

14th February 2025

**RE: Hurst Green Parish Neighbourhood Plan 2021-2028**

Dear John Slater, Independent Examiner of the Hurst Green Neighborhood Plan.

Thank you for allowing me this opportunity to submit my representations to the latest Draft Hurst Green Neighbourhood Plan consultation, and for having regard for the circumstances which have led to this delayed submission.

On behalf of Landstrom Group Ltd, acting on behalf of the Landowners of the 'Cooks Field' site, I would like to request that this letter is accepted as our formal representations alongside these accompanying attachments that I shall attach or share links to.

- **Correspondence Emails and letters**

- *A1 - Letter from HGPC to Mike Skinner received 14th December 2024.pdf*
- *A2 - Email to HGPC to share details of an outline planning application, 12th December 2023.pdf*
- *A3 - Letter to Hurst Green Parish from Landstrom Group, 12th December 2023.pdf*
- *A4 - Fw/ Re/ Hurst Green NP -Planning Committee.pdf*

- **Supporting Designs and Landscape Appraisals**

- *HMY Feasibility Study November 2019.pdf*
- *Pages 64-77 from HGNP-Stage-1-High-Level-Landscape-Assessment-report-November-2020.pdf*
- *LVA November 2022 (Landscape and Visual Appraisal, Cooks Field) .zip*
- *LVIA November 2023 (Landscape and Visual Impact Assessment, Cooks Field) .zip*
- *Design and Access Statement.pdf*
- *Pages 38-39 from HELAA-Part-2-CHAPTER-5-NORTHERN.pdf*

- **Planning Application RR/2023/2540/P**

- Submission documents (available via Rother's planning portal)  
<https://planweb01.rother.gov.uk/OcellaWeb/showDocuments?reference=RR/2023/2540/P&module=pl>
- Officer Report to Committee (to be provided by the LPA)
- Planning Committee minutes (to be provided by the LPA)

## Promotion of Cooks Field for Inclusion in the Hurst Green Neighbourhood Plan

### WITH REFERENCE TO THE REG 16 (SUBMISSION) NEIGHBOURHOOD PLAN

**Paragraph 5.4** states that “*Extensive work concluded that five potential housing sites (HG 6, HG 11, HG 22/43, HG 40 and HG 45) were available and were assessed as being potentially suitable for housing development, all subject to constraints, largely relating to landscape*”.

**Paragraphs 11.3 to 11.5** describe the Parish Council’s formal process for evaluating and allocating strategic sites for housing, commencing with the 2018 call-for-sites process.

We agree with these paragraphs, and confirm that ‘Cooks Field’ was put forward via that process for consideration. Additionally, during December 2019, the landowners’ agent, Batcheller Monkhouse, and architects HazleMcCormackYoung LLP, had provided the Parish Council with a stage 1 feasibility study showing how the site may accommodate 6 new homes with individual accesses along Burgh Hill. (see *HMY Feasibility Study November 2019.pdf*)

**Paragraph 11.6** contains a broken hyperlink to the 2020 Landscape Assessment Report. The working link appears to be:

<https://hurstgreen2030.uk/wp-content/uploads/2020/11/HGNP-Stage-1-High-Level-Landscape-Assessment-report-November-2020.pdf>

This report was commissioned by the Parish Council and carried out by an independent Landscape Consultant (Harper Landscape Architecture LLP). Pages 64 to 77 of that pdf (numbered pages 18 to 31 of Volume 2a) provide a site assessment of Cooks field, which offers conclusions and recommendations (at a high level) for the suitability of the site and potential scale for development. The report paragraph 3.51 makes recommendations for further landscape assessments that might be carried out prior to development.

**Paragraphs 11.7 to 11.11** describe the process leading to the June 2022 SEA Options appraisal, which had provided the Parish Council with a number of options that could be chosen to meet their local strategic housing need.

We agree with this narrative and note that site HG 11 (Cooks field) was proposed for inclusion in all of the four spatial strategy options and as part of the regulation 14 draft.

## FURTHER SUBMISSIONS

### LVA

In accordance with the recommendations of the high-level landscape assessment and to ensure consistency of approach, Landstrom (acting on behalf of the land owner) directly commissioned the same consultant to produce a more detailed Landscape and Visual Appraisal (LVA) for the site, (issued in November 2022). The LVA document details local planning policies and design guides relating to the site's location within Rother and the High Weald National Landscape. 10 localised viewpoints are then detailed and analysed for their landscape sensitivity.

