

Horam Neighbourhood Development Plan

Examiner's Clarification Note

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a distinctive vision for the neighbourhood area. It is presented in an effective way and includes helpful maps and photographs. The Plan effectively captures the landscape setting of the neighbourhood area, and the relationship between the various settlements and the surrounding countryside.

The Plan is impressively underpinned by the extensive supporting text. The package of submission documents (including the Background Papers) is proportionate to the neighbourhood area.

The Vision and the Objectives set the scene for the Plan and its policies. The Objectives provide a well-rounded structure for the policies.

Points for Clarification

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now able to raise issues for clarification with the Parish Council. There are also separate questions for Wealden District Council.

The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

The District Council has made a series of comments on the Plan. This Note provides an opportunity for the Parish Council to respond to these comments and suggestions. I do not repeat the District Council's comments in my questions. However, where appropriate, I raise specific or additional points on the policies concerned.

Questions for Horam Parish Council

I set out specific comments and policy clarification points below in the order in which they appear in the submitted Plan:

Policy HCD1

This policy is underpinned by appropriate information and sets a broad spatial strategy for the Plan.

The visit highlighted the sensitive location of the various settlements within the countryside and their distinctive characters and settings.

Policy HCD2

This policy raises important issues. On the one hand, the proposed Settlement Gaps are helpfully explained in the supporting text and the relevant Background Paper. On the other hand, the concept of Settlement Gaps does not feature in either the adopted or the emerging Local Plan. In addition, the proposed Settlement Gaps are strategic in their scale and, in some cases, overlap with proposed housing allocations in the emerging Local Plan.

It would be helpful if the Parish Council explained further its approach to the policy and whether it has regard to national policy and is in general conformity with the strategic policies in the development plan.

Policy HCD3

It would be helpful if the Parish Council explained further its approach to the policy and whether it has regard to national policy and is in general conformity with the strategic policies in the development plan.

It would also be helpful to receive the Parish Council's response to the District Council's suggested modifications to the policy (should I conclude that modifications are needed to ensure that it meets the basic conditions).

Policy HCD4

As submitted the first part of the policy is a statement rather than a land use policy. Is it the Parish Council's intention that development proposals should respond positively to an identified view (or views) in terms of their layout, height, scale, and mass?

The District Council comments about the selection of the views. It would be helpful to have the Parish Council's comments on how it approached this matter.

Policy HCD5

This is an important policy in the wider context of the Plan. In combination the policy and the Design Guidance are a very positive local response to Section 12 of the NPPF.

Is the first part of the policy intended to be applied proportionately to the scale and nature of development proposals?

Policy HCD6

The supporting text helpfully explains the context to the policy.

I am minded to recommend modifications to the wording used so that it reads as a local interpretation of paragraph 209 of the NPPF. This approach will ensure that the policy meets the basic conditions by applying the 'balanced judgement' for non-designated heritage assets as set out in national policy.

Does the Parish Council have any comments on this proposition?

Policy HHD2

In general terms the policy reads well. However, do the first and fourth parts of the policy bring any added value beyond national and local planning policies on affordable housing?

Policy HCE1

In general terms this policy reads well. However, does it need to acknowledge that its contents will not necessarily apply to all development proposals?

Policy HCE4

I looked carefully at the proposed Local Green Spaces during the visit.

In general terms this is a good policy which takes the matter-of-fact approach in the NPPF. Appendix 3 sets out proportionate details on the proposed designations.

It would be helpful to receive the Parish Council's comments on the representations from Welbeck Strategic Land and the District Council on the way in which of some of the proposed designations have regard to paragraphs 105 and 106 of the NPPF.

Policy HCE5

In general terms this is a good policy. However, is it intended to be applied in a proportionate way?

Policy HLE1

I looked carefully at the mix of uses and the wider importance of the village centre during the visit.

Is the first part of the policy intended to support proposals which would contribute to the delivery of one or more of the criteria in the policy? Plainly individual development proposals would be unlikely to meet all of criteria and/or have any direct influence on the investment decisions of other business in the village centre.

Policy HTM3

I saw the importance of The Cuckoo Trail in the parish (and beyond) during the visit.

The policy is a first-class approach towards this important recreational facility.

Policy HCF1

I saw the importance of the various community facilities during the visit.

The policy is a first-class approach to this matter.

Projects

The Parish Council has approached the identification of non-land use Projects in a very positive way. They are commendably locally-distinctive.

Questions for Wealden District Council

Is the Council continuing to work to the timetable for the emerging Local Plan as set out in the Local Development Scheme (January 2024)?

Does the Council have a timetable for the Inspector's decision on the appeal against the refusal of planning permission for the proposal for residential development on land east of Rosemead (WD/2022/1694)? If not, please can it advise me of any outcome of the appeal whilst the examination is taking place.

Representations

Does the Parish Council wish to comment on any of the representations made to the Plan?

It would be helpful if the Parish Council responded to the representations received from:

- DL and G Blackden;
- East Sussex County Council;
- High Weald National Landscape; and
- Welbeck Strategic Land.

The District Council suggests a series of revisions to some of the policies and parts of the general text in the Plan. It would be helpful if the Parish Council responded to the various issues raised.

Protocol for responses

I would be grateful for responses and the information requested by 29 April 2024. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

If certain responses are available before others, I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Horam Neighbourhood Development Plan

25 March 2024