Ninfield Neighbourhood Development Plan

Submission Version 2022 – 2039

Report of Examination April 2024

Undertaken for Wealden District Council with the support of Ninfield Parish Council on the submission version of the plan.

Independent Examiner:

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Abbreviations used in the text of this report:

The Ninfield Neighbourhood Development Plan is referred to as 'the Plan' or 'NNDP'.

Ninfield Parish Council, the qualifying body, is abbreviated to 'Ninfield PC' or the 'QB'.

Wealden District Council, the local planning authority is abbreviated to 'Wealden DC' or the LPA.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

The Wealden District Core Strategy Local Plan Feb 2013, is abbreviated to WDLP2013

The key Neighbourhood Plan Regulations are abbreviated to 'Reg14' and 'Reg16' respectively

Local Green Space is abbreviated to 'LGS'.

Summary

- I have undertaken the examination of the Ninfield Neighbourhood Development Plan during February and March of 2024, and detail the results of that examination in this report.

- The Parish Council have undertaken extensive consultation on this Plan, and it complies with legislative requirements in this regard. The Plan does not allocate sites, but does consider in detail issues of local character and design. The Wealden Local Plan provides a strategic policy framework, currently being reviewed with the Reg18 consultation currently underway.

- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.

- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.

- I recommend the referendum boundary is the designated neighbourhood plan area.

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Ninfield Parish Council, who have worked hard on their Plan and evidence.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF para 29) states that:

> "neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can … help to deliver sustainable development".

Further advice on the preparation of neighbourhood plans is contained in the Government's Planning Practice Guidance website:
http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/

1.1.3 Neighbourhood plans can only be prepared by a 'qualifying body', and in Ninfield that is the Ninfield Parish Council. Drawing up the Neighbourhood Plan was undertaken by the Ninfield Neighbourhood Plan Steering Group, working to the Parish Council. Action in Rural Sussex provided consultancy support to the Parish Council.

1.2 Independent Examination

1.2.1 Once Ninfield PC had prepared their neighbourhood plan and consulted on it, they submitted it to Wealden DC. After publicising the plan with a further opportunity for comment, Wealden DC were required to appoint an Independent Examiner, with the agreement of Ninfield PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this Plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have worked with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I am independent of any local connections to Ninfield and Wealden DC, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

(a) That the neighbourhood plan is submitted to a referendum without changes; or

(b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Ninfield Neighbourhood Development Plan (NNDP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 23rd January 2020 by Wealden DC. With minor changes detailed in section 4 below the plan will not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2022 – 2039 and has been submitted and prepared by a qualifying body and people working to that qualifying body. With the suggested modification 8 it will not impact on mineral and waste policies, and will thus not include provisions or policies for excluded development.

1.2.5 I made an unaccompanied site visit to Ninfield to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Ninfield, not including documents relating to excluded mineral and waste development, is the Wealden District Core Strategy Local Plan (February 2013), the Affordable Housing Delivery Local Plan May 2016 and saved policies from the Wealden Local Plan 1998. The Local Plan Core Strategy's policies are all strategic, and the Housing Delivery Plan is a strategic document. Although now dated, the 1998 Local Plan has some strategic policies: GD1-2; EN1-2, 5-9, 11, 27; HG5; BS3; SH2; TR1, 17-19; LR7-8 and CS2. A Local Plan review is underway, but not at a stage where it has much weight for the purposes of this examination, although some evidence for it has been considered.

1.3.2 The National Planning Policy Framework 2023 (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

1.3.3 During my examination of the NNDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2023
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Ninfield Neighbourhood Development Plan (NNDP)
- The Basic Conditions Statement submitted with the NNDP
- The Consultation Statement submitted with the NNDP
- The SEA Screening Report for the NNDP May 2022
- The HRA Screening Report for the NNDP May 2022
- Neighbourhood Area Designation (map)
- Wealden District Core Strategy Local Plan adopted February 2013
- Waste and Minerals Plan for East Sussex adopted 2013 and Sites Plan adopted 2017
- Affordable Housing Delivery Local Plan: adopted May 2016
- Wealden Local Housing Needs Assessment August 2021
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Ninfield is a rural village in East Sussex, on the fringes of the High Weald National Landscape (formerly AONB) and about 4 miles north of Bexhill. The landscape is agricultural with small fields for the most part and woodland areas – often ancient woodland. The parish has a population of just over 1,500 people as of the 2021 Census, and is mainly residential with some local businesses and services.

