

Report to	-	Cabinet
Date	-	14 January 2019
Report of the	-	Executive Director
Subject	-	Crowhurst Neighbourhood Plan

Recommendation: It be **RESOLVED:** That the representations in accordance with the conclusions set out at paragraph 18 of this report, (together with any supporting material) be submitted for consideration by the Examiner in relation to the submitted Crowhurst Neighbourhood Plan.

Service Manager: Tim Hickling
Lead Cabinet Member: Councillor G.P. Johnson

The Chairman of Council has already agreed that, subject to the approval of Cabinet, this decision can be taken as an urgent decision to allow the Council to forward the Neighbourhood Plan to the Independent Examiner at the close of the consultation on 25 January 2019 with this Council's representations.

Introduction

1. The Crowhurst Neighbourhood Plan (CNP) has been prepared by Crowhurst Parish Council following designation of the parish as a Neighbourhood Area in 2015. It is currently the subject of a statutory public consultation until 25 January 2019, during which period representations may be made. Duly-made representations will be considered by an independent Examiner to determine whether the Plan meets the 'basic conditions' required of it.
2. This report is to enable Cabinet to make representations on behalf of the Council as part of this process. Given that the consultation period ends on 25 January, this is an urgent decision and will therefore be outside the scope of the call-in procedure. In accordance with the call-in procedure, the Chairman of Council has given his consent to this matter being taken as an urgent decision.

The Neighbourhood Plan

3. The CNP, together with supporting documents, can be viewed on the Council's website: <http://www.rother.gov.uk/crowhurst-neighbourhood-plan>. The submitted documents are:
 - Crowhurst Parish Boundary Map
 - Crowhurst Neighbourhood Development Plan 2018-2028 - Submission Version
 - Crowhurst Neighbourhood Plan 2018-2028 - Consultation Statement
 - Crowhurst Neighbourhood Plan 2018-2028 - Basic Conditions Statement
 - The SEA Report Submission Version - Regulation 16

- Appendix 1 Crowhurst Neighbourhood Development Plan Maps 1-9
4. The Neighbourhood Plan has 16 Planning Policies.

List of CNP Planning Policies:

The Natural Environment

CS1: Development Boundaries

CE1: Landscape Character of Crowhurst

CE2: The High Weald Area of Outstanding Natural Beauty

CE3: Biodiversity

CE4: Natural Features

CE5: Blue Infrastructure

The Village Environment

CF1: Community Facilities

CF2: Open Space and Recreation

CF3: Local Green Space

CB1: Design

CB2: Heritage

Housing

CH1: Land adjoining Station Road and Forewood Lane

CH2: Land south of Forewood Rise

CH3: Land adjacent to the Station Car Park

Economic

CC1: Economic Sustainability

CC2: Infrastructure

5. The Neighbourhood Plan relates to the period 2018 – 2028.

General conformity and other ‘basic conditions’ requirements

6. As stated in the National Planning Policy Framework 2012 Neighbourhood Plans: *‘Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.’* (paragraph 184). The same paragraph goes on to state:

‘Neighbourhood plans should reflect these policies and neighbourhood plans should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.’

7. Other basic conditions relate to: having regard to national policies and advice contained in guidance issued by the Secretary of State; having special regard to the desirability of preserving any listed building (or its setting) or conservation area; contributing to the achievement of sustainable development; and compatibility with, EU obligations.

Key Core Strategy policies and housing provisions

8. The overall spatial strategy for development across the District is set out in policy OSS1 of the Core Strategy. Part (iii) (d) and (e) of this policy is to:

Identify suitable sites in accordance with the following spatial distribution

- (d) *Allow for small-scale infill and redevelopment, and otherwise enable local needs for housing and community facilities to be met in other villages; and*
 - (e) *Give particular attention to the ecological, agricultural, public enjoyment and intrinsic value of the countryside, and continue to generally restrict new development to that for which a countryside location is necessary or appropriate to promoting sustainable land-based industries and sensitive diversification, primarily for employment uses.*
9. This spatial strategy for Rural Areas is elaborated upon through policy RA1, which sets out the approach to villages and policies RA2-RA4 in relation to development in the countryside. Of particular relevance, Part (v) of policy RA1 states:
- (v) *In order to meet housing needs and ensure the continued vitality of villages, the provision of 1,670 additional dwellings (comprising existing commitments, new allocations and windfalls) in villages over the Plan period 2011 to 2028. This will be located in accordance with Figure 12, subject to refinement in the light of further investigation via the Development and Site Allocations Local Plan and/or Neighbourhood Plans;*
10. In relation to Crowhurst Parish, Figure 12 referred to in Policy RA1 identifies that 20 dwellings need to be identified and built on new sites at Crowhurst.
11. In addition to policies OSS1 and RA1-RA4, other Core Strategy policies of particular significance are:
- Policy OSS2 - the basis for determining development boundaries
 - Policy OSS3 - other factors for the location of development
 - Policy OSS4 - general development considerations
 - Policy EN1 - for the good stewardship of the landscape, notably the character and features of the High Weald AONB
 - Policy EN2 - for stewardship of the historic built environment
 - Policy LHN2 - for affordable housing

