

Horam Neighbourhood Plan Regulation 16 Response- Response from Wealden District Council.

It is clear that an enormous amount of work has gone into producing the Horam Neighbourhood Plan (HNP) and the supporting background papers. Whilst many of our comments at the Regulation 14 stage have been addressed in the Regulation 16 version of the HNP, we consider that there are some remaining issues. These mainly relate to the Local Settlement Gap Policy (HCD2), the Important Local Views Policy (HCD4) and a number of the proposed Local Green Spaces (HCE4).

Conformity and Justification

There are no conformity references on any of the policies. Whilst this is not a requirement, they would be useful to help to demonstrate how the plan is in conformity with the NPPF and the current adopted Development Plan consisting of the Wealden Local Plan (1998) and Core Strategy.

Policy Map

At Regulation 14 the Council commented that the HNP would benefit from a policy map to show all the different proposed designations in one place e.g. LGS, settlement gaps etc., as well as existing designations such as the High Weald National Landscape, Ancient Woodland, Flood Risk Areas etc. Whilst Figures 18 and 19 have been added at Appendix 1 which show some of the designations, they do not show all of them. A policies map would assist decision makers and other users of the Plan.

Contributing to Sustainable Development

The HNP is not seeking to meet the future housing needs of the neighbourhood area or allocate sites. Future housing and other development needs in the neighbourhood area will therefore be addressed through the Local Plan process.

The Council has considered the environmental designations proposed within the HNP and notes that many of the proposed environmental designations e.g., Settlement Gaps, Waldron Ghyll Valley, Important Local Views and Local Green Spaces cover sites that have been submitted to Wealden as part of its Strategic Housing and Economic Land Availability Assessment (SHELAA) and have been found at a 'high level' to be suitable for residential development. In effect, the designations could result in limiting the supply of potential housing sites and the number of dwellings that can be delivered on these sites to meet the housing needs of the local community in Horam. The NPPF at paragraph 29 is clear that Neighbourhood Plans should not promote less development than is set out in the strategic policies for the area or undermine those strategic policies.

The Council published its [SHELAA Report](#) alongside the now withdrawn Wealden Local Plan in 2019. The Council has recently published its SHELAA to inform its emerging Regulation 18 Local Plan. This includes a review of the suitability and deliverability of all sites submitted, including both previous sites that were submitted and reported on in the SHELAA 2019 publication, as well as new sites that have

been submitted since this date. The SHELAA review has informed the Council's growth strategy and site allocations within the emerging Local Plan, which has now been published for a decision at Full Council on 8th February 2024 to consult on the Draft Local Plan Regulation 18 Document. We can update the Examiner by way of written update in due course, should this be helpful.

The Parish Council has stated within the Consultation Statement accompanying the HNP that there is no up-to-date Local Plan in place that provides a basis for concluding that the HNP promotes less development than the strategic policies for the area. These comments are noted; however, the Council's evidence base that has been available during the course of developing the neighbourhood plan has presented the Council's conclusions on suitability of these sites for future development in the 2019 SHELAA. Whilst the SHELAA does not determine whether a site should be allocated for development in a Local Plan it is a robust evidence base that should be considered as part of developing a Neighbourhood Plan. Whilst we have been unable to share the review of the latest version of SHELAA (February 2024) with the Parish Council during the course of progressing a Neighbourhood Plan, sites submitted to the SHELAA have been publicly available via our [online mapping](#) and we have provided comments on proposed designations (including Local Green Space Designations) where these include sites submitted for consideration in the SHELAA throughout the neighbourhood plan process including at the Regulation 14 stage and earlier.

The Consultation Statement accompanying the HNP also states that the SHELAA review should take account of the aspirations and emerging policies within the HNP to determine whether they are suitable locations for growth. The suitability assessment of each site is based on a range of factors, as set out in the [planning practice guidance](#) and the SHELAA methodology. In addition, the [SHELAA](#) is an evidence base document that will be used to inform policy including both Local Plans and emerging neighbourhood Plans as relevant. We also need to be mindful that the Horam Neighbourhood Plan currently has limited weight and will not have full weight until it is formally 'made'.

Lastly, it should be noted that the 'standard method' calculation within the NPPF (paragraph 61) for calculating housing need for the district stands at 1,200 dwellings per annum (dpa) that is considerably higher than that within the Council's adopted development plan (Core Strategy 2013), which stood at 450 dpa (see Policy WCS1 Provision of Homes and Jobs 2006-2027 of the Wealden District Core Strategy Local Plan). In short, this demonstrates that the requirement for housing in the district has increased substantially since the adoption of the Wealden District Council Core Strategy.

Climate Change

Climate change is not considered very extensively within the Neighbourhood Plan as a whole and whilst it is referred to within the Design Guide in chapters such as Sustainable Construction, it would have more weight if it was covered in the HNP itself. The design policy for example refers to reducing energy consumption and promoting renewable sources of energy, but neither the policy nor supporting text

explains why this is necessary. It would be helpful to add supporting text to cover this.

