface water run-off, manage flood flows and other climate change effects; reinforces, or provides, a treed backdrop to new development in keeping with local character; and helps maintain the continuity of tree cover or reinforces natural regeneration or colonisation.'

At the end of paragraph 6.15 add: 'The second part of Policy HCE2 comments about the retention of existing trees. Nevertheless, it is acknowledged that in some cases existing trees may need to be removed to allow new development to take place or to allow the continued well-being of other trees. In such circumstances, the District Council will be able to come to a judgement on a case-by-case basis.'

Policy HCE3 Dark skies and lighting

- 7.109 The context to the policy is that much of the parish benefits from dark skies with areas of most light pollution in the existing built-up area of Horam village (as well as from the golf driving range to the south west), though this is still relatively low in comparison to much of urban Wealden. The HDG recognises the strong rural character of Horam, and the dark skies it benefits from. Despite the value of artificial light in creating more welcoming spaces at night time, the HDG recognises that it is important for new development to minimise the potential impact of street or house lighting on the natural habitat and light pollution.
- 7.110 The policy comments that new street lighting will only be supported where there are significant public and highway safety concerns, and will not normally be supported within residential and rural areas. It also comments that proposals for development where external lighting is deemed to be necessary will only be supported where it is demonstrated that it protects the night sky and natural environment from light pollution through a series of measures. Finally, it comments that the HDG shall be used to inform the design, location, and fitting of external lighting as part of developments requiring

planning permission and that new lighting shall be designed to be in harmony with the setting.

- 7.111 In general the policy takes a good approach to this matter. However, I recommend that the opening element of the second part of the policy is reconfigured so that it naturally flows on from the first part. As submitted the policy has a negative approach. Otherwise, it meets the basic conditions and will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Replace the opening element of the second part of the policy with: 'Where external lighting is necessary on safety grounds as part of development proposals its design and positioning should protect the night sky and natural environment from light pollution through:'

Policy HCE4 Local green space designation

- 7.112 This policy proposes the designation of seventeen local green spaces (LGSs). The policy is underpinned by the details in Appendix 3. The Plan advises that they are discrete areas and most are in existing public use or with some public access. The first part of the policy lists the proposed LGSs. The second part sets out the implications of such designations on the determination of planning applications.
- 7.113 I looked at several of the proposed LGS during the visit. I concentrated on those where there was a disagreement about the appropriateness of the proposed designation.
- 7.114 In general terms, the policy addresses the designation of LGSs in a comprehensive way. It provides a local interpretation of national policy
- 7.115 I comment below on the areas of contention. In the main they are raised by WDC. In the case of proposed LGS 27 (Field between Laundry Lane and the Rosemead Place development) concern is also raised by Welbeck Strategic Land:

LGS1 (Land at the corner of the A267) – WDC advises about the promotion of the site for development in the emerging Local Plan. HPC suggest that the site is better suited to informal open space and being managed as part of the former Merrydown site. On the balance of the evidence, I recommend that the proposed designation is deleted. At this point, there is no assurance that the site is capable of enduring beyond the Plan period or that its designation is consistent with the local planning of sustainable development (as required by paragraph 106 of the NPPF).

LGS6 (Land at the corner of Paynsbridge Way and Vines Cross Road) – I am satisfied that the proposed designation meets the three criteria in paragraph 105 of the NPPF. It provides an attractive green space in a largely residential part of Horam.

LGS8 (Land by Hillside Car Park) - I am satisfied that the proposed designation meets the three criteria in paragraph 105 of the NPPF. It provides an attractive green space within the context of the Hillside car park. That car park is well-used by residents and visitors using both the Village Centre or the Cuckoo Trail.

LGS27 (Field between Laundry Lane and the Rosemead Place development) – Planning permission was granted on appeal for the development of the site concerned

for residential; purposes earlier this year. On this basis I recommend the deletion of the proposed designation.

LGS28 (Rural fringe alongside the Waldron Ghyll) - I am satisfied that the proposed designation meets the three criteria in paragraph 105 of the NPPF. The Waldron Ghyll Valley is an important element of the local landscape and is valued by local people. Its proposed designation as a LGS will complement the provision of Policy HCD3 of the Plan.