2.1.2 A Steering Group organised the work of developing the NNDP, the group being made up of Parish Councillors and volunteers from the local community. Five topic working groups were set up and this led to the production of evidence reports that were offered in draft form to local residents for comment. The Steering Group kept people informed of developments via the Parish Council website and other methods detailed below.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. A variety of consultation events were used, in a difficult pandemic environment, including a photographic competition for illustrations of places, people and events in the parish. A range of media were used to engage and publicise the Plan and its evidence base, including social media, online topic meetings and local notice boards and newspaper.

2.1.4 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Ninfield Draft Neighbourhood Plan ran from the 22nd September 2022 to the 4th November 2022. The draft Plan could be downloaded from the Parish Council website and hard copies were available at several locations in the parish. A postcard was sent to every address, informing residents and businesses of the impending consultation. Statutory bodies were notified of the consultation by email with a link to the Plan, as were other stakeholders. Two drop-in events were held during this formal consultation, and a weekly opportunity was provided at the community café for people to question members of the steering group.

2.1.5 Representations were received from 40 residents, statutory bodies and developers during the Reg14 consultation period, and several amendments have been made to the Plan as a result of constructive suggestions for changes. I am satisfied that due process has been followed during the consultation undertaken on the Plan. The Consultation Statement details all consultation activities,

and the record of comments and objections received during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.6 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Environmental Screening Reports and a plan showing the neighbourhood area was submitted to Wealden DC on the 24th August 2023.

2.2 Regulation 16 Consultation Responses

2.2.1 Wealden DC undertook the Reg 16 consultation and publicity on the NNDP for seven weeks, from the 25th September 2023 to the 13th November 2023. Twenty eight representations were received during this consultation, including a late representation that was also considered. There were four representations from developers, local businesses and local landowners. Thirteen representations were received from local residents. Twelve statutory bodies, responded of which six had no specific comments to make on this Plan but offered general guidance. Issues they raise that are pertinent to my consideration of whether the Plan meets the basic conditions are considered in sections 3 and 4 of this report below.

3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the NNDP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it 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 for the area;
- Be compatible with and not breach European Union (EU) obligations and comply with human rights law; and
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 *(prescribed basic condition since December 2018).*

3.2 Along with the Basic Conditions Statement for the NNDP, a Sustainability Assessment was undertaken. The assessment considers the objectives and policies of the NNDP against the sustainability framework questions of the LPA's sustainability appraisal. This review concludes that the NNDP does promote the social, economic and environmental goals of sustainable development, and I accept that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.3 It is a requirement of the Basic Conditions that a neighbourhood plan is compatible with and does not breach European Union (EU) obligations, which are still incorporated into UK law. The relevant legislation is the Environmental Assessment of Plans and Programmes Regulations 2004. An initial screening report determined that Strategic Environmental Assessment (SEA) would not be needed. A similar screening exercise and report was undertaken and submitted considering whether an Appropriate Assessment under the Habitats Regulations was required.

3.4 Ninfield Parish is considered to have potential impact on the Pevensey Levels SAC and Ramsar site and the Ashdown Forest Special Area of Conservation (SAC). Water quality is a key issue for the former, and air quality impact protected flora is a key issue for the Ashdown Forest. The HRA Report

has considered the policies of the NNDP for likely significant effect on the European sites (SACs) screened in and discussed in para 3.4 above. It concludes (para 12.1 page 14) that the NNDP:

"The Ninfield NP will, in itself, not result in a 'likely significant effect' on a European site".

I accept that with regard to the SEA and HRA Appropriate Assessment the requirements of EU legislation have been complied with, and this Basic Condition met.