### Indicative Layouts

As part of this landscape-led approach and in the interests of progressing the site towards a planning application in-line with its draft (reg 14) neighbourhood plan allocation, the recommendations of the LVA were considered by architect firm, "George and James" who duly prepared indicative site layouts. At this stage, further advice from a Local Highways Authority pre-app consultation, drainage and flood-risk consultants, heritage consultant, topographic surveys and ecological surveys were also considered in order to ensure that indicative layouts would demonstrate a robust viability for all other related planning purposes.

### LVIA

Finally, once viable indicative layouts and a highway access strategy had been developed, Harper Landscape Architects LLP were again commissioned to produce a full Landscape and Visual Impact Assessment (LVIA), issued in November 2023. The LVIA concluded in paragraph 6.4.1 that, whilst change to the landscape is inevitable when development occurs on any undeveloped greenfield site, *"the site is able to accommodate residential development with limited Significant Adverse Landscape Character and Visual Effect"*. The same paragraph further concluded that the site is *"discreetly contained to near distance views in from the north, west and east and fairly indiscernible views in from the south"*.

### Design and Access Statement

The 'Design and Access Statement' describes the process by which the design constraints of the site and local context have been considered in forming the indicative layouts.

On 12th December 2023, the documents described above were emailed to Hurst Green Parish Council as a full copy of the outline planning submissions and ahead of general publication. These supporting documents should have been made available for inclusion as part of the Neighborhood Plan evidence base, and our correspondence clearly shows that our planning submission was in strict accordance with the HGSA1 allocation and that we wished to continue to work in close partnership with the Parish over the

course of the planning process. (see attached email and letter to Hurst Green Parish from Landstrom Group, 12th December 2023).

## PLANNING APPLICATION - RR/2023/2540/P

A planning application was submitted and, following minor revisions and collaboration with the statutory consultees over the course of the application, received the support and recommendation for approval from the Planning Officer.

### Officer Report

The Officer report confirms that the application received a 'no objection' response from the ESCC Landscape Architect and other key statutory consultants. Paragraph 8.3.11 of the committee report stated that *"subject to an appropriate landscaping scheme incorporating appropriate ecology and biodiversity enhancement measures the potential harm could be mitigated"*.

### Planning Committee Decision

Despite not having any alternative landscape opinion that reached a different conclusion to that of their own professional officer and the county council's landscape architect, the planning committee determined that the proposal would cause unacceptable harm and thereby conflict with the relevant development plan landscape policies (EN1 of the CS and DEN1 & DEN2 of the DaSA).

Unfortunately, the committee minutes and reason for refusal are not specific about where or how the perceived harm may occur. Although, based on the minutes, a number of matters were raised and discussed, none of these articulate, let alone properly articulate, how there is harm occurring and/or how this would occur to the extent that the application should be refused, and permission withheld.

In contrast, the supporting evidence, as submitted with the application, sets out how and why the site passes the relevant criteria or 'tests' and is therefore suitable for development. As noted above, this evidence was accepted by the council's own landscape consultee and planning officer and they concluded that any harm could be mitigated.

### Parish Council Representations at Committee

At the District Planning Committee meeting on 5th September 2024, the Parish Council made representations against the proposal including a statement that *"their draft Neighbourhood Plan had been abandoned"* and other such statements in opposition to the proposal, which we believe would have influenced the members' voting which was ultimately split and leaning against the proposal.

Subsequently on 10th September 2024, the Parish Council confirmed via email that their Parish Councillor who had spoken at that Planning Committee had indeed misled the Committee. This email is included with this letter 'A4 - Fw/ Re/ Hurst Green NP -Planning Committee.pdf, which describes how *"there is one councillor, who does not believe that Hurst Green should be producing a neighbourhood plan"*.

Despite raising our concerns with the Councils democratic services team, LPA declined to reconsider the matter and proceeded to issue the notice of decision regardless. This planning decision will shortly be the subject of an appeal.

