

Hurst Green Neighbourhood Development Order NDO First Facilitation Scoping Support Report

February 2020

Background and Context

1. Hurst Green (the Qualifying Body, QB) has started the preparation of a Neighbourhood Development Plan (NDP). The neighbourhood area was designated by Rother District Council on 8 June 2017.
2. The QB have prepared a draft plan which sets out the vision and objectives and the emerging draft planning policies for Hurst Green.
3. In order to meet the Basic Conditions, the emerging NDP needs to ensure that it is in general conformity with the strategic policies of the 2006 Local Plan, the 2014 Core Strategy and the 2019 Development and Site Allocations (DaSA) Local Plan. Rother District Council have allocated mandatory provision for 75 new homes for Hurst Green village.
4. With regards to new housing, the objectives of the neighbourhood plan are:

- To ensure that any new housing development promotes good townscape principles (mass, density, layout) and is visually attractive, compatible with the character of the surrounding area, and is of a scale, design and finish appropriate to our rural locality.
- To support affordable homes for local people who are low or moderate income earners.
- To sensitively deliver high quality homes across a range of housing mix, sizes and types that are integrated into the community, and reflect both current and future housing needs of the community.
- To conserve and enhance the environment, ecosystem and biodiversity, ensuring that new development gives protection to habitats and existing wildlife.

5. The QB wish to accommodate additional housing including affordable housing for rent and for sale, some of which may be owned by Hurst Green Parish Council.
6. A Housing Needs Survey shows that 31 local households are looking for new homes within the Parish of Hurst Green, with 23 households looking within Hurst Green Village itself. The survey has revealed the need for housing for 6 new detached homes, 3 new bungalows, 2 new sheltered / retirement dwellings and 5 new additional homes. The survey also shows there is a need for more affordable housing - both for sale and for rent.
7. The QB have had discussions about the use of a Community Right to Build Order (CRtBO) or a Neighbourhood Development Order (NDO) as a means by which to bring forward more housing. As part of these discussions they have sought advice and opinion from Rother District Council who have indicated that they would be happy for the QB to explore the use of a CRtBO or a NDO as a means of bringing the proposed development forward.
8. There are four sites being considered for development.

Site HG 22

9. The site is a greenfield site located to the east of London Road, adjacent to the settlement boundary.
10. The site is judged to be of high landscape sensitivity to change because of its designation within the High Weald Area of Outstanding Natural Beauty (AONB).
11. It is located within flood zone 1.
12. There is also a Public Right of Way to the south of the site.
13. To the north of the site is 76 London Road, a Grade II listed building. Northeast of the site is Iridge Place, which is Grade II* listed and its associated stable building which is Grade II listed in its own right.
14. The "Core Strategy: Market Towns and Villages Landscape Assessment" states that there is a moderate ability to accommodate change but not encroaching into the open countryside to the south or east.
15. In addition to housing, the group wish to allocate public open space on this site.

Site HG 30

16. The site is located at Silver Hill, outside the defined settlement boundary of Hurst Green.
17. The site is judged to be of high landscape sensitivity to change because of its designation within the High Weald Area of Outstanding Natural Beauty (AONB).
18. It is located within flood zone 1.
19. Stangate, a Grade II listed building immediately adjoins the site to the north.

HG 35

20. The site is a newly defined boundary of an existing site - it was reviewed in the DaSA and SHLAA as HG18, it is referred in AECOM report as HG35.
21. HG35 is adjacent to the defined settlement boundary of Hurst Green and comprises self-set scrub and ruderal weeds. The site has an access from Foundry Close, which in turn provides access from the A21. The western boundary of the site is made up by the open residential edge of Hurst Green. The eastern boundary of the site is defined by a belt of mature trees. The poor condition of the site reduces its scenic quality.
22. The site is located to the east of London road where the “Core Strategy: Market Towns and Villages Landscape Assessment ” states that there is a moderate ability to accommodate change.
23. The site is within the High Weald Area of Outstanding Natural Beauty (AONB).
24. It is located within flood zone 1.
25. There are several listed buildings which front London Road; they are approximately 50 metres from the western site boundary.
26. Two Public Rights of Way run to the north (Hurst Green 33) and south (Hurst Green 31) of the site.

HG 2A

27. The site is a newly defined boundary of an existing site - it is referred in AECOM report as HG2
28. The site is located to the north of Station Road where the “Core Strategy: Market Towns and Villages Landscape Assessment” states that there is a moderate ability to accommodate change.
29. The site is within the High Weald Area of Outstanding Natural Beauty (AONB).
30. It is located within flood zone 1.
31. There is Public Right of Way that runs through the site.
32. Hawthorn Cottage, Grade II listed, is approximately 275m east of the site.