3.5 The NNDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and comprehensive consultation aimed to include all potentially impacted people. The Basic Conditions Statement has undertaken an Equalities Impact Assessment, and concludes the Plan does not discriminate against any group with protected characteristics.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the NNDP meets the requirements as regards national policy and the development plan. This means that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF 2023 and the NPPG. The NPPF has been amended subsequent to the submission of the Plan to the LPA. These amendments are not directly relevant to this Plan, and will not therefore impact on a consideration of whether or not the Plan meets the Basic Conditions. Amendments should be made however to NPPF paragraph numbering in the text of the final documents. The Basic Conditions also require that the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The format of the document is generally good, but it is good practice to keep a policy together on one page if possible. The Policies Map, as is mentioned several times in the modifications below, is not suitable for defining policy areas. Community Aspirations have been located within the body of the Plan which does not comply with the Basic Conditions. The NPPG is clear that the Plan itself can only include land-use matters (ID: 41-004-20190509). Correcting this will not be difficult, as it may follow the Monitoring and Review section, and be noted as a separate annex to the Plan. In order that the Plan complies with the Basic Conditions and has due regard to government guidance, I recommend it is amended as shown in Modification 1a below.

4.4 There are several paragraphs in the Forward to the Plan that set out a detailed case, indeed a grievance, about the amount of development that has recently been implemented in the parish. There is a requirement on neighbourhood plans that they be positive in outlook and not promote less development than set out in the strategic policies for the area or undermine them. In my view

paragraphs 5, 7 and 8 of the Forward (page 6) are challenging and critiquing strategic policy in a way that is not positive or appropriate in a neighbourhood plan. In order that the Plan complies with the Basic Conditions and pays due regard to government policy and guidance, (NPPF paras 16a and 29 and NPPG ID: 41-005-20190509), I recommend it is amended as shown in Modification 1b.

4.5 I am specifically limited by legislation to correcting with recommended modifications the Plan's compliance with the Basic Conditions and other legal requirements. Notification of minor corrections needed to the text at the Reg16 stage of the process are useful, but cannot be the subject of any modifications I recommend. Where there is agreement to changes between the QB and the LPA, and the QB have indicated this in many instances, minor amendments may be made to policy and other text, as long as the intent of a policy is not altered and they are merely corrections. The LPA will be aware that it is authorised to correct minor errors in this way by Schedule 4B section 12(6) of Town and Country Planning Act 1990.

Modification 1: The layout and Forward to the Plan to be amended as follows:

a) The Community aspirations information to be moved to a separate section after the last section of the Plan proper has discussed Monitoring and Review, and form a separate annex to the document;

b) Paragraphs 5, 7 and 8 of the Forward (page 6) to be deleted.

4.6 **Policy N1 Sustainable Location of Development:** The LPA have pointed out that in the second paragraph of this policy the relevant policy documents are the 'development plan' not just this neighbourhood plan. Additionally the third paragraph is merely stating that development will need to comply with the NPPF and the development plan. The NPPF requires policy to not be repetitious, and this paragraph is therefore not paying due regard to government policy. In order that the Plan complies with the Basic Conditions, I recommend it is amended as shown in Modification 2.

Modification 2: Policy N1 to be amended as follows:

2nd paragraph to refer at the end to **'the development plan'** and delete **'~~this Neighbourhood Plan'~~.**

The 3rd paragraph to be deleted

4.7 **Policy N2 – Renewable Energy:** Complies with the Basic Conditions.

4.8 **Policy N3 – Flood Risk and Drainage:** Complies with the Basic Conditions.

4.9 **Policy N4– Protect and Enhance Dark Night Skies** Complies with the Basic Conditions.

4.10 **Policy N5 – Key Views:** Ninfield is blessed with some outstanding views across to the South Downs and the sea. However I found the designated Key Views uneven in quality, with some not being worthy of the designation. The evidence base on which the selection is made has been criticised in the Reg16 responses, but I find it proportionate to the needs of a neighbourhood plan, and adequate for the purposes of the requirements of the NPPG (ID: 41-041-20140306). The NPPG requires policy to not place undue and unjustified restrictions on development (ID: 41-005-20190509), and protecting views that are not demonstrably special would be contrary to this guidance. Additionally in order to not put undue burdens on development, the requirement needs to be that adverse impact is 'significant'.