## FURTHER WORK

Notwithstanding the decision of the District Planning Committee to refuse this particular application, the independently commissioned evidence base still provides a robust assessment of the sites' capacity to provide for 7 dwellings, while still acknowledging the sensitivity of the landscape. If given the opportunity either via an appeal or neighbourhood plan allocation, we would like to continue to develop the final layout and landscaping in a way that is most suitable for this location and maximises public benefits. If awarded permission via an appeal, the reserved details of layout, appearance and landscaping could also yet be informed by this Neighbourhood Plan.

## Reinstatement of Site Allocation Policy HGSA1 (Site HG 11 - Cooks field)

Our main submission here relates to the apparent unjustified removal of policy HGSA1 since the regulation 14 plan, and we respectfully request that the inspector makes recommendations for its reinstatement.

## WITH REFERENCE TO THE REG 16 (SUBMISSION) NEIGHBOURHOOD PLAN

### Paragraph 5.9

*"Following additional consultation with residents of Burgh Hill in 2023 and 2024, and the submission of an outline planning application relating to the possible HG 11 site, the Parish Council has decided to remove site HG 11 from the submission version of the neighbourhood plan, principally as the site, as proposed in the outline planning application, would not deliver any benefit to the community, a key objective of the plan."*

As a matter of principle, it remains feasible that the site could be allocated for 7 houses and delivered in an alternative way (e.g. differing access and indicative layout) to that proposed within the outline planning application. The outline application was not an appropriate public test of whether an allocation would be capable of being included in a neighbourhood plan. The specific outline proposal which included the potentially divisive details of access arrangements, sought to provide much-needed housing at a time of

significant need and in accordance with the many years of collaboration that had led to the Pre-Submission Regulation 14 draft NDP (July 2022) which had then appeared to have stalled. It is quite possible that many opponents would have considered the application to be premature and would prefer to see this site delivered expressly via this Neighbourhood Plan.

Whether or not the scheme is legally required to deliver further 'benefit to the community' is a subject that we understand has been queried by the inspector. However, we might also assert that the proposal would in any case provide benefits which we shall describe later below.

### **Paragraph 11.13**

*"Following additional consultation with residents in Burgh Hill, undertaken during 2023-2024, in March 2024, the Parish Council decided to remove site HG 11 from the plan".*

We don't agree with this narrative or those dates provided, and would request that this section is corrected or removed from the plan.

## **CLARIFICATION FROM THE PARISH COUNCIL**

The letter from the Parish Council on 14th December 2024 has now provided some clarification, which is that *"no formal consultation was undertaken"* and that the removal of site HG 11 may principally have been a result of *"The new make-up of the Council, which has seen a significant change, reflects different opinions, attitudes and outlooks to our original draft plan drawn up and approved by the past Council."*

We note that these reasons are not founded in planning considerations, evidence, formal public consultation or motives that fairly represent the wider community of Hurst Green and its stakeholders.

## **COMMUNITY BENEFITS**

There remains an opportunity for a development at Cooks Field to provide community benefits in accordance with the objectives of the Neighbourhood Plan.

### **Footway**

Regulation 14 Neighbourhood Plan paragraph 11.20 stated that *"Opportunities should be taken to connect to the existing footpath network and to provide a new footpath along Burgh Hill."* Former policy HGSA1.C.Xi required that *"The linking of the Site to the local existing PRoWs (HG8 and HG9) and to offer pedestrian access along Burgh hill where none currently exists."*

The outline planning application RR/2023/2540/P had proposed a new pedestrian footway along the site's northern frontage with Burgh Hill, which would provide improved pedestrian connectivity for local residents and those visitors using the local PRoW networks. The proposal had shown this footway as a

feature level to the existing highway and marked with granite setts - in a way that could provide demarcation with the highway without introducing urbanising features such as raised concrete curbs. The footway design originated from pre-application discussions with the local highway authority (LHA), who had stated that the footpath would *"offer a significant benefit to existing dwellings served from Burgh Hill"*.

Neighbourhood Plan Policies HG4 (character area 5) and HG18 demonstrate support for the principle of a footway and note that *"Pedestrian connectivity is poor, with no pavements along the majority of Burgh Hill, providing no safe connections to Etchingham"* and *"The development of footpath and cycle routes which link Hurst Green.. to the nearby villages of.. Etchingham will be supported."*

## **Telegraph Poles**

Previous regulation 14 plan version Policy HGSA1.c.viii requires that *"The landscape detracting telegraph poles and line should be installed underground."* This remains a benefit that could be secured via this site allocation.

