



**Pre-Submission Review  
Issue Report**

**Sedlescombe Neighbourhood Plan**

**Sedlescombe Parish Council**

**Job Reference: SSX005R001.1**

**Date: 7/7/14**

**maroon planning ltd**

63 George Street  
Bedford, MK40 3SQ

Tel: 01234 312230 / 07734862387

[www.maroonplanning.co.uk](http://www.maroonplanning.co.uk)

This report has been prepared by Alex Munro MRTPI and the Director of Maroon Planning Ltd. My involvement in neighbourhood planning pre-dates the Localism Act coming into force in 2012 and I have significant experience working on a number of plans across Southern England.

This report represents a summary of my own personal professional judgements on each of the 7 policies proposed to be included in the plan. As is the nature of such a review, I am often required to apply my interpretation of a policy. My reading may not be consistent with that of the eventual examiner of the plan. Regardless, I have sought to review the plan in an objective fashion, albeit bearing in mind the constructive ‘spirit of neighbourhood planning’, and have sought to arbitrate between the stance of the qualifying body and the stance of the local planning authority where they appear to conflict.

It has been written to inform the Parish Council around potential areas of concern in their plan prior to its submission to the local planning authority. It may be used to influence the way that the Parish Council proceed with any amendments to their plan albeit it is expected that the group, in conference with their preferred consultants, take an informed view on how to interpret these recommendations. This report may be acted on verbatim or may be used as a discussion piece by the parish. Neighbourhood planning should be seen as a creative exercise to help meet the development needs of an area that will encompass a wide range of potential solutions. **There may be various ways in which to take the plan forward that incorporate some or all of my views.**

## Issue Report

*Maroon Planning Ltd recommendations to Sedlescombe Parish Council with regard to the Sedlescombe Neighbourhood Plan (as of 7/7/14)*

### 1.0 Overview

1.1 This report has been written to provide a targeted set of views and recommendations to Sedlescombe Parish Council on how they may wish to take their neighbourhood plan forward in light of comments submitted to the parish by Rother District Council (RDC) in response to the consultation on the plan under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. It follows discussions with Sedlescombe Parish Council, their retained consultants RCOH and a review of the draft neighbourhood plan, supporting evidence and basic conditions statement base prepared by the parish.

### 2.0 General comments

#### **Page 6 'Neighbourhood Planning'**

2.1 It is acknowledged by RDC that there is a strong possibility that the Plan will be examined ahead of the emerging Rother Core Strategy. This has potentially stronger implications on RDC's approach to plan making than that of the Parish.

2.2 It is understood by all parties that the Plan does not have to be in general conformity with the emerging Core Strategy, although it is appropriate for it to be cognisant of its proposed spatial approach to development. At the same time, in the event that the neighbourhood plan successfully passes examination (or indeed may even pass the referendum) prior to the consideration of the Core Strategy by the Inspector then it is clear that RDC would have to take the suite of policies in the Sedlescombe plan into account. This approach was first confirmed in the examiner's report into the Tattenhall Neighbourhood Plan, paraphrasing Paragraph 185 of the NPPF, where he states:

*"Whenever a neighbourhood plan, following a 'Yes' vote at Referendum, is made ahead of an emerging Local Plan, then simply, the Local Plan would need to take the policies of the neighbourhood plan into account."*

2.3 Rather than SPC having to pay absolute regard to the emerging Core Strategy, it is the responsibility of both parties to have regard to each other's emerging suite of policies. An unexpected outcome for RDC may well be the need to make

amendments to their own plan to accommodate SPC's strategy rather than vice versa, as they seem to allude to.

