

Hurst Green Neighbourhood Plan 2021-2028

Submission Version

A Report to Rother District Council on the Examination of the Hurst Green Neighbourhood Plan

John Slater BA (Hons), DMS, MRTPI, FRGS

John Slater Planning Ltd

28th March 2025

Contents

	Page
Executive Summary	3
Introduction	4
The Examiner's Role	4
The Examination Process	5
The Consultation Process	7
Regulation 16 Consultation	8
The Basic Conditions	8
Compliance with the Development Plan	9
Compliance with European and Human Rights Legislation	10
The Neighbourhood Plan: An Overview	11
The Neighbourhood Plan Policies	16
The Referendum Area	34
Summary	34

Executive Summary

My examination has concluded that the Hurst Green Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- In terms of the extension of the development boundary, it should be amended to follow the parish boundary at Burgh Hill. Remove reference to exceptional circumstances being required to allow development outside the village boundary and also to support the redevelopment of brownfield land across the whole parish.
- Include the two London Road housing sites as allocations and removing reference to only allowing small infill development in the areas set out in Policy HG 1.
- Removing reference to the Aims and Vision document in the policy and differentiating between policies for designated and non-designated heritage assets.
- Reducing the number of documents related to design guidance that have to be referenced by applicants, just to those providing locally produced guidance. Modifying the policy relating to the impact of the A21 on new residential development and removing the need for new homes to be connected to broadband before the dwelling is occupied, so as to allow future residents the choice of supplier.
- Removing the need to show how a proposal reduces fuel poverty levels and also the policy requirement for electric vehicle charging as this is now covered by the Building Regulations.
- Ensuring the policy regarding improvements to the public realm meet the statutory tests covering planning obligations.
- Restricting the requirement for passive infrared detectors to external lighting only.
- Removing the policy requirements to deliver net biodiversity gain.
- The green village hub's location should be shown on the Proposals Map.
- Proposals for rural tourism only need to demonstrate their economic benefits.
- Clarifying that shared services can be used in limited circumstances.
- Deleting the policy identifying which junctions need to be modelled in the case of Transport Assessments / Transport Statements.
- Introducing text and policies relating to the two London Road residential development sites based on the text from the Regulation 14 submission.

The referendum area does not need to be extended beyond the Plan area.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which offers local communities the opportunity to create the policies that will shape the places where they live and work. A neighbourhood plan does provide the community with the ability to allocate land for specific purposes and to prepare the policies that will be used in the determination of planning applications in its area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Rother Core Strategy and the Development and Site Allocations Local Plan as well as the saved policies of the Rother Local Plan 2006. Decision makers are required to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Hurst Green Parish Council. A Steering Group was appointed to undertake the Plan's preparations made up of parish councillors, and local volunteers.
3. This report is the outcome of my examination of the Submission Version of the Hurst Green Neighbourhood Plan. My report will make recommendations, based on my findings, on whether the Plan should go forward to a referendum. If the Plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Rother District Council.

The Examiner's Role

5. I was appointed by the Rother District Council in November 2024, with the agreement of Hurst Green Parish Council, to conduct this examination.
6. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 46 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of the Rother District Council and Hurst Green Parish Council, and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
7. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the Plan should proceed to referendum, if modified.
 - That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
8. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Hurst Green Neighbourhood Plan area.
9. In examining the Plan, the Independent Examiner is expected to address the following questions:
- Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Town and Country Planning Act 1990 and been developed and submitted by a qualifying body?
10. I can confirm that the Plan, only relates to the development and use of land, covering the area designated by Rother District Council, for the Hurst Green Neighbourhood Plan, on 10th April 2017.
11. The plan is expected to cover the period 2021 to 2028.
12. I can confirm that the Plan does not contain policies dealing with any “excluded development”.
13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
14. I am satisfied that Hurst Green Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

15. Once I had reviewed the submitted documents, my first task was to conduct a site visit to the parish. That was carried out on Monday 20th January 2025.
16. I spent about two and half hours in the parish, initially orientating myself by driving along the A21 through the main village on London Road taking in the two hamlets of Silver Hill and Swiftsden. On returning to Hurst Green, I then turned right into Station Road and

discovered the railway station at Etchingham. I visited each of the character areas and located the proposed local green spaces. I noted the location of the proposed housing sites along London Road and saw the nearly completed development at Foundry Close. I also visited the site known as Cooks Field at Burgh Hill.