The other proposed LGSs

- 7.116 On the basis of all the information available to me, including my own observations, I am satisfied that the other proposed LGSs comfortably comply with the three tests in the NPPF. In several cases they are precisely the type of green space which the authors of the NPPF would have had in mind in preparing national policy. The Recreation Ground (LGS4) is the obvious example.
- 7.117 In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 105 of the NPPF. Firstly, I am satisfied that the designations are consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. They are an established element of the local environment and have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed LGSs would not endure beyond the end of the Plan period.

The policy wording

- 7.118 The wording of the second part of the policy makes the connection with planning controls in the Green Belt. Nevertheless, I recommend that it is modified so that it takes the matter-of-fact approach as set out in paragraph 107 of the NPPF. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy delete LGS 1 and LGS 27.

Replace the second part of the policy with: ‘Proposals for development within the designated Local Green Space will only be supported in very special circumstances.’

Policy HCE5 New amenity green spaces

- 7.119 The policy comments that proposals for new residential development (resulting in a net gain of new homes) shall contribute towards the provision of accessible and inclusive natural & semi-natural green spaces, amenity green space and play space for children and young people in line with quantity and accessibility standards established in the Wealden Open Space study.

- 7.120 In general the policy takes a positive approach to this policy which relates to existing guidance. However, to bring the clarity required by the NPPF I recommend that the policy is modified so that it can be applied by WDC proportionately and where practicable. I also recommend modifications to supporting text to ensure factual accuracy.
- 7.121 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

At the beginning of the first part of the policy add ‘Where relevant, and as appropriate to their scale, nature, and location,’

Replace paragraph 6.28 with: ‘The Wealden District Council Open Space Study: Parish Area Summary, September 2022 advises that, in Horam Parish, there are significant shortfalls against recognised standards both of natural and semi-natural and of amenity green space; also, the sites assessed fall below quality thresholds.’

Policy HCE6 Flood risk

- 7.122 The supporting text advises that:
- the presence of watercourses and the topographical variations have had an influence over the development of the area. Although most of the settlements in the Parish are on higher ground, over time expansion has extended to lower levels which can be affected by fluvial flooding as well as surface water flooding.
 - the parish is bisected by the Waldron Ghyll, a principal tributary of the Cuckmere River, which runs north to south. The profile of the Ghyll, which starts at a high point north of the Parish and running downhill through it, means that it can experience considerable increases in the height of water within it over a very short period following heavy and/or prolonged rain.
 - this is exacerbated by the local geology and predominance of clay soils, which impede drainage into the ground and increase run-off to watercourses.
- 7.123 The resulting policy is comprehensive and includes the following elements:
- the existing network of rivers and streams, associated flood plains and other areas of flood risk shall be conserved and protected;
 - proposals for development should demonstrate that they can be safely accommodated; and
 - any new development must ensure peak run-off rates are not increased and, where possible, reduced.
- 7.124 In general terms the policy takes an appropriate approach to drainage and has regard to Section 14 of the NPPF. Nevertheless, I recommend modifications so that the policy can be applied in a proportionate way by WDC. This acknowledges that most development proposals within the Plan period will continue to be minor and domestic and which may not impact significantly on the policy. I also recommend other modifications to the policy so that it better relates to the development management process.

- 7.125 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the first part of the policy replace 'shall' with 'should'

In the second part of the policy replace 'Proposals for development' with 'As appropriate to their scale, nature and location, development proposals'

Replace the opening element of the third part of the policy with: 'As appropriate to their scale, nature and location, development proposals should ensure that peak run-off rates are not increased and, where practicable, reduced, by:'