### **SEA and sustainability issues**

- 2.4 Whilst I state in the first section of this report that I am not proposing to review the SEA process or indeed the content of the final SEA report, I do feel it is of use to provide a view on RDC's general comments at this point.
- 2.5 RDC state that "the SEA does not read as an objective assessment; rather it appears to seek to justify locally preferred development sites in environmental terms". The implication appears to be that, in the view of RDC, the SEA hasn't assessed all reasonable alternatives. Case law on this issue can be drawn from the judicial review of (once again) the Tattenhall Neighbourhood Plan's SEA where it was ruled that the reasonable alternatives to be considered can be narrowed down to a plan that may reasonably be supported by the community at referendum stage and no plan at all. To this extent the Parish's approach to SEA is likely proportionate. At the same time, whilst a plan must promote a set of policies and a spatial approach to development that secures the backing of the community, this should not be to the detriment of the overall sustainability of development in the Parish.
- 2.6 RDC also raise concerns around the robustness of the assessment framework. In the event that their concerns are justified this may be an issue that could impact upon the success of the plan at examination. The Parish must be confident that the final framework has been formulated following a robust scoping exercise and has taken on board the detailed views of the relevant statutory bodies when finalising the plan's sustainability objectives and the appropriate locally-specific sustainability indicators.

**Recommendation: Where appropriate, to confirm with RDC what they consider to be the 'weaknesses in the assessment framework' to identify whether any further work is required to deliver a robust SEA.**

### **Page 10 'Our Aims'**

- 2.7 The plan seeks to deliver up to 46 homes within Sedlescombe Parish in response to district level evidence around housing need and the ability of the Parish to accommodate growth (RDC's Core Strategy identifies a need for 35 homes over the plan period). The key question raised by RDC appears to be whether there is a necessity to ensure that housing is located either within or adjacent to the village of Sedlescombe. RDC state that this is a requirement of the emerging Core Strategy.

- 2.8 Put quite simply compliance with the draft Core Strategy will not be a consideration of the examiner. Compliance with the adopted plan will be. This presents a challenge of interpretation in itself, as it should be recognised that elements of the adopted development plan will be incompatible with the challenge of delivering 46 homes in a predominantly rural Parish. This quantum of housing would not likely be supported by a range of adopted policies that provide only limited instances where rural housing would be acceptable. It therefore seems unreasonable to ensure that any new housing allocations are fully supported by adopted policy, particularly in the instance where an element of open-market housing will be required. In which case, when planning positively for identified future growth broader issues of rural sustainability set out in the NPPF should take precedence. Whilst not a consideration of any basic condition, the more positively framed NPPF-compliant policies of the emerging plan will serve as a useful basis against which to assess the sustainability of neighbourhood plan's approach in a local context and have been used as such by the qualifying body.
- 2.9 In response to the above, Policy RA1 which seeks to guide sustainable development in the rural area appears to:
- Direct a sufficient level of housing towards each village, a level justified by a combination of the settlement's ability to support new development and the beneficial role that new development would play in helping secure existing rural shops, services and community facilities;
  - Allow for Neighbourhood Plans to 'further investigate' and 'refine' the location of new housing development (one would assume this would include the detailed reassessment of SHLAA sites), albeit provided they meet the general requirements of Policy RA1; and
  - Allow for the development of new homes provided that they can demonstrably support the retention or provision of rural services.
- 2.10 What the Core Strategy does not require in absolute terms is for neighbourhood plans to ensure new housing is located adjacent to the village. This necessity is not set out in any proposed policy and instead relates to a general expectation identified in a footnote to Figure 12 in the proposed amendments to the draft Core Strategy (albeit Figure 12 is expected to inform Policy RA1). Allied with the 'refining' role that neighbourhood plans can play, the omission of this expectation from the wording of any policy in the Core Strategy would suggest this approach is less than binding. I agree with the analysis on Page 13 of the Basic Conditions Statement in this respect.