17. I had previously arranged to meet representatives of the Parish Council and Rother District Council to view the plan's one remaining housing allocation site, at land adjacent to Iridge Place, London Road. I was accompanied by representatives of the Parish Council and one of the Rother planners. We were joined by the site owners, Andrew and Steve Gasson, who provided us access through their site from the cricket field behind, having previously marked out a cleared route through the overgrown site. This enabled me to see the extent of the tree cover, the quality of trees and habitat on the site and I was able to assess the relationship with the adjoining property, Oaklands - 70 London Road.
18. At the conclusion of the accompanied site visit, I walked through the village to see the two key views identified in Policy HG12. Before leaving the parish, I was able to witness the primary school parking at the end of the school day.
19. Upon my return from my site visit, I prepared a document entitled Initial Comments of the Independent Examiner, dated 23rd January 2025. In that document, I advised the parties that I could not at that stage confirm whether or not I would be able to deal with the examination without the need to call for a public hearing. I asked a series of questions which were principally directed at the Parish Council but also some were for a response from Rother District Council. I received a reply from the District Council on 13th February 2025 and the Parish Council reply arrived on 14th February 2025. I subsequently received an email from the Clerk to Etchingham Parish Council on 17th February 2025 offering their parish council's support for the Hurst Green proposals for the alignment of the development boundary. I will refer to that issue under the section of the report dealing with Policy HG1.
20. In reviewing the Regulation 16 responses, I noted that one representation had been submitted after the expiry of the regulation 16 consultation period from a company, Landstrom Group, who were promoting development on the Cook's Field site. In the email, it was claimed that the company had written to the Parish Council at the start of the consultation period seeking clarification as to why this site, which had been included in the Regulation 14 version, had been excluded from the submission version.
21. Unfortunately, the Parish Council did not respond to that correspondence until the consultation had ended and their Technical Director asked for the opportunity to make their representations to the examination. I felt that the Parish Council's failure to provide a prompt

response to the specific question, had prejudiced Landstrom's position. I therefore, in my Initial Comments document, offered the company a further period of six weeks to make representations to me.

22. In my Initial Comments document, I had invited the Parish Council to respond to any of the Regulation 16 comments and I felt it appropriate to similarly offer the Parish Council the opportunity to comment on the new Landstrom submissions. I received the representations from Landstrom on 14th February 2025 and I was sent the Parish Council's comments on 7th March 2025. I will address the question of the non-inclusion of the site in the Plan Overview section of this report.

The Consultation Process

23. Work on the neighbourhood plan started in 2017. The Parish Council held two kick-off public engagement events to launch and publicise the plan, in February 2018, which was held in the Village Hall and was attended by 115 residents. Once volunteers have been recruited a number of task groups were set up.

24. A call for sites was made in July/August 2018. Also, a local housing needs assessment was commissioned in late 2018 and an initial site assessment report on potential sites was published in 2019.

25. In autumn 2019, a leaflet was circulated to every household in the parish setting out the plan's aims, visions and objectives. This led to the preparation of a Vision for 2030 document, which was to be the basis for the Hurst Green Neighbourhood Plan going forward.

26. A separate consultation with local businesses was conducted. A parking survey was also undertaken and data collected on speeding along the A21. A local housing demand survey was carried out between March and May 2019 which had a 40% completion rate. Other research included a local tourism survey, a business survey and environmental surveys.

27. The work of the Steering Group was publicised via the neighbourhood plan website, a Facebook page, newsletter articles and via information boards in both the village shop and the village hall.

28. Work on drafting the plan and the accompanying documents, including the Design Code for Hurst Green, Masterplanning for Hurst Green document continued, and the Topic Area workshops were held in October 2020 to demonstrate the potential policy options for the plan.

29. Further work on site allocations was based on a Hurst Green Neighbourhood Plan Site Assessment Survey Report which was published in August 2020. That led to the commissioning of a Landscape and Visual Impact Assessment.

30. All these strands of work came together in October 2021 with the holding of a public exhibition, which was attended by 120 residents

31. All this preparatory work culminated in the preparation of the Pre-Submission version of the plan which was the subject of a six-week public consultation known as the Regulation 14 Consultation which ran from 27th July 2022 to 17th September 2022. This generated written responses from 20 parties including residents and landowners as well as other stakeholders and statutory consultees. These are fully set out in the tables in Appendix F of the Consultation Statement.
32. I am satisfied that the Parish Council actively sought the views of the local community whilst preparing this plan.

Regulation 16 Consultation

33. There was a period of final consultation, which took place over a six-week period, between 25th October 2024 and 6th December 2024. This consultation was organised by Rother District Council, prior to the Plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.
34. In total there were 21 responses received; from National Highways, Historic England, Natural England, Environment Agency, East Sussex County Council, Kent CC, Rother District Council, South East Water, Southern Water, UK Power Network, Tunbridge Wells Borough Council and Salehurst Parish Council plus from 8 local residents including one who was also a Parish Councillor. In addition, there was the late representation from Landstrom Group which I have described in paragraphs 20- 22 of this report
35. I have read all the representations and will refer to them, where relevant, when I come to consider my recommendations.

The Basic Conditions

36. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what are known as the Basic Conditions as set down in legislation. It will be against these criteria that my examination must focus.
37. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - Will the making of the Plan contribute to the achievement of sustainable development?

- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended)?

38. Just before Christmas 2024, the Government released an updated version of the National Planning Policy Framework (NPPF). Paragraph 239 of that document addresses the question of the new Framework's implementation and confirmed that only neighbourhood plans submitted after 12th March 2025 will be subject to the policies outlined in the new NPPF. I can therefore confirm that I will be considering this neighbourhood plan based on the previous version, issued in December 2023, of the Framework. I will be referring to paragraph numbers from that version of the document for the purpose of this examination. However, there would be a benefit in the parties updating the NPPF paragraph numbering in the Referendum Version of the neighbourhood plan to reflect the latest version.

