

Battle Civil Parish Neighbourhood Plan 2019- 2028

Initial Comments of the Independent Examiner

Prepared by

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25th March 2021

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Battle Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents which I have been sent. I visited the town of Battle, as well as Netherfield and Telham and the beautiful East Sussex countryside on Tuesday 23rd March 2021.
2. I have not yet reached a view as to whether it will be necessary for me to call for a hearing and to a large extent it will depend on the responses I receive to the following matters which seeks clarification or further comments / information from the Town Council or in some cases from the District Council. Such requests are quite normal during the examination process.

Regulation 16 Comments

4. I would firstly like to offer the Town Council the opportunity to comment on the representations that were submitted as part of the Regulation 16 consultation. I am not expecting a response in respect of every point, just those that the Town Council feels it wishes to respond to.

Strategic Policies

5. Can Rother District Council confirm which of its Local Plan policies, are for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general conformity with?

Policy H1 -Development Boundaries

6. Can the Town Council advise me what criteria it used for defining the development boundaries?
7. Does it have a view on whether The Cottage and the adjoining Rosecourt opposite the Lillybank Farm development should be included within the settlement boundary?

Policy HD2- Site Allocations

8. Does the Town Council and the District Council have a view as to whether the capacities of the housing sites should be expressed as a minimum figure or an approximate figure?
9. Can the District Council update me as to the current position regarding the housing site at Blackfriars- has planning permission been granted for the entire site and if it has, can I be sent a copy of the approved layout and the reference number for the relevant consent(s)? I noted on my site visit that ecological surveys seem to be underway, along with some limited tree felling. Does the District Council have a view as to whether the capacity of the site could be increased above the 220-unit figure? I note that the original 2006 Local Plan policy was *at least* 220 units and the site for the primary school is no longer required.

10. Is the District Council content with the housing figures being used in the neighbourhood plan which reflects adopted local plan policies or is there more up-to-date information on housing need that should be taken into account?
11. Can the District Council update the information set in the two tables in Page 40?

Policy HD 3 - Housing Mix

12. Can the Town Council clarify whether it is expecting that the shared ownership flats will form part of the affordable housing mix?
13. Can the Town Council confirm whether it expects that the percentage of affordable housing in Netherfield should be 40%, on schemes above 5 units?

Policy HD5- Protection of Landscape Character

14. Can the Town Council clarify whether it expects every planning application to be accompanied by a landscape and visual assessment or just those developments which have the potential to have an impact on the landscape e.g. would it be expected for a small infill site within the centre of town. Is there a difference between the expectation of integrating a development in the landscape within in a countryside location and the integration of a building into its surroundings in a built-up area, where the issues are more of townscape integration and is that better covered by Policy HD7?
15. Is criteria 6 essentially duplicating existing Development and Site Allocations Local Plan Policy DEN 3 and Policy HD8?
16. Is the requirement for masterplans in the green gaps, expected only for schemes of 10 or more units or on all proposals and would that requirement be better placed withing Policy HD8?

Policy HD6 – Local Connections

17. Is it the Town Council's expectation that occupation of starter homes should be restricted to persons with a local connection and can the District Council comment whether this could be made a on-going restriction?

Policy HD8 - Protection of Green Gaps between Settlements

18. Can I be provided with more detailed maps showing the extent of the Green Gaps. I note that some of these gaps already contain development, including a number of residential properties. If the sites are already developed, how are they preventing settlements coalescing? I note that the outer edge of the gaps is not another settlement, but often open countryside, so to what extent are these green gaps protecting the separation of Battle from surrounding villages? Does the District Council have a view on this?
19. The policy wording reflects the wording of the Local Plan policy by saying that "development will be carefully controlled". Can the District Council elaborate on how it uses the policy elsewhere, how does it give an additional control over the

protection already offered for the areas outside development boundaries and within the AONB?

20. Is it the Town Council's intentions that they should effectively be given the same status as Strategic Gaps?

Policy IN1- Traffic Mitigation

21. Can the District Council set out what thresholds it uses in terms of which schemes are required to submit a Traffic Assessment with a planning application and is it set out in the Local Validation Checklist?
22. Can the Town Council give some examples of the type of additional measures that a scheme expects to be required "to reduce the impact of traffic movements generated by the new development?"

Policy ENV4 – Historic Environment

23. Can the Town Council confirm whether the policy expecting to assign the same status to the protection of non-designated heritage assets as designated assets? Is there a value in non-heritage assets being covered by both this policy and Policy ENV 5 and which policy would a decision maker use to assess a planning application affecting a non-designated heritage asset?
24. Can the Town Council explain what is meant by the final paragraph of the policy?

Policy ENV 5 – Locally Important Buildings

25. Is the neighbourhood plan actually proposing to designate the buildings and the other structures which are not buildings, as non-designated heritage assets or is it nominating the buildings for the District Council to designate? A neighbourhood plan can confer non designated heritage assets status but it should identify them as such within a policy.

Policy ET1 – Tourism and Local Economy

26. Can the various destinations covered by this policy be listed and/ or shown on a map as some are vague and it could be ambiguous whether some are covered by the policy or not e.g. Public Houses and Hotels, Heritage Churches and various heritage trails?

Policy ET2 - Sustaining Local Retail and Encouraging Employment Opportunities

27. How does the intention of this policy, to protect existing town centre businesses, differ for the protection offered by Policy HD9?
28. Is it appropriate to describe Battle as an "historic former market town"?

Policy ET3- Developer Contributions

29. How does this policy's requirements differ from those set out in Policy IM2 of the Rother Core Strategy?

30. Is the policy seeking specific contributions beyond those which the Community Infrastructure Levy is expected to cover?

Policy ET 4 – Assets of Community Value

31. My understanding is that an Asset of Community Value is not a planning designation and if granted covers the community right to bid and will only offer that status for 3 years – would it not be better to protect the community buildings by Policy ET5?

Concluding Remarks

32. I am sending this note direct to both Battle Town Council, and Rother District Council. I would request that the two parties' response to my questions should be sent to me by 12 pm on **23rd April 2021** and also copied to the other party.

33. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and also the District Council's website.

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Independent Examiner to the Battle Civil Parish Neighbourhood Plan.

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