- 2.11 What therefore appears most important when identifying proposed development sites in the plan is the ability to relate them back to the criteria set out in draft Policy RA1, the broader definition of 'sustainable' set out in the NPPF and the exceptions provided by the Framework where development in the open countryside. In general it is clear that RDC consider that the location of development directly adjacent to the settlement boundary will result in a more sustainable pattern of growth. Conversely, it may be argued that the village not only supports those that live within it but also its hinterland and, regardless of how close new homes are to the village centre, their residents are still every bit as likely to have to travel to nearby larger towns for a wider range of shops, services and to their places of work. This is one area where the plan clearly seeks to test the definition of 'general conformity' aligned with the aspirations of RDC.
- 2.12 It must be recognised by RDC that sustainable travel patterns are but one indicator of sustainable development identified in the NPPF. The most pertinent question should be, on a site by site basis, whether the allocations proposed in the plan are sustainable on balance. This places a far greater weight of burden on the robustness of the methodologies of the accompanying Sustainability Assessment and the Site Assessment Report.

### **3.0 Policy-Specific Comments**

#### **Policy 1: Spatial Plan of the Parish**

- 3.1 The comments of RDC under this heading are self-explanatory and I agree with their recommendations.

#### **Policy 2: Sunningdale, Land off Gregory Walk**

- 3.2 In terms of RDC's general comments on this policy, it is noted that they are broadly supportive. Whilst there is no published guidance on how to realign settlement boundaries, it is generally accepted that consistency in approach is important.

**Recommendation: For consistency, I would recommend the consideration of the realignment of the settlement boundary around the garden land at Powdermills and a further investigation into the guidance the plan offers around the treatment of garden land.**

#### **Policy 3: Pestalozzi International Village**

- 3.3 This is the first of the sites promoted in the plan that do not abut the existing settlement boundary. The allocation is broadly supported by RDC. Precedent for

housing in this location was set in 2007 upon the granting of permission for 6 additional homes that helped secure the future of the Pestalozzi International Village.

**Recommendation: To provide evidence of the type suggested by RDC to clearly demonstrate that there is both an operational and actual need for the provision of new homes at the Village.**

#### **Policy 4: Land rear of Blackbrooks Garden Centre**

- 3.4 Similarly to the Pestalozzi proposal, the Blackbrooks Garden Centre site does not abut the settlement boundary, nor could it be considered to be in close proximity to the main village.
- 3.5 As it stands the proposal would represent residential development in the open countryside adjacent to an existing for-profit business. To this extent it is a varied case to that of the Pestalozzi Village (a charitable foundation). Compelling evidence built around site-specific exceptional circumstances will therefore be required to justify the allocation. The onus must be on the plan maker to demonstrate that the policy is workable, appropriate and in conformity with national and relevant local policy. I don't consider the greatest concern around this policy as being general conformity with the local plan - more whether it demonstrably helps achieve sustainable development. This must be demonstrated clearly.

**Recommendation (a): To provide additional evidence demonstrating the business case for the new housing to prove that there is a need for additional finance to ensure the garden centre remains viable and to provide the infrastructure upgrades suggested. This will likely involve costing of the footpath and highway improvements, as well as a demonstration of the garden centre's business model. In turn there would need to be some guarantee built into the policy that the new housing can only be built in the event that these improvements are delivered; or**

**Recommendation (b): To redraft the policy to read similarly to Policy 5, ensuring the delivery of a comprehensive mixed use scheme that will be covered by a single planning permission.**

#### **Policy 5: Land at Sedlescombe Sawmills**

- 3.6 This policy seeks to take a proactive approach to bringing a derelict and disused employment site back into productive use. The policy accords with a range of saved Local Plan policies and with aspects of the NPPF relating to the rural economy. Whilst I agree with RDC that some facility should be built into the policy to secure

affordable housing where viable, I do not consider the absence of this provision would conflict with the adopted development plan or the NPPF.

- 3.7 I certainly feel that the principle of the policy offers a range of benefits in line with the requirements of the NPPF. I do, however, feel that a further level of supporting work (or indeed rewording of the policy) is required to ensure it delivers a quantum of housing that is justified in policy terms.