4.10.1 The policy needs to clearly identify the views designated, and it is Figure 6 which does this. At present the policy is too vague on precisely where this information can be found, contrary to the requirements of the NPPF (para 16d). Also for reasons of clarity, the reference to 'or negative' impact needs to be removed. It is not clear to me in which circumstances an impact could be negative but not adverse, and so 'negative' is not needed and potentially confusing. Finally, as one view in particular is very close to the neighbourhood area boundary, it will need to be clear that the policy only applies to development within the area. In order that Policy N5 complies with the Basic Conditions, and has paid due regard to government policy and guidance, I recommend it is amended as shown in Modification 3 below.

Modification 3: Policy N5 to be amended as follows:

The first sentence of Policy N5 to be amended as follows:

"~~The Ninfield Neighbourhood Plan identifies~~ *Key Views* **are** ~~as~~ *shown on* **Figure 6** ~~the Policies Maps~~ *and* **identified** ~~contained~~ *in the Ninfield Key Views Assessment (Appendix E).*

Key views V4; V5; V14 and V16 to be deleted from Figure 6, the list of key views in paragraph 70 in the Plan and the Policy Map. Within the Key Views Assessment (Appendix E) they may remain, but with a note that they were discounted at examination due to not being considered to be special enough.

The last sentence of policy N5 to be altered to:

"*Development proposals which would result in a* **significant** *adverse* ~~or negative~~ *impact on the landscape character or visual quality of a Key View* **within the neighbourhood area** *will not be supported.*

4.11 **Policy N6 – Areas of Locally Valued Landscape** The Policy is offering protection to landscape that is adjacent to the National Landscape (formerly AONB) boundary of the High Weald, has significant areas of ancient woodland within it, and is generally of a high scenic value. The Landscape Study evidence document has collated evidence from other sources explaining the landscape designations and attributes and supports the designation of these areas of local landscape value. However the Policies Map is not adequate for the purposes of defining the boundary, and Figure 7 and the map in Appendix G are not offering the clarity required by the NPPF (para16d) either.

4.11.1 The policy includes two paragraphs of detailed description of each area that are not offering policy guidance. They repeat the landscape analysis of the Landscape Study and paragraph 68 of the Plan. Policy needs to contain requirements for development that is clear, and neither of these descriptive texts offer any immediate guidance on what will or will not be acceptable. Reference to the **evidence** in the policy is the way to direct attention to the attributes that need to be conserved and enhanced. The repetition of protection of key views is not necessary as Policy N5 has addressed the point, and the NPPF (para16f) requires policy to not be repetitious. In order that Policy N6 complies with the Basic Conditions and has paid due regard to government policy and guidance, I recommend it is amended as set out in Modification 4 below.

Modification 4: Policy N6 and Figure 7 to be amended as follows:

Figure 7 to be redrawn on an OS base such that the detail of boundaries to the Areas of Locally Valued Landscapes may be clearly defined.

The First sentence of Policy N6 to read as follows:

"Within the Areas of Locally Valued Landscape as identified on **Figure 7**, ~~the Policies Map~~, *the distinctive character and inherent scenic qualities of the area concerned as identified* ~~below (and~~ *in* **this Plan and** *the Landscape Study of Ninfield will be protected."*

The second and third paragraphs of Policy N6 to be deleted. They may be inserted into the justification where the detail is not already available.

The fourth paragraph of Policy N6 to be amended as follows:

"*Development will be supported if it preserves or enhances the distinctive character and inherent scenic quality of these areas. The setting of public rights of way and public views over the landscape,* **particularly the defined Key Views,** ~~including to the sea and South Downs as well as towards the village, with special attention to the protection of the Key Views contained in Policy N5,~~ *will be safeguarded from detraction by obtrusive or incongruous development. The details of siting, design, materials and landscaping (including tree and hedge planting) shall be harmonious and minimise the effect of development on the landscape.*

4.12 **Policy N7 - Local Green Spaces** The Policies Map is generally not fit for purpose when it comes to defining boundaries of designations, and again with this policy it is Figure 8 that should be used for defining the designations in order that they have the clarity required by the NPPF. Not all of the proposed designations are acceptable, as they do not comply with the requirements of the NPPF (paras 105-106). The wording of the policy is too restrictive, the NPPF (para 107) requires that policies for managing development within Local Green Spaces (LGS) should be consistent with those for Green Belts.