Objective 10: Transport and Movement

It was suggested at the Regulation 14 Stage that this objective should be inclusive and accessible, and the objective could be changed to 'to encourage and enable inclusive and accessible cycling, walking and public transport services', to accord with the NPPF paragraph 116. This has not been changed. You could also add in 'wheeling' if minded to also.

Policy HCD1: Settlement pattern and landscape character

Wording of the Policy

It is not clear what part 2a of this policy refers to where it states, 'the existing settlement pattern... should be maintained'. If this refers to the dispersed pattern of rural villages, hamlets and scattered farmsteads then this needs to be explained in the policy. If this refers to not building within settlement gaps, then it should be removed (see our separate comments on Policy HCD2: Local Settlement Gaps).

Recommendation

Further clarification is added to criteria 2a within the policy, or this criterion should be removed.

Landscape Character Background Paper

Figure 3 in the Landscape Character Background Paper would benefit from the parish boundary being a different colour to the flood zones.

All maps/figures need to have the sources referenced and weblinks added if appropriate.

Paragraph 20- see our comments on this statement in the flooding background paper.

When describing the Council's landscape evidence base, the document should start with the most recent / strategic document first (i.e., the Landscape Character Assessment 2022, then the site-specific studies and then the 2014 Landscape Character Assessment). The Council has now published updated Landscape assessments to support the emerging Draft Wealden Local Plan. These supersede the site-specific studies set out within the 2014 Landscape Character Assessment (LCA). We note that the latest Landscape work (2024) was not published at the time the neighbourhood plan was being prepared. However, the Council published an updated Landscape Character Area study in 2022 and this superseded the 2014 Landscape Study. We would recommend deleting reference to the 2014 LCA, or at least making it clear that the 2022 LCA supersedes the 2014 LCA and should be the

one to set the character context for Horam, including landscape guidelines. This will then ensure that the HNP is in line with the most up-to-date evidence.

Policy HCD2: Local settlement gaps and background paper on respecting and retaining the separate identities of settlements in Horam Parish.

As stated at the Regulation 14 stage, the Council has concerns regarding the proposed Local Settlement Gap designations set out in the draft HNP. 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. As the Parish response in the Consultation Statement points out, policy EN2 does state that 'the Council will seek to maintain the existing settlement pattern'. However, the Council considers that this relates to the shape of the settlements (i.e., nucleated or linear), rather than the gaps between.

The main policy approach of Wealden District Council used to safeguard land in the countryside is 'development boundaries' that includes 'saved' policies of the Wealden Local Plan (1998) GD1 (Development within development boundaries) and GD2 (Development outside development boundaries). In short, these development boundaries support new development within them, provided it is in accordance with other policies of the Local Plan. It 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. This approach continued as part of the Wealden District Core Strategy Local Plan (2013) and will continue as part of the new emerging local plan also.

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.

It should be noted that this issue has very recently been considered as part of the Wealden District context as part of the examination into the Wadhurst NP, with the [examiner's report](#) considering the approach of the Wadhurst NP in identifying 'green gaps' or 'strategic gaps' between paragraphs 39 and 47. At paragraph 41 of the examiner's report into the Wadhurst NP, the following is stated:

'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’.

The examiner for the Wadhurst NP goes on to conclude at paragraph 45 of his report the following:

‘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 NP’.

It is noted that a background document has been provided which describes how the settlement pattern has evolved, outlines the community views and sets out how a local policy would in the opinion of the Parish Council, be compatible with national and local policy contexts, despite our concerns raised formally at the Regulation 14 stage of the HNP. Criteria for designation have been provided and an assessment of each of the gaps made against these criteria.

Despite the background document provided, there are sites submitted within the SHELAA process that would form part of these local settlement gaps, with a number of sites being considered to be suitable for residential development within the 2019 SHELAA as well as the SHELAA (February 2024) that has been published to support the emerging Local Plan. One of these sites has been proposed to be allocated for development within the emerging Wealden Local Plan as published on the 31st January 2024 for a decision at Full Council (one already has planning permission). This policy will therefore conflict with the emerging Local plan also.

There are also some housing development sites within Local Settlement Gaps that are subject to live planning applications, that may be approved/refused and then subject to planning appeal, as relevant¹. Neighbourhood plans should plan positively and should not be used to constrain the delivery of growth that could be allocated for development in a local plan, and this policy currently does just that.

It should be noted that the [examiners report](#) into the Wadhurst NDP also speaks to this issue at paragraph 44 of that report and noted that there is a clear overlap between the Green Gap designations and sites submitted to the SHELAA process (similar, in our view, to the Horam NDP). In that case, the examiner into the Wadhurst NDP shared the concerns of the Council, that a neighbourhood plan should plan positively and not be used as a mechanism to constrain development.

