

# Hurst Green Parish Neighbourhood Plan 2021-2028

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## Initial Comments of the Independent Examiner

**Prepared by**

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**23rd January 2025**

## Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Hurst Green Parish Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents. I visited the parish on Monday 20<sup>th</sup> January 2025.
2. I spent about two and half hours in the parish, initially orientating myself by driving along the A21 through the main village on London Road taking in the two hamlets of Silver Hill and Swiftsden. I then turned right into Station Road and discovered the railway station at Etchingham. I visited each of the character areas and located the proposed local green spaces. I noted the proposed housing sites along London Road, and Foundry Close. I also saw the site known as Cooks Field at Burgh Hill.
3. I had previously arranged to meet representatives of the Parish Council and Rother District Council to view the plan's one remaining housing allocation site at land adjacent to Iridge Place, London Road. We were joined by the site owners who provided us access through their site from the cricket field behind, marked out with a cleared route through the overgrown site. This enabled me to see the extent of the tree cover, the quality of trees and habitat on the site and I was able to assess the relationship with the adjoining property, Oaklands - 70 London Road.
4. During the site visit I was handed 2 laminated sheets showing the site location and a 1909 Ordnance Survey map and separately a drawing entitled Design Concept showing 4 units on the central part of the site. In the interest of transparency, as these were not part of the submission documents I am appending this material to the end of this note, so this information is put in the public domain.
5. At the conclusion of the accompanied site visit, I walked to see the key views identified in Policy HG12. Before leaving the parish, I was able to see the primary school parking at the end of the school day.
6. Whilst I would normally at this stage be in a position to confirm whether a public hearing will be required, in this instance, I feel that such a conclusion would be premature. I will await the responses to this note before making that final decision.

## National Planning Policy Framework

7. Just before Christmas, the Government issued a new version of the National Planning Policy Framework. Paragraph 239 of this latest version deals with Implementation and confirms that only those neighbourhood plans which are submitted after 12<sup>th</sup> March 2025, will be assessed at examination against the policies in the new version of the NPPF. I can therefore confirm that I will be examining

this neighbourhood plan in the context of the previous version of the Framework, which was issued on 19<sup>th</sup> December 2023. My subsequent reference to paragraph numbers in this document relates to the Dec 2023 version of the Framework.

## Regulation 16 Comments and Strategic Policies

8. I would like to offer the Parish Council the opportunity to comment on the representations that were submitted to the plan as part of the Regulation 16 consultation. I do not expect a response to every comment made, just those that the Parish Council feels that it wishes to respond to or comment upon.
9. Can I ask the District Council to confirm which of the policies in the Rother Core Strategy should be treated as strategic policies for the purpose of the test of general conformity, in relation to the basic conditions. Also, are there any saved local plan policies that should be treated as strategic?
10. I have paid particular regard to the late representation submitted by Mike Skinner of the Landstrom Group Ltd, in respect of land known as Cooks Field at Burgh Hill. It was received by the District Council after the conclusion of the Regulation 16 consultation. I note that he wrote to the Parish Clerk on 28<sup>th</sup> October 2024 regarding the Parish Council's decision to remove the allocation of the site, which had been included in the Regulation 14 version of the plan. He was seeking that clarification of the Parish Council's decision to remove the allocation as he was hoping to respond to the Regulation 16 consultation.
11. I note that he only received a response on 16<sup>th</sup> December 2024 which was after the close of the Regulation 16 consultation. In his letter to Rother District Council dated 18<sup>th</sup> December, he asked for the opportunity to submit further representations. I believe that the delay in the response of the Parish Council, until after the Regulation 16 consultation had closed, has prejudiced Mr Skinner's position, in terms of his ability to make informed representations on the decision to remove the Cooks Field site from the proposed site allocations.
12. In the interest of fairness, I am prepared to offer Mr Skinner the opportunity to submit further representations for my consideration. Equally I am prepared to offer the Parish Council an opportunity to comment on those further representation, in the same way that I have offered it the same opportunity in respect of Regulation 16 consultation responses.
13. I am therefore inviting Mr Skinner to submit any additional written representations that he wishes to make. I am requesting Rother

District Council to write to Mr Skinner, with a copy of this Initial Comments document and give him a 3 week period in which to submit them to me, via Rother District Council. I would like that response to be copied to the Parish Council and offer it a similar 3-week period to submit any comments on Mr Skinner's submissions. In order to allow me to understand the time frames I would ask the District Council to copy me in on the relevant correspondence and also can both the District Council and the Parish Council place the relevant correspondence on their respective websites.