4.12.1 The proposed LGS sites numbered LG01; LG02; LG04 and LG05 are acceptable as shown. LG03 as currently shown is an extensive tract of land, and the fields are not intrinsically special. Church Wood is worthy of designation, and this designation should be altered to apply only to Church Wood. Additional designations such as ancient woodland are not a reason to withhold

designation from a site – indeed they prove the worth. LG07 is currently not offering any special attributes worthy of LGS designation, and this designation should be deleted. LG06 is an interesting designation, covering multiple small areas of grassland, often roadside verges. In places the designation is protecting a junction area, often with a traditional wooden road sign, and I accept that these areas are important for the visual character and beauty of the village. However much of the LGS06 designation is covering roadside verges that in themselves, even when wooded, are not special enough to warrant the designation. There is also a legitimate concern about future highway issues here. I have sketched the areas of green space within the LGS06 designation that I accept can remain, and offer these for guidance for the revised mapping required, not for use in the final plan.

4.12.2. In order that Policy N7 and the designation of LGS in the Plan comply with the NPPF paras 105-7 and thus meet the Basic Conditions, I recommend it is amended as shown in Modification 5.

Modification 5: Policy N7 to be amended as follows:

The first paragraph to read as follows:

"The Neighbourhood Plan designates Local Green Spaces, as shown on **Figure 8.** ~~the Policies Map. Development requiring planning permission in these Local Green Spaces will not be permitted unless there are very special circumstances including where the development will enhance and not compromise their primary function as Local Green Spaces.~~ *The designated Local Green Spaces are:"*

The list of LGS designations to read as follows:

LG01 The Recreation Ground

LG02 Stocks/whipping post

LG03 Church Wood ~~with adjacent valley slopes including Church Fields & Church Path~~

LG04 The Allotments

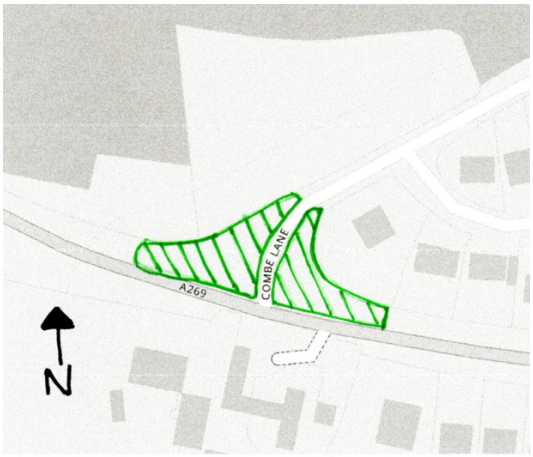
LG05 The Churchyard of St Mary the Virgin

LG06 **Traditional road junctions at** ~~Coombe Lane~~ ~~Verges,~~ *Standard Hill* **and** ~~Verges,~~ *Bexhill Road*. ~~Lower Streetverges~~

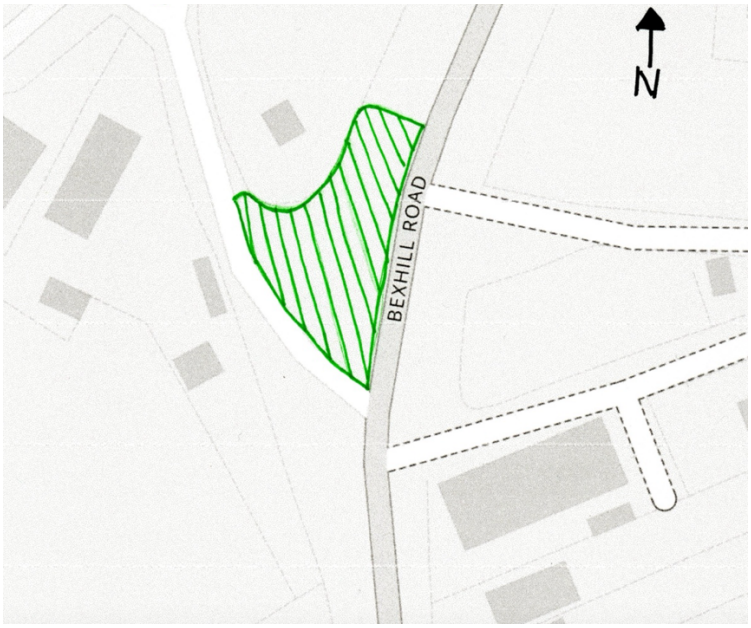
~~LG07 Proposed recreation area behind Sparke Gardens, Manchester Road~~