¹ For example, such as at the Horam – Marle Green Gap (see reference WD/2022/1694/MAO). This was an outline planning application for the erection of up to 46 dwellings. It had an officer’s recommendation of approval which was overturned at committee and refused. There is currently a live planning appeal on the site.

Wording of the Policy

The Council does not believe that the policy is necessary or in line with the Council's strategic policies as explained above. However, should the policy continue to be included in the HNP, there are still some issues around the wording of the policy. At the Regulation 14 stage, under criteria 2(i) of Policy HCD2 in defined Local Gaps, it stated that development will only be supported where it 'demonstrates how the proposal safeguards the open character of the relevant Gap.' The Council commented that almost all new development will have trouble in terms of meeting that requirement and that if this policy was to be included in the HNP, it is considered that the criteria under 2 (ii) and (iii) would be needed. However, in the Regulation 16 version of the HNP, criteria 2 (ii) and (iii) have been removed and only one criterion remains. This states that 'in the defined Local Gaps, development will only be supported which maintains the integrity of the relevant Gap'. This addresses some of our earlier concerns about the policy not supporting some developments in rural areas, however some of the detail has been lost.

Policy HCD3 Waldron Ghyll Valley

This policy covers a large proportion of the parish and in seeking to maintain the openness of the valley, is not dissimilar to the previous Local Settlement Gaps policy. Similarly, there are sites submitted within the SHELAA process that would form part of the area covered by this policy. This remains the case in the February 2024 SHELAA. The emerging draft Wealden Local Plan (Regulation 18) proposes an allocation in this area and there is therefore a conflict. At the Regulation 14 stage, the Council suggested that the policy may wish to consider defining the Waldron Ghyll Valley around SHELAA sites that are considered to be suitable for development. This was not carried out. However, the boundary of the Waldron Ghyll has been altered from the Regulation 14 boundary to take out more of the existing built-up area from the proposed designated area.

The fundamental question regarding this policy is whether this policy is necessary? Normal policy considerations such as design, landscape protection, drainage and biodiversity will ensure its appropriate protection. If this policy is to be pursued, further evidence on the designation will be needed to demonstrate why this designation is needed at this large scale, given the existing protections in place (e.g. the northern part of the policy area is within the High Weald National Landscape and part of the area is within a Flood Risk Zone 2 and 3 around the Ghyll). The Council also questions whether the part of the designation outside of the National Landscape is worthy of designation as a 'valued landscape' and / or whether all of the land merits designation. Whilst there is a section in the landscape background paper on the Waldron Ghyll we feel this is not been sufficiently evidenced particularly in relation to how / why the boundaries have been drawn the way they have in landscape terms and whether basing the boundaries on a watershed in this location is the right approach and substantiated in landscape terms.

Wording of the Policy

The Council considers that the policy is unnecessary and that it does not conform with the Council's strategic policies as explained above. In addition to this, the Council raised questions at the Regulation 14 stage about the wording of the policy and what is meant by 'the overall openness of the Waldron Ghyll Valley ...shall be maintained'. The Council asked whether this is preventing all new development within the defined area? In which case this would contradict the NPPF and 'saved policies' of the Wealden Local Plan (1998), which permits development in rural areas in certain circumstances (e.g. NPPF paragraphs 82, 83, 84 and 88 for example²). The Council suggested that the wording needed to be less vague and that perhaps maintaining the character would be a better phrase here. It is considered that the Regulation 16 amended wording 'proposals for development shall be sensitive to and not cause harm to the essentially open landscape character of the Waldron Ghyll' is an improvement on the original Regulation 14 wording of this policy, however, our comments still remain in relation to conformity etc.

The term 'existing built-up areas' within the first criteria of the policy is difficult in this context as there are several housing sites with planning permission as well as draft allocations proposed in the emerging Local Plan. On this basis, the approach taken on 'existing built-up area' as shown on the map will become out of date very quickly, particularly as the Council has proposed a number of allocations in the area within the emerging Local Plan.

The Council raised concerns with the terminology of this policy at Regulation 14, in particular the phrase 'existing built-up areas'. Whilst the boundary of the Waldron Ghyll Valley has been reduced at Regulation 16 to exclude more of the existing built-up area, there is still some within the boundary. To avoid confusion this phrase should be removed. As above, the Council will continue to use 'development boundaries'.

Recommendation

Should this policy be considered positively, we suggest the removal of the phrase 'beyond the existing built up areas' and add in the landscape background paper: '.....landscape character of the Waldron Ghyll valley ~~beyond the existing built up areas~~ as defined in figure 12 **and as described in the landscape character background paper**'.

Policy HCD4: Important local views and background paper on important views.