## Neighbourhood Plan Policies

### Policy HG1 – Location of Development

14. Does the District Council and/or the Parish Council have a view on whether the development boundary at the western edge of the parish should be closed off, along the line of the parish boundary?
15. In terms of the emphasis of the policy, can the Parish Council explain why development that accords with the development plan policy covering appropriate development in the countryside, should only be supported in *exceptional* circumstances?
16. What would be the Parish Council's position in terms of the redevelopment of redundant brownfield sites on land outside of the development boundary? This is something that appears to be supported in paragraph 89 of the NPPF.

### Policy HG2: Housing Strategy

17. Can the Parish Council clarify the end date of the plan as the SEA refers to the plan period extending to 2042. I assume that position has changed during the plan making progress, probably due to local plan uncertainty.
18. On my site visit, I saw that the Foundry Close development was approaching completion, but work had not commenced on any of the other sites which are shown in Figure 4.1. Can the District Council confirm whether all necessary pre – commencement conditions have been submitted so there is no impediment to work commencing. There are situations where planning permissions do not get implemented and lapse or alternatively developers wish to promote alternative schemes. Can the Parish Council, as well as the District Council, comment on whether there is merit in the neighbourhood plan continuing to allocate the other allocation sites apart from Foundry Close and should their capacity be included within this policy?

## Policy HG4: Character of Development

19. This and other policies refer to the Hurst Green Aims and Vision. Can I be provided with a copy of that document and can the Parish Council illustrate to me how an applicant might demonstrate how their development met these aspirations?
20. In the light of this and the requirements of the next policy, Policy HG5, is it really necessary for applicants to be expected to reference all the following documents in addition to the Hurst Green Design Code?:
  - the High Weald Management Plan,
  - the High Weald Housing Design Guide,
  - the Rother District Council Key Design Principles,
  - National Design Guide,
  - HAAPI,
  - Secured by Design,
  - The RTPI Dementia and Town Planning Guidance and the
  - Building for a Healthy Life
21. Is it the Parish Council's expectations that non designated heritage assets should be given the same level of protection as designated heritage assets, or should the policy requirements in terms of locally listed buildings reflect the approach set out in paragraph 209 of the NPPF?
22. Can the District Council confirm which applications are expected to be accompanied by a Heritage Statement having regard to the provisions set out in the Development Management Procedure Order 2025 and the Local Validation List?
23. Also, can Rother outline its criteria for assessing which applications need to be demonstrating whether their proposals will have an impact or otherwise, on archaeological deposits?

## Policy HG5: Design of Development

24. Can the District Council advise in what circumstances will its environmental health officers be requiring properties to incorporate triple glazing?
25. Would the Parish Council consider that all that is necessary is for the infrastructure such as ducting to be in place to allow a broadband provider to deliver superfast broadband rather than a requirement that the premises be served by broadband, which is a matter of choice by the customer?
26. Should the EA's requirements for buffer zones be incorporated in criteria (v111) which according to their Reg 16 comments, sets a buffer at normally 8 metres between the top of the bank of a main river and the development?

27. Is the policy requirement for at least one pavement, compatible with the advice set out in Manual for Streets and is there a contradiction between criteria(x) which refers to *limited* use of shared spaces and Policy HG18 -criteria c) which states that the use of shared surfaces will not be supported. The Manual for Streets is quoted in the Hurst Green Design Code under reference HGNP.DC.2.1 “Streets should be designed as places, not primarily as vehicle movement routes to create a sense of enclosure”

#### **Policy HG6: Energy Efficiency and Design**

28. I note that this is a policy that seeks to encourage, rather than requiring, measures to reduce energy consumption. Many of the policy's requirements, such as the thermal performance of building materials, energy efficiency measures, electric car charging on new buildings are already covered by the Building Regulations.
29. Can the Parish Council illustrate how a proposal would be expected to demonstrate how it would reduce fuel poverty levels, as required by criteria (vii)?

#### **Policy HG7: Enhancing the Public Realm**

30. Can the Parish Council clarify that the requirements in (i) to (vi) are aimed at the works that are proposed within the public realm, rather than adjoining development? It appears that most works are likely to be within the public highway and will be covered by highway legislation and will not need planning permission.