Figure 8 to be amended to be consistent with the above. The boundary of LG03 to be reduced to cover only Church Wood. Proposed designation LG07 to be deleted and the boundaries of LG06 to include only the land indicated diagrammatically overleaf.

Indicative boundaries of revised LG06 road junction designation in Modification 5



Above: **Standard Hill** Below: **Bexhill Road**



4.13 **Policy N8 - Biodiversity (including Green and Blue Infrastructure or GBI)** Complies with the Basic Conditions.

4.14 **Policy – N9 Built Heritage** The Policy is supported by an evidence base (Appendix C) which has set out criteria for assessing buildings for local heritage interest. The evidence base needs to be referenced in the policy for identification purposes. The four local heritage areas identified in the

evidence base, which the QB has confirmed they felt were covered by the term 'local heritage assets', also need to be referenced for the clarity required by the NPPF (para 16d).

4.14.1 The LPA has criticised the evidence base for not discussing the attributes of each building designated thoroughly enough. I consider the evidence adequate for a local policy on heritage, but as the LPA are not happy with all of the analysis and features chosen then cannot be considered a formal Local List, as promoted by Historic England. In order that Policy N9 complies with the Basic Conditions and has paid due regard to government policy, I recommend it is amended as shown in Modification 6.

Modification 6: Policy N9 to be amended as follows:

2nd Sentence: "…*Proposals involving the non-designated heritage assets* **and Local Heritage Areas identified in Appendix C** ~~listed in~~ **and** *this Neighbourhood Plan shall be assessed having regard to the scale of any harm or loss when balanced against the significance of the heritage asset concerned whether it be an area, building or feature…"*

4.15 **Policy N10 – Design.** The LPA have indicated several issues with the evidence base for this policy, particularly the Design Guide for Ninfield. One criticism is that it has borrowed verbatim too much from the design guidance of the High Weald AONB Unit. However as part of the parish is within the AONB/National Landscape, and the area adjacent to this nationally designated landscape has an increased sensitivity because of that, I do not consider this makes the evidence invalid. Neighbourhood planning is an activity undertaken in a large part by volunteers, and as discussed above, evidence for the Plan needs to be judged on a proportionate basis. The AONB Authority were consulted during the production of the Plan, but did not comment.

4.15.1 The LPA point out that the policy does not reference the Ninfield Character Assessment, and the QB agreed that this was an oversight. It is referenced and used in the design guide, and for the clarity of policy required by the NPPF it should be referenced alongside the reference to the Design Guide. The policy specifically mentions views in the first criteria, but these are dealt with in Policy N5. The requirement that the possibility of providing new viewpoints be considered is not, however, in Policy N5, and is correct to locate in this policy as it is an aspect of the design of new build. The last criteria is repetition, and only states what is understood in all planning decisions, the

Development Plan in its entirety guides decision-making. In order that Policy N10 complies with the Basic Conditions and has paid due regard to government policy, I recommend it is amended as shown in Modification 7.

Modification 7: Policy N10 to be amended as follows:

Criteria (a) to be altered to: "*It safeguards the distinctive character of the High Weald landscape and Ninfield's landscape features including topography, woods, trees, hedges, banks, ponds and watercourses.* ~~Account shall be taken of public views (with special attention to the protection of the Key Views contained in Policy N5) and, in areas currently lacking public viewpoints,~~ **Where possible, opportunities should be** *taken to provide new public viewpoints over the landscape." …*

The first sentence of criteria (b) should be amended as follows:

"…It respects the character of the High Weald vernacular and reinforces local distinctiveness as identified in the 'Design Guide for Ninfield' **and 'The Ninfield Village Character Assessment And Heritage'** *appended to this Neighbourhood Plan, with its scale, density, layout, form, design, materials and landscaping being appropriate to its setting and observing the Design Guide for Ninfield." …*

Criteria (e) to be deleted.