**Recommendation (a): To reword the policy stating the minimum number of dwellings required on the site following the production of an assessment of viability in support of the plan, with the supporting text to be amended accordingly. This would allow the minimum figure of X to be built into the overall housing figure for the plan; or**

**Recommendation (b): To reword the policy to include a ceiling of ‘up to 8 units on site’, with the supporting text to be amended accordingly. This would allow a maximum figure of 8 to be built into the overall housing figure for the plan.**

#### **Policy 6: Land adjacent to the St John the Baptist Church**

- 3.8 Once again there is general support provided to this policy by RDC. It appears to be a positive and justified policy and seeks to build on the provisions built in to the local plan and the NPPF around the delivery of exception sites. Whilst not referenced in the Basic Condition Statement, Paragraph 55 (main paragraph and the second bullet) of the NPPF provides support for this allocation alongside Paragraph 140 (which has been referenced).
- 3.9 Broadly the intentions behind this policy seem sound set against NPPF policy. I do, however, consider that further work is required to clarify exactly what can or should be delivered by this scheme by way of community benefits as a priority.

**Recommendation: To provide greater clarity on the minimum benefits that the proposal should deliver, both in terms of affordable housing and its contribution towards environmental improvements. This may require the demonstration of costing of each of the environmental upgrades and an initial assessment of the viability of the proposal.**

#### **Policy 7: Local Green Spaces**

- 3.10 To justify the allocation of areas of land as Local Green Space within a neighbourhood plan, there is a necessity to ensure that they have demonstrable community significance. Both proposed allocations would benefit from further

supporting justification, which should be aligned with NPPF guidance. My recommendation is:

**Recommendation: To develop additional consistent evidence to demonstrate the 'particular local significance' of both tracts with regard to Paragraph 77 of the NPPF.**

#### **Policy 8: Affordable housing**

- 3.11 RDC has made reference to Policy 8 'Affordable Housing' in their representation. This policy does not appear in the plan, nor is it referred to in the Basic Conditions Statement. I can only assume that this policy has since been deleted.

## **4.0 Other Matters**

### **Omissions**

- 4.1 In their representation RDC raise a number of points around issues that have not been dealt with by the plan.
- 4.2 They firstly reiterate that the neighbourhood plan should be minded to allocate land for 35 homes in and around the village based upon the aspirations of the Core Strategy. I have set out my detailed views on this at Paragraph 2.9 of this report. Based on the very deliberate nature of the language used by officers at this point of their representation there is a possibility that RDC may seek to investigate additional allocations in and around the village within their local plan. This would inevitably provide a test to the intent behind Paragraph 185 of the NPPF.
- 4.3 RDC state that 'there is a clear onus on the Parish Council to give robust reasons why other sites on the edge of the village are not acceptable in planning terms'. I fundamentally disagree with this statement. Instead, there is an onus on the Parish Council to demonstrate that their preferred choices are sustainable and in line with national and strategic policy. There is no statutory requirement to demonstrate why other sites are inappropriate. It is the task of a neighbourhood plan to objectively identify and meet the plan area's development needs whilst ensuring conformity with the basic conditions. From experience, this is what will be assessed by an examiner. The discarded options will not.

## 5.0 Closing remarks

### Overall conclusions

- 5.1 On review of the plan as a whole I have found the document to be a creative and positive vision of how Sedlescombe should develop into the future. A number of policies certainly seem to test the boundaries of what constitutes 'general conformity', albeit the majority of them find sufficient support in the paragraphs of the NPPF which, based upon the current local plan position, should almost be seen as having primacy when the overall conformity of the plan is assessed.
- 5.2 Demonstrating the sustainability of many of the policies may prove a testing issue, as the definition of 'sustainable' often proves to be subjective. That said, with a positive examiner I can see the majority of the policies of the plan carrying favour as they all seek to deliver a range of community benefits above and beyond simply the delivery of housing.
- 5.3 Importantly, it has to be confirmed that the recommendations set out in this report are based on my own interpretation of what may need to be done to provide additional robustness to each of the policies of the plan. This still allows the Parish Council to take various other approaches, that may include a hybrid of my own advice and that of their own retained consultants, to help deliver a plan that successfully conforms with the basic conditions on all fronts.