Compliance with the Development Plan

39. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Rother Local Plan Core Strategy adopted on 29th September 2014, the Development and Site Allocations Development Plan Document (DaSA) which was adopted on 16th December 2019. Also, part of the development plan are the saved policies of the Rother District Local Plan, adopted on 10th July 2006.
40. The overall strategy for the district is set out in Policy OSS1 – Overall Spatial Development Strategy of the Core Strategy, which plans for a minimum of 5,700 dwellings to be built in the period 2011 to 2028. These will be delivered by inter alia, identifying sites, including those which facilitate the limited growth of villages that contribute to supporting vibrant, mixed rural communities, including supporting service provision and meeting local housing needs so long as it is compatible with the character and setting of the village. Villages are expected to deliver approximately 1,670 dwellings over that period.
41. Policy OSS2 establishes the principle of development boundaries, intended to differentiate between areas where most forms of new development would be acceptable and where they would not. It sets out the principles for drawing up those boundaries, which is to be followed up by the Development and Site Allocation Plan.

42. Policy OSS3 set out 10 criteria for assessing the suitability of locations for new development.
43. Hurst Green is identified as a local service village, where the relevant policy is set in Policy RA1. That includes a provision that the required housing would be refined in the DaSA and/or neighbourhood plans. It does say that “new development will be sited in close proximity to key facilities and locations accessible via a range of transport options”. Figure 12 sets out the need to find potential sites for 75 dwellings in Hurst Green.
44. Outside of the settlement the relevant policy is set out in Policy RA2 – General Strategy for the Countryside, with development considerations being set by Policy RA3.
45. The housing mix policy is set out in Policy LHN1 – Achieving Mixed and Balanced Communities. Affordable housing percentages are said by Policy LHN2 – Affordable Housing, requiring 40% on site affordable housing on schemes of five dwellings or more. Rural exception sites are allowed by Policy LHN3 and sites for wholly substantially affordable housing are said by Policy LHN4. Policy EN5 deals with biodiversity and green space.
46. The DaSA further amends the threshold for affordable housing in the High Weald AONB to six dwellings rather than five in Policy DHG1 – Affordable Housing. It also updates the policy relating to the rural exception sites with Policy DHG2. Policy DEN5 sets out the policy for sustainable drainage.
47. The saved policy in the 2006 Local Plan defined the settlement boundary for Hurst Green.
48. The District Council is working on a new Rother Local Plan Review to cover the period up to 2040. That plan has been the subject of a Regulation 18 consultation, but I am not aware of the time frame being set for the publication of the Regulation 19 submission version of the plan. In any event, the consideration of the basic condition relating to the neighbourhood plan is whether it is in general conformity with the strategic policies in the adopted local plan.
49. My overall conclusion is that the Neighbourhood Plan, apart from where I have noted in the commentary on individual policies, is in general conformity with these strategic policies in the Rother Core Strategy and in some cases the DaSA.

Compliance with European and Human Rights Legislation

50. Rother District Council, in a screening letter dated 18th December 2018 considered whether a full Strategic Environmental Assessment (SEA), as required by EU Directive 2001/ 42/ EC, which is enshrined in law by the “Environmental Assessment of Plans and Programmes Regulations

2004” would be required. That concluded that the plan would be likely to have significant environmental effects and accordingly a full SEA would be required. The 3 statutory consultees agreed with that assessment.

51. That Strategic Environmental Assessment was carried out by consultants AECOM and their Environmental Report was dated February 2023. That assessment followed the usual methodology, including the assessment of reasonable alternatives in respect of the Regulation 14 version of the neighbourhood plan. It is necessary to note that all the options for site allocations at that stage included the Cooks Field site (HG11). One of the options, Option D included a site at Silver Hill (HG30) which did not score as well as the other options, in terms of the SEA themes.
52. The District Council, as the competent authority, issued a screening report under the Habitat Regulations in September 2018. This screening assessed the then emerging Development and Site Allocation Local Plan and the neighbourhood plans being prepared in the district and concluded that the Hurst Green Neighbourhood Plan would be unlikely to have any significant adverse effects upon the European protected sites, namely Pevensey Levels SAC and Ramsar Site, and the Dungeness, Romney Marsh and Rye Harbour Ramsar Site, SAC and SPA. That assessment covered two sites with a total capacity of 65 units and as the current scale of development is of a similar quantum, no further screening was carried out by the District Council.
53. I am satisfied that the basic conditions regarding compliance with European legislation, including the 2017 introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

54. Hurst Green Parish Council is to be commended for grasping the opportunities of producing a locally distinct neighbourhood plan, allowing the community to prepare the planning policies and allocate housing sites, for what will now be a limited period up to 2028.
55. The plan has a range of objectives which the plan seeks to meet through its policies. I appreciate that these reflect the views of residents, but I would concur with one of the comments made by the District Council, that there is nothing inherently wrong with “speculative development”. As it is not a matter that is reflected in any of the plan policies, I do not need to make a recommendation on that objective, but it may be a matter that the Parish Council could reflect upon in its final edit.
56. Reference is made also in the plan to residential development having to deliver community benefit. That should not be an additional prerequisite for considering planning applications which meet

development plan policy. As Rother District Council has suggested it gives the impression that a planning application can be “bought” by the offer of benefits. There are clear rules related to planning obligations which are both set out in the NPPF(para 57) and in legislation through Regulation 122 of the Community Infrastructure Levy Regulations 2010. This states that a planning contribution must be necessary to make the development acceptable in planning terms, be directly related to the development and is fairly and reasonably related in scale and kind to the development