Policy HLE1 Horam Village Centre

- 7.127 The Plan advises that Horam village acts as a service centre for the village itself as well as surrounding villages and hamlets. The junction of A267 and B2203 roads form the traditional commercial heart of Horam village where there are several smaller independent retailers alongside a Co-op convenience store. In addition, it comments that several other local services can be found including a doctor's surgery, dentist, cafes, the local butchers, a pre-school, and the village hall. The village of Horam is defined in the Wealden Core Strategy as a local service centre which are places that have some local services and facilities, including employment.
- 7.128 The resulting policy is wide-ranging and addresses the following matters:
- proposals for development in Horam village centre should, where appropriate, incorporate a mix of uses consistent with the role, function, and character of the centre;
 - where new development is proposed in Horam village centre it should reflect the advice in the HDG;
 - proposals for development in the village centre should relate well to the street and contribute to the quality of the public realm; and
 - detailed guidance on a change of use that results in a loss of Use Classes E or F in the village centre.
- 7.129 I saw the importance of the Village Centre to the community during the visit. In general terms this is a very effective policy and has regard to Section 6 of the NPPF.
- 7.130 WDC commented about the boundary of the Village Centre and the way it which relates to details in the emerging Local Plan. HPC agreed with WDC's suggestion and proposed that the boundary should be amended. I recommend accordingly.
- 7.131 I also recommend modifications to the wording of the first and second parts of the policy. In both cases, they will bring the clarity required by the NPPF and allow WDC to apply the policy in a consistent way through the development management process. In the case of the first part of the policy, the criteria become reworded as development principles. Plainly not every principle will apply to each development proposal.
- 7.132 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the first part of the policy with: ‘Development proposals in Horam village centre (as defined in Figure 17), should be consistent with the role, function, and character of the centre and respond positively to the following principles:’

Replace the opening element of the second part of the policy with: ‘New development in Horam village centre should respond positively to the relevant sections of the HDG and:’

Revise the boundary of the Village Centre to the details in Appendix E of HPC’s response to the clarification note.

Policy HLE2 Employment

7.133 The context to the policy is HPC’s ambition to help maintain the local economy while protecting the character of the local area from inappropriate development. As such the Plan supports the sustainable growth and expansion of business and enterprise through the development and, where appropriate, conversion of existing buildings.

7.134 The policy is comprehensive and includes the following elements:

- support for the retention of existing employment uses (B2, B8, E(g)) for small businesses, subject to impact on neighbouring amenity, wherever viable;
- support for proposals for employment uses subject to other development plan policies; and
- where employment use is provided as part of a mixed-use development this should be designed to avoid noise and odour conflicts between uses.

7.135 In general terms the policy takes an appropriate approach to employment uses and has regard to Section 6 of the NPPF. However, to bring the clarity required by the NPPF I recommend the following modifications:

- the deletion of the first part of the policy. It is unnecessary as planning permission is not needed for the retention of employment uses
- the deletion of the element of the second part of the policy which comments about other development plan policies. It is unnecessary as the development plan is intended to be read as a whole
- the third part of the policy is recast so that it better explains its intentions.

7.136 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Delete the first part of the policy.

In the second part of the policy delete ‘subject...policies’

Replace the third part of the policy with: ‘Mixed-use developments should be designed and arranged to avoid noise and odour conflicts between the employment and residential uses.’

Policy HLE3 Visitor accommodation and facilities

- 7.137 The context to the policy is that the parish is a popular destination for visitors. It is well located in respect of access to the High Weald National Landscape, the Sussex coast and beaches and various castles, historic towns, houses, and gardens. The Plan comments that the parish has a golf course, fishing lakes, a stables and vineyard while the public rights of way and the Cuckoo Trail provide opportunities for walking, cycling and horse-riding. It also advises that Horam Manor Country Park provides opportunities for camping, with businesses in the village centre benefitting from people staying in the area or visiting for short trips. In this context it advises that proposals for uses and interventions that seek to strengthen the role of Horam Parish as a centre for visitors and the tourism industry, and which thus support the local economy are welcome.
- 7.138 The resulting policy is wide-ranging policy and includes the following elements:
- proposals for visitor accommodation, including Bed & Breakfast or Guest House style accommodation, holiday rental, touring caravan and camping sites will be supported;
 - detailed requirements for proposals for new camping or caravan sites (or changes to existing sites);
 - proposals should seek to retain existing visitor attractions, tourist, and hospitality facilities; and
 - proposals that involve the closure of existing visitor attractions and facilities, including the golf course, stables, fishing lakes, vineyard and Brewers Arms will not be supported, unless certain criteria are met.
- 7.139 In general terms, I am satisfied that the policy takes a positive approach. It is appropriate for the parish and has regard to Section 6 of the NPPF.
- 7.140 WDC suggest that the policy should only apply within identified development boundaries. I have considered this suggestion very carefully. However, it would be very restrictive and the NPPF is more flexible on the matter. In any event most camping and caravan sites could not practically be sited within the development boundaries (as currently defined).
- 7.141 I recommend that the opening elements of the first and the second parts of the policy are recast to bring the clarity required by the NPPF and to allow WDC to apply their contents in a consistent way through the development management process. Their purpose remains unaffected.
- 7.142 I recommend that the third part of the policy is deleted and repositioned into the supporting text. It has a negative tone and is partly an outcome of the approach taken in the first two parts of the policy.
- 7.143 Finally I recommend that the first sentence of the fourth part of the policy is deleted. It does not directly relate to the principal element of this part of the policy. In addition, it is unnecessary (as planning permission is not required for the retention of existing visitor accommodation premises).