Options for bringing sites forward for development

33. There are three options by which the sites might be able to come forward for development:
 - i. Bringing forward an NDO on one or more sites.
 - ii. Bringing forward a Community Right to Build Order (CRtBO) on one or more sites to provide additional affordable housing for rent which will be owned by Hurst Green Parish Council or affordable housing for sale where the proceeds will be used for the benefit of the community.
 - iii. Bringing one or more sites forward which is adjacent to the settlement boundary as an exception site (see Policy LHN3: Rural Exception Sites of the 2014 Core Strategy). The site would need to be wholly for affordable housing or contain a substantial amount of affordable housing. This option should be discussed with Rother District Council.
34. In seeking to determine whether to use an NDO or CRtBO, there is a need to consider and set out the community benefit that will be achieved, what the community benefit is, how it will be achieved and how it will be locked into the project and safeguarded for the long term.

What is a Neighbourhood Development Order (NDO)?

35. An NDO is a Neighbourhood Development Order that once Made can grant planning permission (from outline to full) for specified developments (including housing) in a designated neighbourhood area. Once Made, there is no need to apply to the local planning authority

- for planning permission if it is for the type of development set out in the Order. An NDO can make it easier and quicker for the kind of development it describes to go ahead in the future.
36. NDOs can only be brought forward by a QB (either a town or parish council or a designated neighbourhood forum) and they can be brought forward either as part of a neighbourhood development plan or separately without a NDP.
 37. In preparing an NDO, the QB must go through the same statutory processes as that to be followed when preparing a NDP, including Regulation 14, Submission to the Local Planning Authority, Regulation 16 Consultation, Independent Examination and Referendum.

What is a Community Right to Build Order (CRtBO)?

38. A Community Right to Build Order is a type of NDO that can be created by a local community organisation, and so not only restricted to a town or parish council or neighbourhood forum. The disposal of assets granted under a CRtBO must be used for the benefit of the community.
39. The legislation also provides a mechanism that enables housing developed using a Community Right to Build Order to be retained as housing that is affordable in perpetuity. This is achieved by disapplying certain statutory rights of tenants of long leases to buy their freehold and the statutory right given to qualifying tenants to acquire social housing.
40. Like NDOs, CRtBOs must be subjected to an independent examination and then be approved by the community via a referendum before they come into force.
41. As part of their aim to prepare a NDO/CRtBO for the sites, Hurst Green Parish Council have secured support from the Neighbourhood Planning Support Programme (2018-2022).
42. In terms of the support offered to the QB, there are two stages to the support that are offered for Qualifying Bodies (QBs) who are seeking to prepare an NDO:
 - Stage 1: Bespoke NDO facilitation support: provided by a member of the Locality Team. At the end of this stage an assessment is made as to suitability for Stage 2.
 - Stage 2: NDO grant support (up to £50,000) and wider technical support. Stage 2 is only possible after successful completion of Stage 1 and is effectively by invitation only.

NDO/CRtBO Next Steps

43. In order to both complete the preparation of the NDP/CRtBO and also to consider the use of an NDO/CRtBO within the NDP there are a number of key issues that will need to be addressed. These issues are considered below:
 - i. Determine whether CRtBO or NDO is the best route for one or more sites: in seeking to determine whether to use an NDO or CRtBO there is a need to consider and set out the community benefit that will be achieved, what the community benefit is, how it will be achieved and how it will be locked into the project and safeguarded for the long term. A CRtBO could be used if the intention is to bring forward affordable housing for rent that will be owned by Hurst Green Parish Council or affordable housing for sale and the proceeds from the development will be used for the benefit of the community.
 - ii. Site Options and Assessment: at this stage the QB are unclear whether to develop one or more sites and a more detailed assessment of each site could help identify a preferred site or whether to consider more than one site for development.
 - iii. Visual Impact Assessment: As the sites are within an Area of Outstanding Natural Beauty (AONB) a full assessment of the impact of any development on the AONB will be required. It will be necessary to carry out a visual impact assessment to inform the layout of the proposed development.
 - iv. Transport assessment: Further work is required to assess the impacts and to inform the access arrangements and parking.

- v. Feasibility and viability work: Viability work will establish how much affordable housing can be provided realistically. This work will also need to set out how any land deal(s) will work.
 - vi. Masterplanning: Masterplanning will need to set out how the known constraints will be mitigated as well as setting out the design standards to be met. Given that all of the sites to be allocated cluster around the centre of the Hurst Green village it is likely that masterplanning for the whole for the village centre would be beneficial.
 - vii. Development programme: once the masterplan is finalised, it will be necessary to establish a development programme.
44. Once this work is completed it will be possible to draft the NDO/CRtBO and the Order Conditions and for the QB to establish the detailed relationship between the NDP and the NDO/CRtBO.