At the Regulation 14 stage, the Council commented that the background document lacked a full analysis and explanation of the methodology used to assess the views. For example, who nominated the views? Who assessed the views? Were there any views nominated that did not meet the criteria? Have local residents had any involvement in the process? These questions have now been answered within the consultation statement accompanying the Regulation 16 HNP, although it is still not clear whether some views were discounted because they did not meet the criteria. From the background paper, it would seem that all the views that were proposed were considered important views and that none were discounted.

² NPPF December 2023

At the Regulation 14 stage, the Council commented that there needs to be a clear rationale that relates to the quality/importance of the view in the neighbourhood area and that the assessment of each view relates back to the criteria for designation and states how the view meets the criteria, or not. 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. There are some views which are on the edge of the parish looking out. Bearing in mind that the policies in the HNP will only relate to development in Horam parish, it is difficult to see how the policy could have any effect on these views. Also, there a number of views that are largely covered by Policy HCD2 and HCD3 (albeit, that the Council does not support either policy). For example, View 8 (Gap between Horam and Maynards Green) and View 11 (Hook Wood southeast across Waldron Ghyll) are covered by the policies HCD2 and HCD3, which means there will be duplication in terms of designations.

Many of these views are across sites put forward in the SHELAA process and there may be issues around trying to restrict development as discussed at Policies HCD2 and HCD3. Again, neighbourhood plans should plan positively and should not be used to constrain the delivery of future housing sites. In the consultation statement accompanying the Regulation 16 version of the HNP, it is argued that it is a falsehood to say that NDP policies cannot have a restraining effect on future development, so long as there are sound reasons for the relevant policies. The Council would argue that some of these views do not have sufficient justification to be characterised as important or significant views and the number of those views is significant for a Parish of this size.

Wording of the Policy

At the Regulation 14 stage, the Council commented that the wording of the policy was too vague and that there needed to be some clarification. For example, in part 1 of the policy, it states that these views should be retained, but does this mean that there should be no change or development supported in those locations? This would contradict our existing Local Plan policies and the NPPF. The wording of Part 1 has not been altered in the Regulation 16 submission.

At the Regulation 14 stage, the Council queried the wording of part 2 also and what type of impact the policy is attempting to prevent? The Council suggested that part 2 could be reworded to provide clarification (e.g. proposals for development which would have an adverse impact on the landscape character of an Important Local View as defined in Figure 13 of this NDP will not be supported). Alternatively, what would be supported – if you are to plan positively? This policy should be worded positively rather than negatively, (i.e. development proposals will be supported where they.....?) At the Regulation 16 stage, part 2 of this policy has been reworded positively, but it still does not explain the type of impact the policy is trying to prevent.

Recommendation

Consider and potentially reduce the number of Important Local views to those which are 'important local views'

Remove part 1 of the policy or restrict it to 'The views as shown in Figure 13 and as described in the Important Views Background Paper are identified as important views'.

Amend part 2 of the policy to explain the type of impact the policy is trying to prevent e.g. 'development proposals will be supported where they do not result in an adverse impact on the landscape character of an Important Local View as defined in the Important Views Background Paper.

HCD5: Design of development

No comment

HCD6: Local heritage

No further comment. The title of this policy has been amended following comments from WDC at Regulation 14.

Background Paper- Approach to identifying and protecting local heritage assets.

There are two options for the group to create a local list, either as part of a future review of the neighbourhood plan or by inputting into a future district wide local list by the District Council. If the latter, then we would consult on a future local list criteria and at that point the parish, could put forward any suggestions/ amendments to the criteria which would cover the whole District. We would welcome liaison on future criteria.

Project H(i) Local Heritage

No further comment. The issues the Council raised at Regulation 14 have been addressed.

Housing Needs Assessment.

Please see the Council's comments made at Regulation 14. The Assessment has not been altered between the Regulation 14 and Regulation 16 consultations.

HHD1: Housing type, size and mix

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.

HHD2 Affordable Housing

At the Regulation 14 stage, the Council commented under Policy HHD2, criteria 2. We assumed that the affordable housing splits relate to your local HNA, but this has not been tested in terms of financial viability. This is a risk to the NDP and could be questioned by housing developers/ agents etc (i.e. what evidence do you have on this point?) After reviewing Horam's HNA, it is noted that due to recent developments in Horam, there is already a higher percentage of such affordable housing in Horam, but this does not necessarily diminish the need for such accommodation at the district wide level. This split in tenure may be appropriate locally, however to note, the council is seeking to allocate land through its emerging Local Plan with a different affordable housing tenure mix to help meet the district wide need.

The Neighbourhood Development 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 HNDP, 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'. You may not be able to rely upon the Council's evidence base for this in terms of viability evidence produced for the Local Plan. It is noted that the policy only supports the 50% First Homes discount rather than requiring it, but it should be noted that the District Council's own policy on this matter may override the NDP on this point at a later stage.