Discussion

12. Overall, the CNP is a comprehensive and well-presented document which has resulted from discussion and dialogue between the Neighbourhood Plan Group and Planning Officers from RDC. Details of the this Council's informal officer comments submitted in respect of the Regulation 14 consultation and actions and amendments undertaken by the CNP Group are set out in the Consultation Statement – 4.0 Regulation 14 Consultation Responses *Statutory Body Comments re NP (pages 9-16) and re SEA (pages 44-46)*.
13. A Neighbourhood Plan should '*not promote less development than set out in the Local Plan or undermine its strategic policies.*' (NPPF, 2012, paragraph 184). Therefore, there is some flexibility to provide more housing than the basic requirement, so long as this in line with the overall spatial strategy, as identified above, and contributes to sustainable development.

14. In terms of the housing allocations, small sites well related to the existing village and with marginal impact on the landscape of High Weald AONB have been selected. The three sites will allow Crowhurst parish to meet and exceed its housing commitment of 20 dwellings as set out in the RDC Core Strategy adopted on 29 September 2014. The proposed allocations provide for a total of 30 residential units.
15. The landscape importance of the High Weald AONB within the parish is clearly reflected in the NP policies CS1, CE1(1) and CE2 and the High Weald AONB boundary is identified on CNP Maps 1, 8 and 9.
16. In relation to Policy CE1(2): Landscape Character of Crowhurst, the objectives of the policy are understood but the evidence base and methodology of defining certain of the areas is questioned. Whilst the defined Open Areas (brown hatched Map 2) seem to be in accordance with the Crowhurst Landscape Character, Sensitivity and Capacity Assessment (CLCSCA), the Open and Natural Spaces ONS sites 1-9 on Map 3 do not appear to have been evaluated in the same way. Indeed, certain sites have the benefit of three designations of High Weald AONB, Open and Natural Space and Important Open Areas. Whilst it is accepted that sites can benefit from more than one designation there has to be a rationale as to why this applies to each specified site. In the opinion of your officers that rationale is not clearly expressed in the CNP and needs to be clarified for policy purposes. The policies relating to the High Weald AONB, Important Open Areas and Local Greenspaces are supported, but the additional landscape policy relating to Open and Natural Spaces is not considered necessary or justified.
17. In relation to policy CE3 Biodiversity the requirements of policy 2(i) relating to 'Any new development' and the footnote relating to the completion of the CNDP Environment Planning Application checklist exceed what is possible under NPPF policy and the statutory requirements of the National and Local List of Planning Application Requirements for Rother District Council November 2018. Clear advice as to the type of applications that must be accompanied by an Ecological Survey and Report is given in item 4 of the Local List of Planning Application Requirements. This excludes planning applications for change of use and development to an existing dwelling (householder). Therefore it is recommended that this policy be reworded so as to not be in conflict with legislative Development Management processes.

Conclusion

18. It is recommended that the Council submits representations relating to the CNP in relation to:
 - a) the assessment that the submitted Crowhurst Neighbourhood Plan is in general conformity with the Council's strategic policies contained within the adopted Local Plan Core Strategy;
 - b) support for the scale and location of housing allocations, for the reasons set out above, together with the revised development boundary, in protecting the setting of the village;
 - c) the landscape importance of the High Weald AONB, as recognised within the Neighbourhood Plan policies, is welcomed;

- d) Policy CE1(2) Landscape Character of Crowhurst contains three designations HWAONB, Open and Natural Space and Important Open Areas. The planning policy need for certain areas of land to have three designations is questioned. The rationale and supporting evidence base for the areas of land designated as Open and Natural Space is not clear. The requirements and wording of Policy CE1(2) need to be reviewed;
 - e) in relation to policy CE3 Biodiversity the requirements of part 2(i) relating to 'Any new development' and the footnote relating to the completion of the CNDP Environment Planning Application checklist exceed what is possible under NPPF policy and the statutory requirements of the National and Local List of Planning Application Requirements for Rother District Council November 2018. As drafted the requirement would be disproportionate for some development. It is suggested that Policy CE3 2(i) should be prefixed with *Where appropriate new development should be*. Similarly the footnote should be prefixed by *Where appropriate completion of the CNDP Environment Planning.....* as this could not be applied to all development.
19. If Cabinet agrees the above representations, it is recommended that the Executive Director be authorised to submit such representations (together with any supporting material) for consideration by the Examiner in relation to the submitted Crowhurst Neighbourhood Plan.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The District Council has a key role as Local Planning Authority in helping to bring forward and, ultimately, to make Neighbourhood Plans. Hence, it is vital that proper consideration is given to the form and content of such Plans that come forward at this stage in order that they are robust and meet the basic conditions. Subject to modifications to reflect the comments set out in the report, it is believed that the Plan meets the required conditions. In particular, the Plan proposes sufficient, suitable housing sites to make an appropriate contribution to housing land supply in the District.

It is noted that the Habitat Regulations Assessment recently undertaken principally for the DaSA Local Plan also found that there were no likely adverse impacts on the integrity of international ecological sites as a consequence of this Neighbourhood Plan.