

# Salehurst and Robertsbridge Neighbourhood Development Plan

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## Initial Comments of the Independent Examiner

**Revised Version-14<sup>th</sup> August 2017**

Following the initial release of this document, I have received a response from the Qualifying Body and the LPA, which has prompted me to invite other parties to the hearing and amend my document. Where there are changes, these are shown in italics

**Prepared by**

**JOHN SLATER BA(Hons), DMS, MRTPI**

**John Slater Planning Ltd**

**8<sup>th</sup> August 2017**

## Introduction

1. As you will be aware I have been appointed to carry out the examination of this Neighbourhood Plan. I have carried out my initial assessment of the Plan and all the accompanying documents that I have been sent. I have also spent a day visiting the neighbourhood area to familiarise myself with the plan area. I subsequently asked a number of questions of both the Parish Council, the Qualifying Body and Rother District Council. I have now considered their respective responses, which are now on the Councils' websites.
2. Whilst it is normal practice for matters to be dealt with on the basis of the examination of the written material, the legislation does allow for the holding of a public hearing if it would assist the examination.
3. I have concluded that a hearing would help me come to a conclusion as to the how the plan meets three of the basic conditions. These are:
  - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan
  - The making of the plan contributes to the achievement of sustainable development
  - The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority

## The Mill Site

4. The largest housing allocation in the Plan is the Mill Site. I would like to explore how the Parish Council carried out its initial housing site selection. In particular, whether the identification of possible sites has had regard to the advice in the NPPF (para 100) to avoid putting inappropriate development in areas at risk of flooding. Specifically, I need to understand whether “the plan applied a sequential, risk based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk by applying the sequential test”. I also want to discuss whether it is appropriate to rely upon the Exception Test in a situation where it is possible to locate development into areas of lower probability of flooding. I have seen online the Sequential Test assessment report submitted by the applicant in respect of the current planning application, but I need to be satisfied that in terms of the neighbourhood plan, the overall housing numbers could not be achieved by disaggregating the housing numbers across other sites outside the flood zones.
5. I have noted the Plan's Environmental Report, which appears to have been completed in the summer of 2016 – towards the end of the process, has recognised the flooding issue in relation to the Mill Site, but suggests various mitigation measures could be incorporated. I would be interested in understanding how SUDS measures would deal with the flooding of a main river, rather than surface water run off emanating for the site.

6. I have been provided with an overlay of the current planning application superimposed over the flood map and I note that the site access is within the area at greatest risk of flooding. I need to be satisfied that this allocation site will have safe access and escape routes in times of flooding. I am conscious that if I were to be minded to agree the allocation of this site, it would not be necessary for any future applications to be the subject of a Sequential Test.
7. For this part of the discussion at the hearing, I would invite contributions from the Parish Council, the LPA, the developer of the Mill Site, Hodson Mill Ltd and the other land owners or their representatives, who have expressed a view on the Mill Site in preference to land not affected by flooding. This will be Courtley Planning Consultants Ltd and Turnberry Planning Ltd. In addition, I would particularly wish to extend an invitation to the Environment Agency to attend the hearing and contribute to this discussion.
8. Also, related to the Mill Site, the LPA considers that the plan should provide for some element of employment space and the Parish Council has indicated that it is minded to accept that recommendation. I would like to be clear as to the extent of employment space that I should be considering in my recommendation and whether the developer, Hodson Mill Ltd has any views as to whether the requirement to provide that level of employment floorspace is reasonable, deliverable or viable. I would also wish to hear representations as to whether paragraph 22 of the NPPF is applicable in these circumstances. This states that “planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose”.
9. I understand that there have been previous planning appeals in respect of the Mill Site. I would like to see copies of those decisions and to understand whether there has been any material change in circumstances. *I have now been sent a copy of the 2008 appeal decision.*

### Other Sites

10. I would like to discuss whether, if I were to come to a conclusion that the flooding issues on the Mill Site could not be overcome, should I be considering the allocation of other alternative sites. I would ask specifically whether I should be considering Grove Farm, the Bishops Lane Fields site *or increasing the allocation at Heathfield Gardens*. I would like to hear from the LPA whether Policy VL7 Land at Grove Farm in the adopted Local Plan and also Policy DS6, are “saved policies” and whether it considers them to be strategic policies for the purpose of the basic conditions test. Invitations to this part of the hearing should be sent to the LPA, QB, Turnberry Planning Ltd, Courtley Planning Consultants Ltd *and Savills*.
11. I would invite contributions from all parties whether the housing requirement set out in Policy HOU 2 should be expressed as “a minimum of 155 units”. *The Parish Council has indicated that it is prepared to accept a revised*

*wording of “a minimum of 155 units” so I do not propose to spend time on this point at the hearing.*

### **Local Green Space**

12. There is one site which is designated as Local Green Space to which I have received representations on behalf of the landowner. This relates to Site GS 16: Bishop Lane Fields. I would wish to hear representations from both the Parish Council and Courtney Planning Consultants Ltd as to how and whether this land meets the requirements of Paragraph 77 of the NPPF.

### **The Vicarage Site**

13. I maintain concerns about the accessibility of the Vicarage site. I note that the Highway Authority has not ruled out its provision and that the QB has access to highway expertise. *I would wish to extend an invitation to the Diocese of Chichester and it would be helpful for me if an indicative plan could be prepared to demonstrate how a satisfactory access could be achieved, bearing in mind the orientation of the existing access, its gradient and the width of Fair Lane, in a way that is consistent with its location within a Conservation Area. For a development of this size it may be necessary to demonstrate how service vehicles are able to access the development. I would also invite Mrs Helen Flanagan who has made representations on this site, to contribute to this particular discussion. I would also want to hear the views of the LPA on how this proposed allocation could be developed.*

### **Concluding Remarks**

14. I hope that this note is useful in explaining to parties, the areas I wish to look at, by way of a public hearing, as part of my examination of this plan. Once arrangements have been made I will issue a further note setting out how the session will be conducted. I will also issue a set of specific questions which will form the agenda for the day. It may well be that I raise some other more minor points at that stage, some of which could be dealt with by way of written submissions.

John Slater BA(Hons), DMS, MRTPI.

John Slater Planning Ltd

8<sup>th</sup> August 2017