4.16 **Policy N11 – Housing Mix and Space Standards.** The evidence base quoted is a district housing needs study done in 2021, from which needs in a sub-area that includes Ninfield Parish are deduced. This work is therefore not specific to just the local area, and during the life of this Plan may well change. The second paragraph of the policy does caveat the rather prescriptive and 'snapshot' requirements of the first, and I accept that with this addition the policy complies with the Basic Conditions.

4.17 **Policy N12 – Communications** Complies with the Basic Conditions.

4.18 **Policy N13 – Local Employment.** The QB have realised that some of the sites designated as employment sites are within safeguarded waste sites and their consultation zone in the Waste and Minerals Local Plan (2013) and Sites Plan (2017) of East Sussex CC. Any designation as employment sites would therefore not be in general conformity with the Development Plan, and would be amending a policy concerned with excluded development. Consultants for Tarmac, the owners of site E7, also point out in their Reg16 response that in the Waste and Minerals Sites Plan their site is safeguarded for the production of concrete products (policy SP10). For these reasons the sites E5, E6 and E7 should not be subject to policies in this Plan. In order that Policy N13 complies with the Basic Conditions, does not deal with excluded development and is in general conformity with the development plan, I recommend it is amended as shown in Modification 8.

4.18.1. An issue was raised with the inclusion within the policy of reference to 'sui generis' uses. The reference is to specific existing sui generis employment-generating uses however, protecting the existing use. In these circumstances I do consider that the policy is encouraging the full range of sui-generis uses, but it is responding to local circumstances - as expected in a neighbourhood plan.

Modification 8: Sites E5, E6 and E7 to be removed from Policy N13 and Figure 14 and supporting text to be amended to remove reference to these sites.

4.19 **Policy N14 Sustainable Rural Business** There was confusion as to where this policy was meant to apply, for example from the LPA in their Reg16 response. I agree, that without further clarity on this point the definition of 'Sustainable Rural Business' is not clear. Discussion during this examination has clarified that the policy is meant to apply to employment development outside of the settlement boundary. Criteria f) in the context of this policy is accepted as a clarification for the avoidance of doubt that other policies are not overridden by Policy N14. With clarification of the definition of 'sustainable rural business' the policy with comply with the Basic Conditions, and I recommend therefore that Policy N14 is amended as shown in Modification 9 below.

Modification 9: The first sentence of Policy N14 to be amended as follows:

"*Sustainable rural business* **development outside of the settlement boundary** *which creates local employment opportunities and economic, social and environmental benefits for the local community will be supported provided it:-….*"

4.20 **Policy N15 – Infrastructure.** The policy sets out local priorities for infrastructure provision. The priorities are land-use aspirations and so acceptable within the NDP. It is not reasonable for all development to have to consider local infrastructure needs however. The NPPG requires neighbourhood plan requirements to not undermine the deliverability of the Plan, and this requirement should only apply to relevant developments, often major development but not always. In order that Policy N15 complies with the Basic Conditions, and has paid due regard to government policy and guidance on clarity (NPPF para16d) and deliverability (NPPG ID: 41-005-20190509), I recommend it is amended as shown in Modification 10.

Modification 10: The First sentence of the second paragraph of Policy N15 to read as follows:

"….**Where appropriate,** *new development should demonstrate that ……*"

4.21 **Policy N16- Community Facilities** Complies with the Basic Conditions.

4.22 **Policy N17 - Safer and More Sustainable Travel** Complies with the Basic Conditions.

4.23 **Policy N18 – Parking** Complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The Ninfield Neighbourhood Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Ninfield Neighbourhood Plan 2022 – 2039 shall be the boundary of the designated Neighbourhood Area for the Plan.