

Hailsham Neighbourhood Plan 2018 - 2028

Initial Comments of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

19th July 2019

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Hailsham Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I visited the town of Hailsham, and the surrounding countryside on the 1st July 2019. I also visited the neighbouring parish, Hellingly on the same visit, as I am also examining their neighbourhood plan.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination but I consider that is unlikely.

Wealden Local Plan

3. This question and the next two paragraphs duplicate matters I raised in respect of the Hellingly Neighbourhood Plan but the matters are equally relevant to this plan. I would like to understand from the District Council, the likely timescale for the local plan examination and the possible adoption of the Local Plan. I understand that the Local Plan Examination is to recommence in the coming weeks and the Inspector will shortly thereafter make a decision whether the second stage of the examination should continue. I would be interested in the LPA's view of the implications for the neighbourhood plan if the Inspector recommended that the Local Plan Examination should not continue. I am asking this question, as I need to be considering how much weight to be giving to policies in the emerging local plan.

Policy HAIL HRA1 Habitat Regulations

4. I understand that this policy has been inserted at the request of the LPA in view of the non-adopted status of the Local Plan and to comply with Habitat Regulation Assessment requirements. I have a number of questions as to the thresholds as to how and when this policy should be applied, as it appears to relate to *all* development. I would be particularly interested in hearing the views of the LPA as to how the policy would be applied in practice, but I would equally be interested in the views of the Parish Council.
5. Is the requirement for information to be accompanied with any proposals to allow the District Council as competent authority to complete or just screen for a full Habitat Assessment? Would that information be required for say domestic extensions or proposals that did not result in additional traffic movements? Is the information already required to be submitted with a planning application, as set down in the Local Validation Checklist and is that

not the appropriate vehicle to identify the information required to accompany a planning application.

Policy HAIL D4 Design for Self and Custom Build

6. Can the Town Council explain at what stage of the planning process it is expected that the site masterplan and the individual passports would be prepared? I assume that the requirement would not apply on smaller self-build schemes, where less than 10 self-build units are being prepared. Who prepares the regulating plans and plot passports and who approves them? How would it relate to the relationship between outline applications and reserved matters? Can the Town Council or their consultants point to any authorities that have adopted the system being promoted in this policy?

Policy HAIL AT1 Active Travel

7. Should the policy apply to *all* development proposals or just new buildings, on major housing sites allocated on the edge of the town?

Policy HAIL AT3 Public Transport

8. Is the policy seeking financial contributions towards public transport provision and the public transport link to Polegate? Does the policy relate just to the major allocation sites? Does the emerging Local Plan have a comparable policy?

Policy HAIL GS1 Natural and Amenity green space

9. What is the Highway Authority's views regarding food production on highway land - does it affect statutory undertakers' rights, who is responsible for maintenance and who owns the produce and does the site need to be secured? Are there examples I can be pointed to where this has happened and is it supported by a development plan policy? Does the use need planning permission?

Policy HAIL GS2 Open Space

10. What is the threshold for a development being considered a major housing scheme? Is it a housing allocation or the threshold of 10 or over as defined in the Development Management Procedures Order?

Policy HAIL GS3 Pevensy Levels

11. Does the policy relate to all type of development and how does the plan anticipate the concept of "adjacent" to be interpreted? Does the policy apply to only properties that actually abut the boundary with the Pevensy Levels or is there a wider zone envisaged? Can the area affected area be shown on a map? Is it a requirement that *all* applications are screened for the need for an Appropriate Assessment?
12. Does the requirement in the second paragraph refer to large scale residential schemes that lie adjacent to the boundary or a single house?

Policy HAIL EMP 1 Providing a Mix of Employment Opportunities

13. How would a decision maker know whether a design “accords with best practice design principles” What document benchmarks such design principles?
14. What is meant by development that “diversify the business offer in the main employment areas”?
15. Can the LPA advise whether they have any thresholds or scale of development or locations of planning applications when a design, landscape and transports assessments is required as set out in its Local Validation Checklist?

Policy HAIL TOU1 Tourism

16. Would the policy seek to presume against the loss of a bed and breakfast establishment or a hotel?

Policy HAIL AQ1 Sustainable Design and Construction

17. How would a decision maker know whether “sustainable design and construction techniques have been embedded from the outset”?
18. Is it reasonable for an applicant to demonstrate compliance with the Building Regulations before the principle of the development has been established through the grant of planning permission?
19. Is the policy compatible with the Written Statement of the Secretary of State to the House of Commons dated 25th March 2015 which states that neighbourhood plans should not set “any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings” beyond the National Technical Standards, which can only be imposed by a Local Plan policy?

Policy HAIL AQ4 Renewables

20. Who will advise an applicant that an adjoining building has been identified as being susceptible to development which could have a negative impact on renewable or low carbon energy supply on that adjoining land?

Policy HAIL SD1 Development Frameworks

21. Which “council” is expected to approve the Development Framework- is it the Town Council or the District Council and what would be the process if the development framework was not approved – I assume the planning application could be submitted in any event?
22. Who is the competent authority for the purpose of the Habitat Regulations in respect of the Pevensey Levels?
23. Who will be responsible for carrying out the community consultation on the Development Framework- the developer, the Town Council or the District Council and when is it done – is it before or after it has been approved by “the Council”?

Policy HAIL TC1 Hailsham Town Centre

24. How could *any* development that seeks planning permission in the town centre, be able to demonstrate that it will “broaden the retail offer”? Would an extension to a shop “broaden the retail offer”?

Policy HAIL TC5 Shopfronts

25. Can the Wealden planners ask their development management colleagues whether shop signs on the pavement are dealt with under the planning or highway legislation?

Policy HAIL TC6 Streets and Spaces in the Town Centre

26. Again, I would welcome clarification whether the placing of seats and tables on the highway is dealt under planning or highways licensing powers”?

Regulation 16 Comments

27. I would like to offer the Town Council the opportunity to respond to comments made in the representations submitted at the Regulation 16 stage. I have noted that there were not any comments by Wealden District Council and I again offer the ability the LPA to send me any matters that it would wish me to consider as part of my examination, either on any of the above points or on other matters beyond the direct questions that I have raised in this note.

Concluding Remarks

28. I am sending this note direct to Hailsham Town Council, as well as Wealden District Council. I would request that all parties’ responses should be sent to me by 5 pm on **5th August 2019**.
29. I will be grateful, if a copy of this note and any subsequent response is placed on the appropriate neighbourhood plan websites.

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Independent Examiner to the Hailsham Neighbourhood Plan.

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