## **Green Infrastructure and new Habitats**

The outline planning submission included a 'linear bioswale' SUDs feature to the south of the private garden areas and a 10 metre buffer to the eastern boundary. These green infrastructure features could offer a publicly accessible "biodiversity area and linking path" in accordance with previous plan version HGSA1.c.vi

## **Housing Needs**

Policy HG3 describes the requirements for new development to meet identified local housing needs and support mixed and balanced sustainable communities. Allocation HGSA1 would directly contribute to meeting those needs, for example through direct affordable housing provision or alternative financial contribution and through the provision of self-build plots.

## **Financial Contributions**

Section 13 of the latest plan describes the different types of contributions arising from section 106 agreements, section 278 agreements and the Community Infrastructure Levy (CIL), and the benefits to the community that these will deliver, including priorities such as *"the replacement and improvement of the children's park, the development and the improvement of recreational facilities, including enhancing the Drewetts Sportsground."* The allocation of site HG11 in accordance with the previous policy HGSA1 would contribute directly to achieving these goals via CIL and S106 contributions.

## Failure to Meet the Statutory Demand

### EMERGING POLICY

#### NPPF

We acknowledge that the Neighborhood Plan is being brought forward within the context of the December 2023 NPPF, which has lower requirements for the delivery of housing than recent updates are aiming to provide for.

#### WMS

The written ministerial statement 'building the homes we need' dated 30 July 2024 (WMS), may still be relevant to this neighbourhood plan. The WMS is already a material consideration to which full weight should be attached and sets out a clear direction of travel for national policy; to provide significantly more homes and a greater mix of housing types and sites, including smaller sites.

The WMS acknowledges the acute housing crisis and that local authorities should be looking at how to deliver the housing an area needs, not whether to do so at all.

#### Rother Local Plan

The April 2024 emerging Rother Local Plan includes a specific provision for site HG11 in calculating the proposed housing growth figure. Even so, it is clear that the recent NPPF changes and the Government's commitment to provide 1.5m homes within this 5 year period will require a significant rise in the rate at which Rother must provide housing.

The figure of 75 houses for Hurst Green was proposed in the context of the 2014 Core Strategy, at a time when the Districts annualised Housing Land requirement was only 335. Using the latest standard method, that figure has now risen to 932 houses per year - a rise of 278%.

Hurst Green has been identified as a sustainable settlement capable of contributing to the district's housing needs, and so it must be particularly desirable to ensure that all available and achievable opportunities to meet these needs are properly considered and best utilised, even where constraints exist.

### WITH REFERENCE TO THE REG 16 (SUBMISSION) NEIGHBOURHOOD PLAN

It is a concern of ours that the current iteration for the Neighbourhood Plan fails to meet the minimum requirements for strategic allocations and in accordance with the Core Strategy which required a minimum



of 75 houses, in addition to windfall sites. This is in the context of a district that has persistently failed to meet housing land supply and delivery targets for a number of years, which has consistently triggered the paragraph 11 'presumption'.

Should this Neighbourhood Plan also fail to meet its statutory obligations, it too shall immediately be considered 'out of date' with regards to Policy 14(b) of the NPPF. I.e. that the neighbourhood plan would not contain policies and allocations to meet its identified housing requirement as described in paragraphs 67-68.

The shortfall in delivery is confirmed within paragraph and table 5.10 of the submitted plan, with only 74 homes being allowed for (all of which are existing commitments) and no further allocations, despite a clear opportunity to do so with site HG 11.

In stark contrast to these clear needs for additional housing growth, Submission policy HG2 "Housing Strategy" includes a single site for "approximately three" units on a site that has clear biodiversity, ecological and landscape values. An additional three dwellings would represent a growth of just 0.48% on the existing 622 households.

Policy HG1 proposes a tightly drawn development boundary and requires 'exceptional circumstances' for any development beyond that boundary - regardless of site-specific landscape considerations or future growth requirements of the District. We find this approach to be unjustifiable when clearly other opportunities for localised growth exist.

## SUMMARY

**We would like to request that the Cooks field allocation policy HGSA1, relating to housing site HG 11 is reinserted prior to proceeding to referendum in order for the fair and democratic principles of Neighborhood Planning to be upheld, to meet the identified local housing needs and to support the delivery of additional community benefits.**