Proposed Work Programme

45. In essence there is work required to:
- i. Refine the QB's business plan in order to help identify whether a NDO or CRtBO is the most appropriate delivery tool at a second facilitation session
 - ii. Prepare the NDO/CRtBO
 - iii. Complete the preparation of the NDO/CRtBO
46. In considering all of the elements of work required the following is suggested, along with an indication of where the QB may secure resource for the work. Once there is agreement to the proposed route forward (NDO Next Steps), then the QB will need to seek fee proposals for work to be commissioned and apply for NDO grants funding.

| Element of Work | Tasks | Timeframe and informatives | Resource |
|---|---|---|---|
| Business planning if some of the homes being delivered are to be retained by Hurst Green Parish Council | To understand how the dwellings proposed will be managed and maintained by the Parish Council in the long term. This work will need to set out the financial plan | To identify whether the use of an NDO(s) or a CRtBO is the best route to achieve the development | Business plan to be prepared by the QB, with specialist support, if they wish for some of the units to be in ownership of Hurst Green Parish Council. Grant support from the Neighbourhood Planning programme to be sought |
| Determine whether CRtBO or NDO is the best route. | Consider and set out the community benefit that will be achieved, what the community benefit is, how it will be achieved and how it will be locked into the project and safeguarded for the long term | | Work to be undertaken by the QB to refine their project plan and understand the type of housing they hope to deliver and who it will be for. Support is required via a second facilitation session to consider if the use of an NDO(s) or CRtBO(s) is the best route to achieve the development |
| Site Options and Assessment | A review of the existing site options and assessment will help the group to decide which if the site(s) to develop that are available for development. | Will support the choice of site(s) | Grant support from the Neighbourhood Planning programme to be sought as further work is required QB to progress discussions with relevant landowners to understand which sites could be brought forward |
| Visual Impact Assessment/Heritage Assessment | A Visual Impact Assessment will help inform the layout of the proposed development. An assessment to understand the impacts on the setting of nearby listed buildings may also be required | Will support the NDO through demonstrating the impacts on the AONB and surrounding heritage assets are acceptable | Will require support from a relevant consultant(s). Grant support from the Neighbourhood Planning programme to be sought |
| Transport Assessment | To determine the access and parking arrangements and understand the full impacts on the local highways network | Will support the NDO through demonstrating the transport impacts are acceptable | Will require support from a relevant consultant. Grant support from the |

| Element of Work | Tasks | Timeframe and informatives | Resource |
|---|---|---|--|
| | | | Neighbourhood Planning programme to be sought |
| Ecological Survey | To understand whether the development will cause any adverse impacts on wildlife | Will support the NDO through demonstrating the impacts on wildlife are acceptable | Will require support from a relevant consultant. Grant support from the Neighbourhood Planning programme to be sought |
| Masterplanning support for the whole village | To understand how you would like to see other development or regeneration come forward within the village | Will inform an understanding on how the sites will connect with their context | To be provided through Technical Support from the Neighbourhood Planning Support Programme |
| Viability work | To determine the level of affordable housing that can be accommodated on the NDO site(s) | Will support the mix of housing proposed in the NDO | Will require support from a relevant consultant. Grant support from the Neighbourhood Planning programme to be sought |
| NDO brief preparation and concept development | Using the site information and the project brief, progress options for layout, scale and massing | As soon as possible once site information is in place | To be provided through Technical Support from the Neighbourhood Planning Support Programme |
| NDO/CRtBO Order Conditions | Preparation of the NDO Order Conditions based on the site layout, scale, massing and design considerations and the method of delivery | | Support from planning consultant may be required. Brief to be developed and fee proposals obtained. Grant support from the NDO grant programme to be sought |
| SEA/HRA/EIA | Completion of SEA/HRA/EIA if required following screening | Dependent on the proposed reasonable alternatives | Initial support to determine if EIA is required to be provided through Technical Support from the Neighbourhood Planning Support Programme. Completion of an SEA and/or HRA through technical support if they have been determined by the LPA to be required. Clear advice on the scope of an EIA if it is determined to be required through technical support |
| HealthCheck | Full healthcheck on draft plan and NDO | | To be provided through Technical Support from the Neighbourhood Planning Support Programme |
| Community engagement and consultation | Consultation on the draft plan and NDO in preparation for Reg 14 Consultation | Once the full draft NDO is available | Communications and engagement specialist may be required to support the QB |

| Element of Work | Tasks | Timeframe and informatives | Resource |
|---|---|----------------------------------|--|
| Refining NDP and NDO/CrtBO following consultation | Revisions to the NDP following period of community consultation in preparation for Reg 14 | Following period of consultation | Support from planning consultant. Brief to be developed and fee proposals obtained. Grant support from the Neighbourhood Planning programme to be sought |

Outputs

47. There are two key outputs:

- i. The preparation of the NDO/CRtBO within the context of the NDP: prepared as a development brief for the site detailing layout, scale, massing, design considerations and method of delivery.
- ii. The preparation of the full draft NDP

Indicative timescales

- | | |
|------------------------------------|-----------------------|
| • NDO/CRtBO masterplan preparation | end of April/May 2020 |
| • Full draft plan and NDO/CRtBO | end of June 2020 |
| • Reg 14 Consultation | July/August 2020 |