HCE1: Nature and biodiversity

Wording of the Policy

The Council queries Criteria 2 of the policy. In particular the second sentence where natural assets should be replaced within the site or where not practicable should be replaced off-site within the Parish. The Council considers that the mitigation hierarchy should be applied i.e. avoid, mitigate, compensate. This would strengthen the policy. In addition, 'Development that necessitates the unavoidable loss of' perhaps suggests loss is acceptable.

In relation to provision off site, is this deliverable in the Parish and can this be achieved including appropriate mechanisms to manage any off-site provision?

There is also the application of BNG to consider. Should this policy be referring inadvertently to off-site BNG, then a site and mechanisms to manage the site for a 30 year period is relevant.

Recommendation

Could change criteria 2 to account for the mitigation hierarchy as well as add into the second part of criteria 'wherever possible within the parish'.

Change 'Development that necessitates the unavoidable loss of' to 'development that results in the unavoidable loss of'.

HCE2: Trees and Hedgerows

Wording of the Policy

At the regulation 14 stage, the Council suggested that the wording at the end of criteria 2 should change to read 'should provide for their retention, where appropriate, and ongoing management'. This is because it can sometimes be the case that the removal of certain trees is needed/acceptable to ensure the well-being of others, and this would be determined on a case-by-case basis.

Recommendation

That the end of criteria 2 is amended as we suggested at the Regulation 14 stage to read 'should provide for their retention, where appropriate, and ongoing management'.

HCE3: Dark skies and lighting

No further comment. The issues raised by the council at the Regulation 14 stage have been addressed.

HCE4: Local green space designations

The table below contains the Council's comments and overall stance on those sites being proposed as Local Green Spaces in the Horam Neighbourhood Plan.

Suggested Site	WDC Comment	WDC Reg 16 Stance
Site 1- Land at Corner of A267	Part of this site is within the Council's SHELAA process (reference 1062/3030) and will therefore be considered for both employment and housing uses, which it is actively being promoted for (excludes the pond). Its designation as a Local Green Space may be seen as removing an opportunity for development.	Does not support

Suggested Site	WDC Comment	WDC Reg 16 Stance
	<p>It is noted that the site is now overgrown and that there is some wildlife value to the site. However, the Council would not consider this site as tranquil, given its location adjacent to the A267 to the east and employment uses to the west.</p> <p>Given the above we do not believe this site is appropriate for Local Green Space designation.</p>	
Site 2- Land in front of Four Seasons	We would question the tranquillity issue once more here, given the proximity to the A267 and being bisected by Autumn Drive, but support the designation overall given its existing use.	Support
Site 3- Allotments	No comment.	Support
Site 4- Horam Recreation Ground	No comment.	Support
Site 5- Memorial Garden, Hillside Drive	Is there more that can be added here? We do understand the purpose of the Local Green Space designation, but given its owned by HPC is there any need for this designation? Is there some historical significance as this has been left empty in the Local Green Space Report?	Support (although it is not thought to be necessary given the land is owned by Horam Parish Council).
Site 6- Corner of Paynesbridge Way with Vines Cross Road	It is good quality residential amenity space, but does it meet the high bar of being demonstrably special to the community? Although the public can access the green space, there is no seating or other places to dwell / spend time.	Does not support
Site 8- Area by Hillside Car Park	It is good quality residential amenity land for residential development, but does it meet the high bar of being considered as demonstrably special at this stage. Although the public can access the green space, there is no seating or other places to dwell / spend time.	Does not support
Site 9- Station Area Horam,	No comment.	Support

Suggested Site	WDC Comment	WDC Reg 16 Stance
including access land from B2203		
Site 11- Land between Horebeech Lane and Beauford Road	No comment.	Support
Site 12- Land between High Street and garages in Beauford Road	No comment.	Support
Site 13- Vines Cross Pond, Fords Lane junction	No comment.	Support
Site 14- Land at Hurst Shaw, Vines Cross	No comment.	Support
Site 22- Strip of land between Merrydown Estate and A267	No comment.	Support
Site 23- Pond between tennis/ football pavilion and Winter Gardens	No comment.	Support
Site 27- Field between Laundry Lane and Rosemead Place development	This site has been put forward within the SHELAA process under reference 830/3030 and at a high level was found suitable for residential development within the 2019 SHELAA assessment. The site has also been subject to several planning applications in recent years for residential development including the latest planning application under reference WD/2022/1694/MAO for 46 homes that was refused in June 2023 following a committee decision. The site is currently being considered at planning appeal.	Does not support