- 7.144 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the first part of the policy with: ‘Proposals for visitor accommodation (including bed & breakfast or guest house accommodation) holiday rental, touring caravan and camping sites will be supported where they can be incorporated in a satisfactory way in the local landscape, they are visually acceptable and they can be accommodated within the local highways network.’

Replace the opening element of the second part of the policy with: ‘Development proposals for new camping or caravan sites, or for the extension/adaptation of existing sites should demonstrate that:’

Delete the third part of the policy.

In the fourth part of the policy delete the initial sentence.

At the end of paragraph 7.13 add: ‘Policy HLE3 addresses these matters. Long term measures to encourage sustainable travel, environmental stewardship and overall good site management may be required. Proposals for development will not be supported where they would result in the loss camping and caravan sites or they involve the replacement of camping and touring caravan plots with static units, including single storey chalet or lodge style development for holiday purposes.’

Policy HTM1 Traffic management

- 7.145 The context to this policy is the concerns which were expressed throughout the consultation process as to the speed and volume of traffic on roads across the parish. In addition, the community gave support to reducing speeds, and thus improving conditions for people walking and cycling, on the A267 into and through Horam, on the B2203 in Horam and in Maynard’s Green, on roads through Vines Cross, and on rural lanes in general.
- 7.146 The policy comments that development proposals should ensure that it has no adverse impact on road safety or severe impacts on the road network, including congestion, either alone or in combination with other development. It also advises that proposals that take opportunities to help minimise the speed, volume, and impact of traffic on existing streets and lanes in the Parish will be supported. Finally, it comments that where proposals for development involve the creation of new streets, they should comply with a series of criteria.
- 7.147 In the round this is a distinctive policy which supplements the provisions of Section 9 of the NPPF.
- 7.148 I recommend a modification to the wording used in the third part of the policy so that it better relates to the development management process. Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

In the third part of the policy replace ‘shall’ with ‘should’

Policy HTM2 Active and healthy travel

- 7.149 The context to the policy is that the parish benefits from an extensive network of footpaths and Public Rights of Way, which include The Cuckoo Trail. These connect the various settlements, providing good accessibility for residents and visitors, particularly those using the routes for leisure and recreation purposes.
- 7.150 The policy is wide-ranging and includes the following elements:
- proposals for new residential and commercial development are expected to include inclusive and accessible active travel infrastructure, proportionate to their size, which satisfy a series of active travel criteria;
 - proposals for residential development shall provide secure cycle storage assigned to the dwelling and located within or immediately adjacent to the property, fully enclosed and at ground-level; and
 - proposals for commercial, leisure and community uses should support and enable active travel through inclusion of safe, secure, dry and convenient cycle parking, charging facilities and changing facilities where appropriate.
- 7.151 In the round this is a distinctive policy which supplements the provisions of Section 9 of the NPPF. In this context I recommend that the opening element of the first part of the policy is recast so that it better expresses the proportionate intentions of the policy. I also recommend specific modifications to the wording used elsewhere in the policy to bring the clarity required by the NPPF.
- 7.152 I recommend the deletion of the second part of the policy which seeks to relate broader development proposals to the delivery of the Projects in the Plan. Whilst there will be occasions where there is a direct relationship between these issues, those circumstances will not always apply. As such, the policy will not have regard to national policy on developer contributions.
- 7.153 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of each of the three dimensions of sustainable development.