57. Most of the housing sites have been under consideration for a number of years, initially emerging through a call for sites and through the District Council’s HEELA process. As is often the case, plan making can be superseded by the granting of planning permissions. That is the case in terms of the Foundry Close development (HG35) which is nearing completion and the two London Road sites (HG22/43 and HG 6).
58. The normal minimum threshold set by the local plan for a site allocation is 6 units and the neighbourhood plan is proposing a site (HG45) which is below that threshold. Whilst it may be appropriate at a local plan level to seek to differentiate between allocation sites with at least 6 units and smaller schemes, below that threshold which it treats as windfall development. I believe there is nothing to prevent a neighbourhood plan from being able to allocate a site below that 6-unit threshold and for that to count towards meeting the parish’s housing requirement. The definition used in the NPPF for a windfall site is a site “not specifically identified in the development plan” - it is not contingent upon the scale of the development. I believe that the Parish Council is fully entitled to count the Land adjacent to Iridge Place as contributing to the housing requirements of 75 dwellings expected to be delivered within Hurst Green parish for the period up to 2028.
59. In exceeding that figure, I have concluded that this plan is meeting the identified housing requirements set out in the development plan. However, once the new Rother Local Plan is produced, covering the extended plan period it is likely the Parish Council will need to update the neighbourhood plan to reflect the new strategic policies including finding new housing sites.
60. The submission version of the neighbourhood plan has chosen not to allocate the previously identified London Road sites, based on the fact that planning permission has been granted for them. However, there is no guarantee that the planning consents will be implemented in their current form, and I intend to recommend that they be retained as allocations, in case revised proposals are submitted and then the neighbourhood plan can still be a material consideration. I will return to that again in relation to Policy HG2 and the Housing Allocations section

in Chapter 11 when I will draw upon the Parish Council's Regulation 14 proposals for those sites.

61. The above paragraphs set the scene for my consideration of the objections submitted by the Langstrom Group Ltd related to the last minute exclusion of the Cooks Field site from the submission version of the Hurst Green Neighbourhood Plan.
62. As I understand it, that site has been under consideration for a number of years and was the subject to a high-level landscape assessment conducted on behalf of the Parish Council and then the Langstrom Group commissioned a more detailed landscape and visual appraisal of its proposed development. The site also features in all the alternative site combinations prepared as parts of the SEA, although that assessment concluded that all the allocation sites have the potential to adversely impact on the special character and qualities of this nationally protected landscape (in the absence of sensitive design).
63. The site was one of the proposed allocation sites which were the subject of public consultation through an exhibition which formed part of the Regulation 14 Pre-Submission consultation on the neighbourhood plan. It was included under a specific policy, Policy HGS A1 identifying the site as having an estimated capacity of seven dwellings.
64. A subsequent planning application was submitted to Rother District Council, which was considered by its Planning Committee and, despite the application being recommended for approval by the planning officers, the Committee refused that particular application, and I understand that this is now the subject of a recently submitted planning appeal. I do note that despite the Regulation 14 plan proposing the site's allocation, the Parish Council submitted an objection to the planning application.
65. The final submission version of the plan no longer contains the allocation of site HG11, Cooks Field following according to the plan document consultation with residents in Burgh Hill. I do not know to what extent that was a result of feelings generated by the submission of the planning application or the neighbourhood plan itself. I have been told that there have been changes in the makeup of Hurst Green Parish Council.
66. The Landstrom Groups' main submission is that the allocation should be reinstated into the plan. This supporting text to the policy refers to the development being proposed in the outline planning application would not deliver any benefit to the community, which it said was a key objective of the plan. Landstrom counter that to argue that there will be community benefits, such as the creation of a new footway along Burgh Hill, the removal of telegraph poles which crossed the site, the introduction of green infrastructure and new habitat and the possible delivery of affordable housing or financial contributions.

67. Once I received Langstrom's final set of representations, I offered the Parish Council the same opportunities to comment, as on other Regulation 16 representations. I must admit I found their response dated 10th March 2025 somewhat ambiguous, in that it was not necessary rebutting the points being made by Langstrom Group. I set out the full response which seems to be inviting me to review its decision and its justification for removing the Cooks Field allocation.

“Hurst Green Parish Council acknowledges the submissions made by Mr Skinner on behalf of Landstrom Group Ltd regarding the Hurst Green Neighbourhood Plan.

Mr Skinner has provided a detailed account of the site assessment process inclusion the inclusion of Cooks Field (HG 11) in the draft Regulation 14 Neighbourhood Plan, the consultation stages and the decision not to allocate the site in the final submission version.

My councillors have noted the points raised regarding the site's suitability, the site landscape assessments conducted, and the procedural steps undertaken by both Landstrom and the Parish Council.

Mr Skinner's submission has correctly highlighted certain procedural aspects and factual points relating to site allocations, consultation exercises and the expectations set out in both national and local planning frameworks.

While the Parish Council is sought to balance competing priorities and perspectives within the community, there is a value in reviewing how decisions and justifications have been articulated.

The council remains committed to delivering a robust and well evidenced neighbourhood plan that serves the best interests of the community when aligning well with planning policy requirements.