Suggested Site	WDC Comment	WDC Reg 16 Stance
	<p>It is noted that there will likely be strong resistance from the developer during the NDPs preparation. In addition, the Council does not agree with the assessment in terms of designating the site as a LGS, given its agricultural nature and its proximity to the Poppy Drive development to the west that is constructed and reduces the tranquil nature of the site, which is semi-rural in nature and has no significant designations or historic value.</p> <p>It was advised that this LGS should not come forward within the Regulation 14 version of the NDP and this continues to be the advice moving forward.</p>	
Site 28- Treed rural fringe alongside the Waldron Ghyll and footpath	<p>Part of this site to the south has been submitted to the Council under the SHELAA process (reference 925/3030) and was found unsuitable for development due to TPO protections, views to the AONB and flood risk in the 2019 SHELAA.</p> <p>Given the environmental protections in place, including flood risk, it is not considered necessary to designate this site as a LGS, as there are limited options for development in this location.</p> <p>In addition, as stated before, given the submission of the land within the SHELAA process, there is a risk that the landowner will actively disagree with the assessment as an LGS.</p>	Does not support
Site 34- Fishing Lakes and surrounds, opposite Lakeside café	No comment.	Support

LGS Assessment

The hyperlinks in this study still do not work. This will need to be addressed. Also, paragraph 3.7 of the Local Green Space Report refers to an old version of the Open

Space study (the 2016-2028 Open Space study). The latest Open Space Assessment is available on our website, so the following paragraphs will need updating. The Council produced its Wealden District Council Open Space Assessment Report - April 2022 and Wealden District Council Playing Pitch and Outdoor Sports Strategy (April - 2022) that can be found here: [Open space, sports and recreation. - Wealden District Council - Wealden District Council](#).

Whilst the Council may disagree with some of the overall conclusions (see above), the Assessment is a detailed document that assesses each proposed Local Green Space against the criteria for designation from the NPPF. There is a map of each site, but it would have been useful to have an overall map of the parish showing all of the sites. The Council would welcome this to be added to the Neighbourhood Plan to assist decision makers etc.

HCE5: New amenity green spaces

Wording of the Policy

It could be clearer in the supporting text and policy that there are two different reports (see the commentary under the LGS Assessment above) relating to the open space study. Whilst the links take people to different documents, they are both referred to as the Wealden Open Space Study.

Recommendation

Amend the titles of the documents referred to in order to include their full titles.

HCE6: Flood risk

Supporting text

At paragraph 6.35 it states, 'areas of most serious and/or persistent flooding are almost all at, or immediately upstream from where the watercourse is bridged by a road, track or footpath'. This cannot be a certain conclusion as the Flood Zones shown on Figure 5 represent the floodplain of the watercourse/river. They do not show persistence or severity of flooding, just where the river floods. At the Regulation 14 stage, the Council commented that evidence needs to be added to support this statement or the statement needs to be removed. This has still not been evidenced in the main report.

Paragraph 6.35 also states that 'It follows that, unless the capacity of such bottlenecks can be increased, that any additional run-off upstream of them would increase flood risk in those areas.' Again, the Council commented at the Regulation 14 stage that evidence needs to be given to support this statement, but it has not been provided.

Paragraph 6.39 states that developments 'should take opportunities to help reduce flood risk in Horam and the wider catchment of the Waldron Ghyll.' At Regulation 14, WDC commented that development is only expected to reduce its own flood risk and ensure it does not contribute to increasing flood risk elsewhere. This does not cover

remediating issues that are beyond that required for a new development to address. This statement is desirable but may not be achievable in practice.

Paragraph 6.41 relates to Natural Flood Management (NFM) measures and asserts that 'The most suitable locations for these measures are woodlands. Open, low-lying land adjacent to watercourses, where flood waters can safely overspill for short periods, may also be appropriate. Potential areas of opportunity for NFM are shown indicatively on Figure 16'. At the Regulation 14 stage, WDC stated that there is no evidence given to support this statement. Whilst 'wet woodland' may be suitable, some woodlands may actually be damaged by letting them flood for example. The NPPF makes no specific mention of the types of habitats that could be used in NFM. NFM is dependent on landowner cooperation and the science is still untested.

Paragraph 6.44 states that SUDs should be compatible with and contribute to local landscape character. This is desirable rather than enforceable.

Paragraph 6.46- 'where hard landscaping is needed the use of porous materials should be maximised to enable infiltration' this should be subject to the SUDs hierarchy and soakage tests to BRE Digest 365.

Figure 16- it is still not clear in the document why these particular areas have been selected and whether landowners are aware?

Wording of the policy.

Criteria 3cii of policy HCE6: Flood Risk seeks to achieve a reduction in peak run off rates in respect of proposals located upstream of Stream Farm and Horeham Bridges. WDC commented at the Regulation 14 stage that we could not apply this to any watercourse. The legislation provides for peak run off rates not being increased or maintained at the present level. This section is fine as an aspiration but goes well beyond what the planning system can insist on.

Recommendation

Remove section criteria 3cii.

Project H(iv): Natural Flood Management

The Council would comment that early engagement with the landowners is required.