Replace the opening element of the first part of the policy with: ‘As appropriate to their scale, nature and location, proposals for residential and commercial development should include inclusive and accessible active travel infrastructure which satisfy the following active travel criteria:’

In a) replace ‘Where appropriate to the site, these’ with ‘Where practicable, the routes’

Delete the second part of the policy.

In the third part of the policy replace ‘shall’ with ‘should’

In the fourth part of the policy add ‘Wherever practicable’ at the beginning and delete ‘where appropriate’

In paragraph 8.9 replace the final sentence with: ‘Wherever practicable, development proposals should respond positively to these and other Projects in the Plan’

Policy HTM3 The Cuckoo Trail

- 7.154 The Plan advises that the Cuckoo Trail is a key asset for Horam and surrounding communities. It is the route of the former Eastbourne to Tunbridge Wells railway and now forms a fourteen-mile, mainly off-road, route for walking, cycling and horse riding. The route is well used and enjoyed on a regular basis and I saw this first hand during the visit.
- 7.155 The policy advises that the recreational and amenity value of the Cuckoo Trail will be retained and enhanced, and opportunities taken that support improvements to the quality of the Trail (as recommended in the Cuckoo Trail User Research report and Cuckoo Trail Strategy). It identifies specific proposals which would be supported.
- 7.156 I saw the importance of the Cuckoo Trail during the visit. It is an attractive and well-used recreational facility. The policy responds positively to the significance of the Trail. I am satisfied that it meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy HTM4 Public Transport

- 7.157 The Plan advises that the context to the policy is that residents living in the smaller settlements in the Parish do not benefit from bus routes near their home and that many are effectively dependent upon a car for travel. HPC is keen to work with partner organisations to deliver improved bus services.
- 7.158 The policy advises that development will incorporate sustainable transport measures, including new bus routing and additional bus stops, new or improved waiting facilities, including real time information, and improved walking routes to existing bus stops, which may include new crossing points next to bus stops. It also advises that where development is designed to accommodate public transport, streets must be carefully arranged to balance the needs of competing users and avoid conflicts between bus users, pedestrians, and cyclists.
- 7.159 In general the policy takes a positive approach to these matters and has regard to Section 9 of the NPPF. Within this context I recommend the following modifications to allow WDC to apply the policy in a clear and consistent way through the development management process:
- the opening element of the first part of the policy is recast so that it better expresses the proportionate intentions of the policy;
 - the deletion of the third part of the policy (on the position of bus stops) and its repositioning into the supporting text. This acknowledges that it explains the implementation of the second part of the policy rather than being itself a land use policy.

Replace the first part of the policy with: ‘As appropriate to their scale, nature and location, development proposals should incorporate sustainable transport measures, including new bus routing and additional bus stops, new or improved waiting facilities, including real time information, and improved walking routes to existing bus stops, such as new crossing points next to bus stops.’

In the second part of the policy replace ‘must’ with ‘should’

Delete the third part of the policy.

At the end of paragraph 8.17 add: ‘The first part of Policy HTM4 comments about the need for development proposals to incorporate sustainable transport measures. Any bus stops provided in areas of new development should be located so that all residents are, as far as possible, within walking distance of a bus stop. This is defined as 400m based on the available local walking network.’

Policy HCF1 Community facilities

7.160 The context to the policy is that the provision of social and community infrastructure in Horam is critical to sustaining and meeting the day-to-day needs of residents, providing access to essential services and facilities, supporting community cohesion, and helping to maintain a high quality of life.

7.161 The resulting policy is comprehensive in its nature and includes the following elements:

- the criteria which proposals for new or improved community facilities, including healthcare and community meeting space should meet;
- the loss of a community facility will only be supported where a replacement is provided, equivalent to or better than exists currently or where the need can be met by an existing facility within the parish, and where evidence is provided that demonstrates that the current facility is no longer required or viable;
- where an existing community facility is to be vacated, and wherever practicable, reuse for alternative community facilities will be the preferred land use option. Proposals that would result in the loss of community facilities will need to be supported by material which demonstrates the benefits to the community which outweigh the harm created by loss of that facility.

7.162 In the round the policy recognises the importance of community facilities in the parish and has regard to Section 8 of the NPPF.