My councils have indicated they welcomed the Examiner's assessments to the points raised and will of course engage constructively with any recommendations that may arise from the examination process”

68. I do not necessarily accept that it is my role as examiner to review how and why the parish council came to the conclusions it did, at the time of the submission of the neighbourhood plan to Rother District Council. It is my responsibility, as examiner, to examine the plan as submitted. The role of examiner is set out clearly in Section 8 of Schedule 4B of the Town and Country Planning Act 1990. This covers the legal requirements and the basic conditions as set out in the legislation and not to address other matters.

69. I therefore need to come to a view on whether the omission of this site means that the neighbourhood plan does not meet the basic conditions.
70. It is for the Parish Council, as qualifying body, to conclude whether it wishes to include allocations, within its neighbourhood plan, for the inclusion or not of specific sites. Furthermore, it is entitled to make changes as it seeks fits between the Pre-Submission and the Submission version of the plan, particularly if it is responding to the public consultation exercise- that is the purpose of the consultation. That decision does not, itself, need to be the subject of its own separate consultation as claimed.
71. My conclusions on this matter may have been different had the plan not been meeting its housing requirements as set out by the District Council. However, it is allocating land with the capacity to accommodate more than the 75 homes required by the Local Plan. I am also conscious that the allocated sites are, in the main, situated as close or are closer to the heart of the village and its facilities (apart from the Etchingham Junction station). The time frame for the neighbourhood plan is only until 2028 and as previously mentioned, it maybe that the housing requirements for Hurst Green contained in the new local plan, will be such that the Parish Council may wish to revisit the Cooks Field site as an allocation.
72. It is not my role to seek to adjudicate on allegations as to what representations were made at the Planning Committee supposedly on behalf of the Parish Council as to the then status of the neighbourhood plan and it is for the Planning Inspector to come to a view on the merits of the planning appeal. I do not see that my conclusions will necessarily be pertinent to that decision.
73. As far as my remit as examiner is concerned I am not persuaded that it is necessary for me to recommend the inclusion of this additional housing site as part of the examination. However, I do agree with some comments made by local residents that paragraph 5.14 in the supporting text should be revisited, as it implies that the 7 dwellings could be delivered through site HG11, which is no longer being allocated.
74. In terms of my assessment of whether the neighbourhood plan will deliver sustainable development, the neighbourhood plan has policies that cover not just the location for new housing but also seeks to ensure that it meets local need. It includes policies which support new and existing businesses, sets design expectations and protects the heritage of the parish and looks to protect and enhance the green infrastructure, both in terms of its habitat and biodiversity, and seeks to protect the open spaces which are demonstrably special to local residents, promotes sport , recreation and community facilities and promotes active transport. I am therefore satisfied that the

neighbourhood plan when taken as a whole, will deliver sustainable development.

75. My examination has concentrated on the wording of the policies, rather than the contents of the supporting text and the interpretation sections. In a number of cases I have made proposed modifications to the policy wording so that the plan as modified meets the basic condition that regard has been had to the Secretary of State policy and advice. This is in the main set out in the NPPF and the Planning Practice Guidance supplemented by Written Ministerial Statements.
76. As a result of some of my recommendations there will need to be some consequential changes to the supporting text. It is important that the supporting text reflects the policy changes so that the plan still reads as a coherent statement of policy.
77. The Regulation 16 comments, particularly from the District Council, have raised detailed drafting points that would in my opinion improve the plan but cover matters that are not necessary for me to make formal recommendations, as they do not relate to my conclusions on the basic conditions. This includes some comments on the contents of the Design Guide.
78. I will leave it to the Steering Group, to work with the planners at Rother District Council to agree the changes to the supporting text when it is preparing the Referendum Version of the plan, which will have to be published alongside Decision Statement.

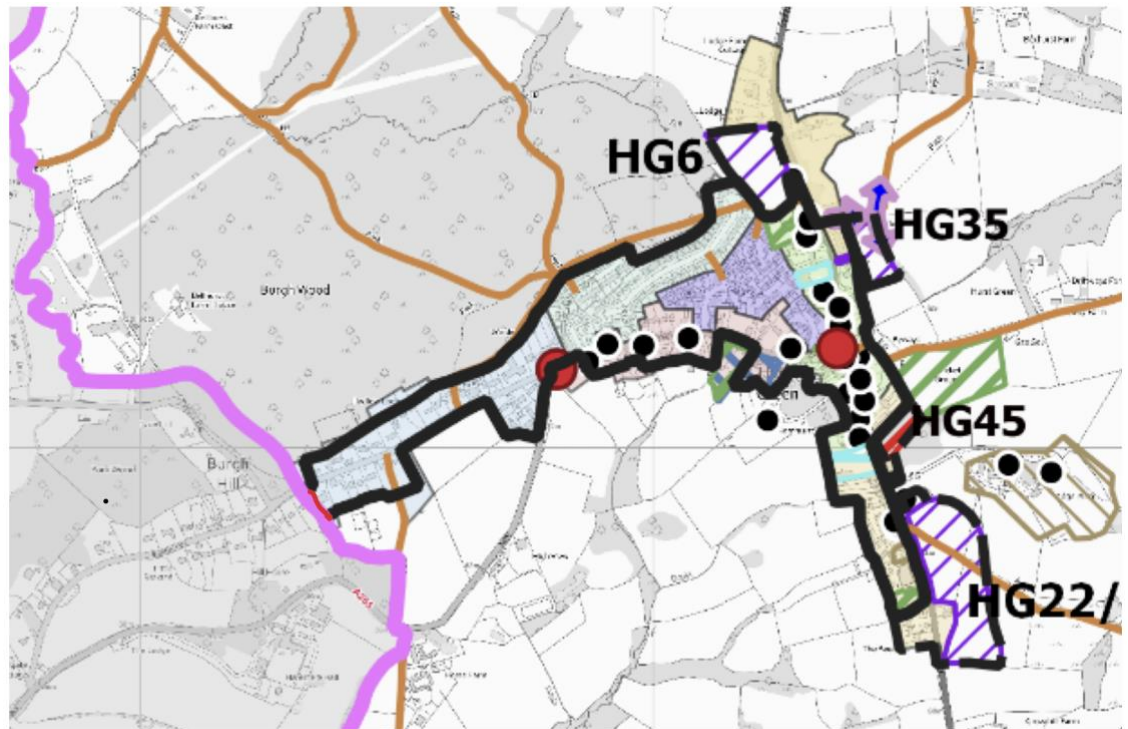
The Neighbourhood Development Plan Policies