Water Management and Flood Risk Background Paper

Paragraph 2.8- whilst the paragraph has been amended, the last sentence 'which can result in increased run off' needs to be removed as this is addressed by SUDs.

Paragraph 3.4 states that 'the areas of most serious and/or persistent flooding (darker blue shading) are almost all at or immediately upstream from where the watercourse is bridged by a road, track or footpath'. At the Regulation 14 stage, the

Council commented that this cannot be a certain conclusion as the Flood Zones shown on Figure 5 represent the floodplain of the watercourse/river. They do not show persistence or severity of flooding, just where the river floods. This comment still stands.

Furthermore, within paragraph 3.5 of the background paper, there is no evidence to support the assertion that Stream Farm Bridge and Horeham Bridge cause blocking and upstream flooding.

At the Regulation 14 stage, the Council raised issues around the phrasing of part of paragraph 4.2 where it states that 'Firstly, land at the lowest risk of flooding from all sources should be considered for development'. It is still considered that a direct quote from the NPPF would read better i.e. 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source'.

At Regulation 14, the Council stated that paragraph 4.5 is superfluous to the NDP as it is a policy requirement of the Local Plan preparation to undertake the Sequential, and potentially Exceptions, Tests. The NPPF clearly stipulates this and the NDP does not need to repeat this fact. The Council would also argue that the statement in this paragraph 'Given the clear evidence that Horam is susceptible to flooding' is misleading as the areas susceptible are contained along the river (fluvial flooding) and some parts of the Parish subject to surface water flood risk. The entire Parish is not shown to be covered by fluvial or surface water flood risk and in any case surface water flooding can be effectively managed through the provision of SuDS and in such cases should not be considered a constraint to development. These comments would still apply.

At paragraph 4.20 it states that 'it is considered both reasonable and necessary that development in the Heathfield– Horam – Hellingly areas should seek to contribute to reducing flood risk in the catchment of the Waldron Ghyll/Bull River/Cuckmere River.' At the Regulation 14 stage, the Council commented that development is only expected to reduce its own flood risk and ensure it doesn't contribute to increasing flood risk elsewhere. This does not cover remediating issues that are beyond that required for a new development to address. This comment also applies to the final bullet point of paragraph 4.21. They go beyond what can be asked of developers. It is noted in the consultation statement that reference is made to Planning Practice Guidance (PPG) paragraph 037; however, this relates to the overall site and not addressing historic issues offsite related to flooding.

At the Regulation 14 stage, the Council commented that there is little / no evidence to support the requirement at paragraph 4.22(c), and this approach does not align with the national policy approach to flood risk. The national policy approach does not specify "upstream" or "downstream" of specific infrastructure, rather it requires all developments to assess flood risk on a case-by-case basis through a site-specific flood risk assessment following the sequential test and potentially exceptions test. The Council's comments still apply and there is no evidence given behind referring to these two locations specifically.

At the Regulation 14 stage, the Council commented that, paragraph 4.22(e) does not align with the national policy approach. It would be dependent on the location and

size of the site and space for water would need to be considered on a case-by-case basis taking account of flood risk and all other material considerations. Furthermore, paragraph 4.22(f) does not align with national policy and this is not something that would be able to be requested of developers. Also, it is unclear whether the strategy would be just for the site or would it cover a much wider area. In addition, who would develop the strategy? The Council's comments are unchanged; point e and f are desirable rather than enforceable.

At Regulation 14, the Council stated that in the Natural Flood Management section, evidence needs to be provided to support the claim that "Given the terrain and landscape and flashy nature of the ghylls, the local area is suited to the use of NFM measures to mitigate the effects of extreme rainfall events and the most damaging impacts of flooding". This approach would require the agreement and cooperation of landowners and could be difficult to implement.

The use of leaky dams (paragraph 4.26) is a relatively new approach and is yet to be comprehensively proven to work. There is the risk that debris from the leaky dam is washed down stream and in fact could cause blockages to pipes or the watercourse further downstream.

The NPPF does state that local plans should manage residual flood risk by (alongside other measures) safeguarding land from development that is required, or likely to be required, for current or future flood management (paragraph 167(b)); however, the use of flood storage areas has issues as it is likely to involve the flooding of private land and therefore requires landowner approval / cooperation. This matter is best addressed through the production of the Wealden Local Plan rather than the NDP in the first instance.

As stated at Regulation 14, the Council would urge caution as to the sweeping statement at paragraph 4.28 that "The most suitable locations are woodlands, as occasional, short-term flooding does not cause real damage to the woodland flora". There is no evidence given to support this statement. Whilst 'wet woodland' may be suitable, some woodlands may actually be damaged by letting them flood for example. The NPPF makes no specific mention of the types of habitats that could be used in NFM. Landowner agreement would be required.

Paragraph 4.32- SUDs in general became a statutory requirement in April 2015, the last element of the 2010 Act will come into force in 2024. This needs to be clarified here.