7.163 WDC suggests that the first part of the policy should support new community facilities within defined development boundaries. I have taken account of HPC’s comments on that suggestion in its response to the clarification note. On the balance of the evidence, I am satisfied that this element of the policy meets the basic conditions. Any proposals for new community facilities outside a development boundary would be considered against wider development plan policies and on their merits.

7.164 I am satisfied that the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy HCF2 Sport, leisure, and community facilities

7.165 This policy continues the Plan’s approach to community facilities. It advises that proposals for development that provide new or improved indoor and outdoor sport, leisure, and recreation facilities, including a youth centre, ball courts and a pump track, will be supported where they meet a series of criteria.

- 7.166 This is an excellent policy which has regard to Section 8 of the NPPF. The criteria are both appropriate and distinctive to the parish. It meets the basic conditions and will contribute to the delivery of the social and the environmental dimensions of sustainable development.

Policy HCF3 Infrastructure

- 7.167 The context to the policy is that concern has been expressed in respect of healthcare provision, education and waste water services, and the pressure being placed on these by new development. The supporting text advises that for the purposes of the policy, physical infrastructure includes highways, utilities, waste and water, social infrastructure includes schools, healthcare and play space, and green infrastructure includes natural and semi-natural green space.
- 7.168 The policy comments that proposals for major development that include new infrastructure (physical, social, and green) should outline how the infrastructure will be delivered and, should the application site comprise multiple land ownerships, the mechanisms by which landowners will work together to deliver those infrastructure items. It also comments that where possible, new infrastructure, including community uses, should be delivered during the first phase of development, or prior to occupation of the respective phase of development to which that infrastructure item is related, to help build a sense of community and integration with existing surrounding communities.
- 7.169 This is an excellent policy which has regard to Section 8 of the NPPF. The approach taken is both appropriate and distinctive to the parish. I recommend that the wording in the second part of the policy is modified so that it refers both to the practicability of the early delivery of infrastructure and its potential impact on the commercial viability of the development concerned.
- 7.170 Otherwise, the policy meets the basic conditions. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

In the second part of the policy replace 'possible' with 'practicable and commercially viable'

Policy HCF4 Allotments and food growing opportunities

- 7.171 The Plan advises that the provision of allotments and other community-based food growing opportunities are recognised as being important in terms of food resilience, health, and mental well-being.
- 7.172 The policy is comprehensive and addresses the following elements:
- proposals for major residential development shall provide new growing space in the form of allotments, community orchards or gardens in line with quantity standards established in the Wealden Open Space Study (April 2022) and informed by evidence of local demand;
 - proposals for the reuse of currently underutilised or vacant land for the use of growing space will be supported; and

- where allotment gardens are provided, natural boundary treatments, including trees and hedges, should be used instead of perimeter fences.

7.173 In the round this is a good policy which has regard to the natural environment of the parish and has regard to Section 8 of the NPPF. It will contribute to the delivery of the social and the environmental dimensions of sustainable development.

7.174 Within this context I recommend the following modifications to bring the clarity by the NPPF and to allow WDC to be able to apply the policy consistently through the development management process:

- a refinement to the way in which proposals for allotments should relate to green infrastructure in the parish (in the first part of the policy);
- the deletion of the third part of the policy – the inclusiveness of allotments is not directly a land use issue; and
- a recasting of the fourth part of the policy so that it better expresses its intentions

Replace the first part of the policy with:

‘Proposals for major residential development should provide new growing space in the form of allotments, community orchards or gardens in accordance with quantity standards established in the Wealden Open Space Study (April 2022) and informed by evidence of local demand. Where it is proposed to provide growing space on-site, its location should relate positively to the wider green infrastructure network, wherever practicable.’

Delete the third part of the policy.

Replace the fourth part of the policy with: ‘Wherever practicable, the development of allotments should incorporate natural boundary treatments, including trees and hedges.’

Projects

7.175 The Plan includes a series of Projects. They have arisen naturally as it was prepared. The Projects are set out in the main part of the Plan rather than in a separate section as advised in national policy. I have considered this matter carefully. On the balance of the evidence, I am satisfied that the approach taken is appropriate for the following reasons:

- the Plan identifies the distinction between policies and projects in paragraph 1.15. This is best practice;
- the policies and the Projects are shown in different colours;
- in some cases, the Projects complement the policies; and
- the legibility of the Plan is enhanced by the approach taken.