Policy HG1: Location of Development

79. This policy directs development to land within the revised settlement boundary. The proposed boundary is being updated from the saved 2006 local plan version to now include sites identified for new housing either through the grant of planning permission or through the plan's allocation. This will ensure that the required housing requirements for the village can be delivered. I am satisfied that the policy is aimed at directing development to the most sustainable locations within the parish and is consistent with the principles set out in the Policy OSS3.
80. In terms of the details of the alignment of the boundary, my main comment relates to the fact that, at the parish boundary at Burgh Hill, the settlement boundary does not totally enclose the land which falls within the settlement. I raised this issue with the Parish Council in my Initial Comments document. Its response seems to indicate to me that it may misunderstand the consequences of my suggestion, for land within Etchingam parish. The response assumed that drawing the boundary to enclose land within the parish within a continuous development boundary

will change the status of residential properties in Etchingam parish, so they are no longer treated as falling within a settlement boundary.

81. I do not believe that that would be the position as a result of the change. It is a fundamental tenant of the neighbourhood plan system that planning policies can only be prepared for land within the neighbourhood area, as designated by the District Council i.e. within Hurst Green parish. If the Hurst Green Neighbourhood Plan changes the settlement boundary, it can only do so for all land within its parish. The status of the land outside the parish i.e. beyond the parish boundary would remain as existing, namely that it would still fall within the development boundary, as defined in the 2006 local plan.
82. This is a technical and possibly semantic point, but the integrity of a village envelope cannot rely upon land outside of the parish boundary. In terms of how the policy works, it relies on the fact that land will lie within or outside a settlement boundary and if that boundary is incomplete i.e. land within Hurst Green Parish has an open side enclave, it could lead to some ambiguity when used in a development management setting.
83. I understand the Etchingam parish have also embarked upon the preparation of a neighbourhood plan, but that is not as advanced as Hurst Green. Until that plan changes or establishes a different boundary, those properties, currently within the 2006 local plan development boundary would continue to be treated as falling within the settlement boundary as the development plan for that land has not been altered. Clearly if the Etchingam Neighbourhood Plan wishes to confirm or change that status it can do so – it is not dependent upon what the adjoining neighbourhood plan has determined.
84. Therefore, despite the concerns of both Etchingam and Hurst Green Parish Councils, I will be proposing that land within the settlement boundary should be fully enclosed by drawing the alignment along the western side along the parish boundary as shown by the red line on the plan shown below



Development boundary to follow the parish boundary as shown by the red line

85. Turning now to the requirements of the policy, Part B stresses the importance of conserving the landscape of the High Weald National Landscape and states that, as a matter of policy, development “will only be supported in exceptional circumstances”. The justification given by the Parish Council, for setting exceptional circumstances as the bar to development proposals, was that it emphasises the sensitivity of the High Weald landscape. As drafted it places a higher threshold for development in the parish than elsewhere in the High Weald. Development that is otherwise policy compliant, in land use terms, would still need to be considered in the context of its landscape impact and indeed that is already covered in the policy, by the requirements of part C. It is also one of the considerations set out by the Secretary of State in paragraph 183 of the NPPF. The need to demonstrate “exceptional circumstances” is only established in the context of “*major development*” within the protected areas including National Landscapes, as set out in paragraph 183 of the Framework.
86. The final part of the policy says that support will only be given for development on redundant brownfield land within the development boundary. However, paragraph 89 of the NPPF encourages the use of previously developed land in rural areas for development. The Parish Council is proposing a more cautious approach, based on its experience of applicants “disingenuously self-classifying land within the parish as brownfield”. However, the Glossary to the NPPF contains a definitive definition of what is previously developed land or brownfield sites which removes any ambiguity as to what truly is a “brownfield site”. That would exclude agricultural land.

87. I accept the Parish Councils contention that there will only be limited sites within the parish that will meet the definition of being a brownfield site, but that is not a reason for excluding the possibility of redevelopment of previously developed land, just because it lies outside the development boundary. I will be recommending that this element of the policy be removed, so as to allow the redevelopment of redundant brownfield sites anywhere within the parish.