#### **Policy HG10: Green Infrastructure**

31. Does the District Council have a view as to whether the policy requirements set out in B) are still required now that the biodiversity net gain provisions initiated by the Environment Act are now fully in place? My understanding is that Planning Practice Guidance is such policies are no longer required.

#### **Policy HG11: Local Green Space**

32. Can the Parish Council clarify whether the school playing field is available outside of school hours for the use of the community? I am unclear as to why it would be considered demonstrably special by the local community.

#### **Policy HG12: Protection of Locally Important Views**

33. I am uncertain whether an applicant or indeed a decision maker would know whether their proposal affects a view that is enjoyed by the general public, without the neighbourhood plan actually identifying these views. This would be the trigger for a landscape and visual impact assessment. Would the matter be better left to

landscape protection policies covering the High Weald National Landscape/ AONB?

### **Policy HG13: A Green Village Hub for Hurst Green**

34. Does the Parish Council have a view that the policy wording should confirm the location of the Village Hub to the position as shown in Figures 15.1- 15.3?

### **Policy HG17: Supporting local employment opportunities**

35. I note that the policy is expecting that start up business space should be located in close proximity to public transport – is that expected to be close to the bus stops in London Road and Station Road or be within walking distance of Etchingham railway station? Is that requirement consistent with the Secretary of State's position set out in paragraph 89 of the NPPF?
36. Can the Parish Council expand on what it is expecting to be shown to demonstrate that facilities will cater for children – is that looking to encourage workplace nurseries or similar childcare facilities? Similarly, what are the expectations in terms of meeting the requirements for those with disabilities, beyond usual access requirements?
37. Is there a duplication between the requirements in D. and those set out in Policy HG5 (vi)?

### **Policy HG20: Residential Parking Provision**

38. Can I clarify with the Parish Council whether its expectation is that residential extensions to properties which create additional bedrooms should be expected to provide additional car parking spaces?

### **Policy HG21: Highway capacity at key road junctions**

39. Can the District Council comment on whether it is normal development management practice for highway consultants to seek to agree with the Highway Authority – which I assume will be National Highways in the case of junctions with the A21, which junctions need to be considered in the context of a particular development within a Transport Assessment. I am conscious that a policy requirement which lists all the junctions set out could lead to unnecessary and expensive highway modelling.

### **Housing Allocations**

40. If I were to be minded to recommend the inclusion of the housing sites which have planning permission, but which have not been implemented and are shown on the Policies Map, would the Parish



Council wish me to draw upon the policy and supporting text from the Regulation 14 version of the plan or would it like to offer alternative wording for my consideration?

41. I note that the latest version of the plan no longer allocates the site at Burgh Hill- site HG11: Cooks Field. Can the Parish Council explain, in terms of the site's planning merits, what has changed to persuade the Parish Council to remove it from the plan. I did note, in paragraph 5.9 of the plan, that one reason was that the site would not deliver any benefit to the community, which is a key objective of the plan. I would draw the Parish Council's attention to the legal requirements set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010, which are repeated in paragraph 57 of the NPPF, "that planning obligations must only be sought where they meet all the following tests
- Necessary to make the development acceptable in planning terms
  - Directly related to the development and
  - Fairly and reasonably related in scale and kind to the development"
42. I appreciate there has been some recent planning history on the Cooks Field site and can I ask the District Council to provide me with a copy of the planning officer's report and the minute of the meeting which overturned that recommendation? Can I also be sent a link to the District Council's HEELA assessments for the housing sites in Hurst Green parish

### Concluding Remarks

43. I am sending this note direct to Hurst Green Parish Council and Rother District Council. I would request that all parties' responses to my questions should be sent to me by 5 pm on **14<sup>th</sup> February 2025** and be copied to the other party.
44. The timescales of the offer to Mr Skinner to submit further representations in respect of Cooks Field and the Parish Council's response should be in line with the arrangements which I set out in paragraph 13 of this report.
45. I would also request that copies of this note and the respective responses are placed on the Neighbourhood Plan's and District Council's respective websites.

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John Slater Planning Ltd

Independent Examiner to the Hurst Green Parish Neighbourhood Plan



Ordnance Survey Map from 1909



Current Map