7.176 In addition, I am satisfied that the Projects are both appropriate and locally-distinctive. The following are particularly noteworthy:

- H (ii): Wildflower verges
- H (iii): Land at the corner of A267
- H(iv): Natural Flood Management
- H(vii): Bus Services
- H(viii): Youth Centre

Monitoring and Review

- 7.177 Paragraph 10.11 of the Plan comments the monitoring and review of the Plan in a positive way.
- 7.178 Section 5 of this report has commented about the emerging Local Plan for Wealden District. Given the importance of the adoption of the emerging local plan on the planning policy context in the neighbourhood area, I recommend that the neighbourhood plan's commentary on monitoring and review is expanded so that it provides guidance to residents and the development industry alike about the way in which the Plan will respond to the eventual adoption of the emerging Local Plan.
- 7.179 The recommended wording has been designed to recognise that where there is a conflict between different elements of the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan. Plainly any review of a made Plan will have the ability to keep its contents up-to-date and to be aligned to the wider development plan throughout the Plan period.

Add a new paragraph (10.12) to read:

'The District Council is working on the preparation of a new Local Plan. At this stage it is anticipated that the Plan will be adopted in the first quarter of 2026/27. The eventual adoption of the Local Plan may bring forward important changes to local planning policy. In this context, the Parish Council will assess the need or otherwise for a full or partial review of the neighbourhood plan within six months of the adoption of that Plan.'

Other Matters – General

- 7.180 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly because of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan because of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for WDC and HPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly. I also recommend that the policy numbering is revised to take account of the recommended deletion of two policies in the Plan.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Revisions to the policy numbering take account of the recommended deletion of two policies in the Plan.

- 7.181 Since the Plan was prepared the NPPF has been updated (December 2023) and the title of the former High Weald Area of Outstanding Natural Beauty (AONB) has been changed to the High Weald National Landscape. I recommend that the references in the Plan both to the former AONB and to the NPPF (and its paragraph numbers) are updated throughout the Plan, the Design Guidelines, and the main background documents

Update the references in the Plan both to the former AONB and to the NPPF (and its paragraph numbers) are updated throughout the Plan, the Design Guidelines, and the main background documents.

Other Matters – Specific

- 7.182 WDC has made a series of helpful comments on the Plan. I have included them in the recommended modifications on a policy-by-policy basis where they are required to ensure that the Plan meets the basic conditions.
- 7.183 WDC has also made comments about the two related matters. The first is the relationship between the submitted Plan and the emerging Local Plan. The second is range of issues which HPC has chosen to include in the submitted Plan.
- 7.184 I have considered these matters very carefully. On the balance of the information and the contents of national policy, I am satisfied that HPC has taken an appropriate approach to the contents of the submitted Plan. I have reached this conclusion for the following reasons:
- the content of a neighbourhood plan is a matter of judgement for the qualifying body concerned (here HPC);
 - the Plan has been developed in the context of a dated development plan;
 - WDC is preparing a new Local Plan and is addressing the delivery of new housing across the District; and
 - the submitted Plan acknowledges that it may need to be reviewed once the emerging Local Plan has been adopted. I have recommended additions to this element of the submitted Plan in paragraph 7.179 of this report.
- 7.185 WDC's representation includes some detailed comments on the Landscape Character Assessment Background Paper. I have considered them carefully along with HPC's response to the clarification note. On the balance of the evidence, I am satisfied that the details in the Background Paper are appropriate and distinctive to the parish. In addition, the examiner's role is to examine the submitted Plan rather than to refine the background information which has underpinned the preparation of the Plan.

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2040. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area.
- 8.2 Following the independent examination of the Plan, I have concluded that the Horam Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report, I recommend to Wealden District Council that, subject to the incorporation of the modifications set out in this report, the Horam Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the District Council on 14 November 2019.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses from HPC to the clarification note were both detailed and informative, and WDC managed the overall process in a very efficient manner.

Andrew Ashcroft
Independent Examiner
12 July 2024