Recommendations

The settlement boundary should be amended in Figure 4.1 so that it includes the land marked in red on the map shown in paragraph 84 of this report

In B. delete “only” and “in exceptional circumstances”

In D. delete “Within the development boundary”

Policy HG2: Housing Strategy

88. This policy is backed up by a Call for Sites, a Housing Needs Survey, a Site Assessment Survey Report and a Landscape and Visual Impact Report. Five sites were identified, all outside the development boundary. These allocations are required to so that the neighbourhood plan meets the Core Strategy's target of 75 dwellings to be provided within Hurst Green.
89. Since the initial preparation works on the neighbourhood plan, planning permission has been granted on a number of identified sites, namely land at Foundry Close (HG 35) for 20 dwellings, London Road North (HG 6) for 26 dwellings and London Road South (HG 35) for 28 dwellings. Whilst all these sites have planning permission, work has only commenced, and in fact is nearing completion, on Foundry Close. I have been advised by Rother District Council that not all the pre commencement conditions have been complied with in terms of the two London Road sites, which is a good indication as to whether work is about to commence.
90. The submission version of the neighbourhood plan has not chosen to allocate these remaining sites on the basis that they already have planning permission. However, until the development is commenced and possibly even completed, there is always the possibility that, for various reasons, the development which has consent, may not proceed. This is a point that is made by the neighbouring Tunbridge Wells Borough Council.
91. That raises the question, whether these sites should still be included as an allocation, in case for example, an alternative planning application were to be submitted and needed to be determined. The Parish Council was resistant to my suggestion to identify them as allocations as it believes it would be confusing for local residents, who may believe, mistakenly, that planning permission has been revoked.

92. I acknowledge that the confidence shown by the Parish Council that these planning consents will be implemented, stems from its positive engagement with the developers. Conversely, because these sites are critical to meeting the parish's housing requirements, I believe it is important that the plan continues to identify them as residential allocations and I will be recommending that they be listed in this policy and also be the subject of individual allocation policies alongside Policy HGSA4, using text and the policy wording used at the Regulation 14 stage with the contents of the regulation 14 version of the policy. I now understand that the Parish Council accept the value of reinstating these two sites as allocations in the plan.
93. In addition, the plan has allocated an additional site, known as land adjacent to Iridge Place (HG 45) which was the subject of my accompanied site visit. I was able to see the site's relationship with Drewitts Sports Ground, including the community benefit of creating a footpath link between it and London Road. I was able to assess the relationship with the adjoining property which has been the subject of a Regulation 16 representation from the owner. I was able to gain an impression of the quality of the trees on the site and the biodiversity potential of the woodland area, which had been highlighted in its Regulation 16 comments. The District Council considers the site is not suitable for development due to it being deciduous woodland and its biodiversity value and argue that it would harm the landscape and the character of the settlement within the High Weald National Landscape.
94. I do not necessarily share that view. I am satisfied that the community has chosen to put forward this site for housing, I place great weight on the site's location close to village amenities such as the village school.
95. My impression was that there are few trees on the site worthy of retention, which to my untrained eye seems to be badly in need of some woodland management. I am satisfied that the site is large enough to accommodate new housing without any consider consequential impact on neighbours to the north. Access is directly onto London Road which is a common situation in this part of Hurst Green. In conclusion I do not intend to propose any modifications in respect to this allocation except I note that the policy HGSA4 states that the site can accommodate 4 units so I will propose that be reflected also in this policy.
96. I am concerned that the final paragraph seeks to limit the form of development allowed under Policy HG 1 which complies with other local plan policies, to "small scale infill". There could be other forms of residential development taking place within the parish, which is policy compliant, but would not necessarily fall within the definition of "small scale infill", such as the conversion of a building to residential, or new agricultural dwellings. I do not see that it is necessary for the policy to supplement the locational criteria set out in Policy HG1 and I will recommend the final paragraph be deleted.

Recommendations

Replace “3” with “58”

In the first bullet point replace “3” with “4” dwellings

After the first bullet point insert

- ***Site HG6: Land north of London Road – 20 dwellings***
- ***Site HG22/43: Land south of London Road – 28 dwellings***

Delete the final paragraph

Policy HG3- Meeting Local Housing Needs

97. The District Council is concerned that the reference to First Homes may become overtaken by changes which were suggested in a recent consultation. However, as previously indicated this examination is conducted against policies in the 2023 version of the Framework and I have no grounds for removing the First Homes element of the policy.

Policy HG4- Character of Development

98. I would particularly commend the document the Hurst Green Design Codes and in particular its description of the character areas.
99. I do not consider that it is necessary to include Part B (iv) as that is essentially a policy which requires compliance with another policy in this plan, which will already apply.
100. The policy also refers to development being carried out in accordance with and contributing to the aspiration set out in the Hurst Green Aims and Vision document which I understand was produced to reflect the feedback from residents’ surveys and public engagement events. In many aspects, some of its contents are already reflected in the neighbourhood plan, such as the Community Vision. Whilst it is clearly an expression of the community’s aspirations these should be incorporated, when addressing land use planning matters, into the neighbourhood plan policies themselves. This is not a development plan document, its contents have not been examined, and it would not, in my opinion, be inappropriate for its contents to be automatically translated into a policy requirement.
101. In its response to my Initial Comments, the Parish Council stated that “strongly encourages applicants, especially those unfamiliar with the area, to familiarise themselves with these community priorities”. I will be happy to see such encouragement to become aware of residents’ views and these could be reflected in the supporting text, but it should not be a requirement for applicants for planning permission. I am reinforced in this view by the fact that this document is referenced in section 14 of the document dealing with non-policy actions.