Paragraph 4.33- SUDs are a requirement not merely strongly promoted.

Paragraph 4.35- whether infiltration will work should be determined by a site specific percolation test to BRE Digest 365.

Comments on the water management and flood risk strategy are given separately under the policy heading.

HLE1: Horam village centre

Wording of the Policy and Supporting Text

Paragraph 7.5 and Figure 17-The Horam Village centre boundary as shown in Figure 17 of the HNP is based on the withdrawn Wealden Local Plan (2019) which holds no weight and should not be referred to. Most of our current Neighbourhood Plans do not attempt to define this, leaving this for a Local Plan to define. The emerging Local Plan proposes a village centre boundary. This is not dissimilar to that proposed in the HNP, apart from the HNP including Manor Court and Horam Chapel. As it stands this policy may become out of date.

Recommendation

At the Regulation 14 stage, the Council commented that given the issues raised about the village centre boundary, criteria 1 should be reworked to just talk to village centre uses within Horam Parish, rather than defining a town centre area. The criteria from 1(a) to 1(d) are considered appropriate.

HLE2: Employment

No further comment. The issues raised by the council at Regulation 14 have been addressed.

HLE3: Visitor accommodation and facilities

Wording of the Policy

At the Regulation 14 stage, the Council suggested that Criteria 1 should only be acceptable within development boundaries, or as small-scale extensions to existing holiday parks outside of development boundaries. This has not been amended.

At the Regulation 14 stage, the Council commented that criteria 3a was a laudable aim but if a camping and caravan site is no longer viable and closes, this cannot be prevented. Also, does criteria 4 include camping and caravan sites, in which case is 3a required at all?

At the Regulation 14 stage, the Council commented that criteria 3b should be subject to the design of the chalet, or lodge style development and its location. When commenting on paragraph 7.16 of the HNP (now paragraph 7.15) we added that provided the lodge style development or chalet was acceptable in character and location then they should be treated the same as other forms of tourism accommodation.

Recommendation

Amend criteria 1 to just apply to within development boundaries, or as small-scale extensions to existing holiday parks outside of development boundaries.

Amend criteria 3a to 'they would result in the loss of sites in active use for camping and caravans' or remove.

Either remove 3b or talk about the replacement of static caravans in terms of design and location and frame in a more positive way.

HTM1:Traffic management

No further comment. The issues raised by the council at Regulation 14 have been addressed.

HTM2: Active and healthy travel

At the Regulation 14 stage, the Council commented that there is a viability issue here regarding criteria 2, as well as whether this can be secured through a section 106 agreement as one of the tests is whether it is directly relevant to the development. This could come from the Parish Council Community Infrastructure Levy (CIL) pot, however.

Wording of the Policy

Should criteria 2 relate to Project (vi) Encouraging walking and cycling, rather than Project (iv) which relates to Natural flood management?

Should the reference in paragraph 8.9 also refer to Project H(vi) rather than project H (iii)?

Recommendation

That the project references are checked in the policy and supporting text.

Project H(vi)

Criteria 2g- As we commented at Regulation 14 stage, national policy seeks the consideration of gaps, then gates, then stiles for all new works on public rights of way.

HTM3: The Cuckoo Trail

No comment.

HTM4: Public transport

No further comment. The issues raised by the council at Regulation 14 have been addressed.

HCF1: Community Facilities

Wording of the Policy

At the Regulation 14 stage, the Council commented that perhaps the term 'within the development boundaries' is needed in criteria 1 as otherwise we are supporting these uses in all locations. This has not been addressed.

Recommendation

That the wording of criteria 1 is changed to 'Proposals for new or improved community facilities, including healthcare and community meeting space, **will be supported within development boundaries and** should:

HCF2: Sport, leisure and recreation facilities

No comment.

HCF3: Infrastructure

No further comment. The issues raised by the council at Regulation 14 have been addressed.

HCF4: Allotments and food growing opportunities

Wording of the Policy

At the Regulation 14 stage, the Council commented that clarification is needed as to which Green Infrastructure Strategy the policy refers to and that if it is referring to one to be submitted with the application, then this would be a matter for the Council's validation criteria to determine when it is required. The policy now confirms the green infrastructure strategy is to be prepared by the applicant, however, as the Council stated at Regulation 14, it is not the place of a Neighbourhood Plan to determine what documents need to be submitted with a planning application and that applications will be subject to the validation list.

Recommendation

That the last sentence of criteria 1 is removed.

Projects

The table at 10.6 lists a number of projects. At the Regulation 16 stage, the Council has considered that, given its position just after the CIL section, that these were projects referred to in paragraph 10.4 that it might be appropriate to direct the neighbourhood portion of CIL towards. The Council commented that not all of these projects are suitable for funding via CIL. If these projects listed in 10.6 are not projects solely to be funded by CIL perhaps this could be clarified.