102. The section of the policy dealing with heritage aspects sets out the same policy considerations for non-designated heritage assets as those for designated heritage assets. That is not in line with the Secretary of State's approach set out in this paragraph 209 of the NPPF covering non designated heritage assets, which requires a balanced judgement having regard to the scale of any harm and or loss against the significance of the heritage asset. This is a matter that has been accepted by the Parish Council in its response to my Initial Comments and I will propose a modification to reflect this slightly different approach which recognises the different status of the heritage assets.
103. The policy also covers archaeological impacts and places an obligation on all applicants for development in the parish to have to demonstrate that these matters have been taken into consideration. That is in my view an unnecessary and onerous requirement for all cases. The District Council only requires a submission of an archaeological report for certain types of development within specific archaeological notification areas or where it would affect a scheduled ancient monument, or the application is proposing major development. These are matters which are directed by the local validation checklist which sets out what documents are required to accompany a planning application, in accordance with the provisions of the Town and Country Planning (Development Management Procedures) Order 2015.

Recommendations

Delete B (ii) and (iv)

In C delete “-including non-designated heritage assets” and add “Development proposals affecting the significance of non - designated heritage assets will be judged having regard to the scale of any harm or loss against the significance of the asset.”

In D. after “should” insert “where appropriate” and delete the last sentence of that part of the policy.

Policy HG5: Design of Development

104. The policy imposes on an applicant, an expectation to have to demonstrate that they have considered and sought to address a wide range of matters which is set out in seven documents, in addition to the local plan and neighbourhood plan documents. I consider that this is an excessively onerous obligation, in every instance, when the overall objective is for applicants to come forward with a development which delivers a high quality of design.
105. I accept that the local design guidance can be specifically reference the Hurst Green Design Code and the High Weald Design Guidance as both are specifically tailored to the local context, whilst other guidance is more of a generic nature, some of which are designed to inform the

development of local guidance. I would have no objections to these other documents being referenced in the supporting text, which can help the achievement of that “high quality design” but I believe that highlighting the local aspirations and guidance is in line with the Secretary of State’s expectations set out in Paragraphs 132 and 133 of the NPPF.

106. I can appreciate the nature and volume of traffic on the A21 creates challenges, in terms of the design of new housing, so as to create an acceptable internal living environment, but I do not consider that this can necessarily only be achieved by imposing an obligation on all residential development to show how it have considered and sought to address the noise issues only through the installation of triple glazing. I do not believe that is justified, as there could be other factors, such as the design of the building, its orientation, which can impact on the noise climate within the building itself. The District Council's response to my Initial Comments to my question as to whether triple glazing is a standard requirement of its environment health officers, was that it depended on the results from an acoustic survey which will determine noise levels and only if it was then justified can it be required as a planning condition. I believe that it a pragmatic and appropriate evidence-based approach.
107. The next element to the policy relates to the requirement for new housing to be served by the superfast broadband, rather than merely requiring the provision of the infrastructure to allow its installation, once the property is occupied. The Parish Council draws a comparison with the expectations that electric and water supply will be available when a new property is completed, but these services rely upon a single set of supply infrastructure. Whilst the service providers, in the case of electricity supply, may change, by residents “shopping around”, but the equipment to deliver the electricity supply does not change. In my experience there are several different ways that a property can be connected to broadband services and customers can choose between different broadband suppliers, some of which will have their own network and connections. I do not consider it can be justified to require a property owner to have to pay for a service which has been fully installed prior to occupation when they may wish to choose another supplier, which has its own and different method of connection. Most planning policies covering this topic, only require the developer to put in the necessary infrastructure to enable superfast broadband to be available but leaves the actual choice of supplier to the customer.
108. I did challenge the Parish Council on the requirement that Part x. requires at least one pavement. I paid particular note on my site visit to the use of shared surfaces in the McMichaels Way development , close to the heart of this village. The full justification to the origin of the policy by the given by the Parish Council in its response to my Initial Comments has allayed some of my fears. It is indeed a locally distinctive policy which reflects the views of the public, which were expressed during the consultation. I also

note that the policy does not seek to impose a ban on shared surface developments but rather the policy points to its “limited use”. In those instances, it would be a nonsense to insist on a pavement, in addition to shared surface which is used by both vehicles and pedestrians. I am also conscious that the Design Code refers to the use of such layout arrangements as a means of reducing vehicle speeds. It was also illuminating that the allocation for the Land adjacent to Iridge Place in Policy PHSA4 advocates the use of a shared access road.

Recommendations

Delete (i), (iii),(iv)

In (v) replace all text after “A21” and insert “shall be designed to mitigate the impact of noise from the A21 on residents, using such measures as may be determined based on an acoustic survey, which could include high performance glazing and ventilation systems, building set back, landscaping and layout of the building”

Replace (vi) with “all new residential properties shall be provided with the necessary ducting and infrastructure to enable the property to be connected to superfast broadband.”

In (x) delete all text after “pedestrians)”

Policy HG6: Energy Efficiency and Design

109. I note that the thrust of this policy as set out in Part A), is that it is seeking to encourage and support schemes which include the measures set out. Therefore, they are not being imposed as a policy requirement and planning permission could not be refused if its provisions are not met.
110. Criteria A(vii) require design features which reduce fuel poverty levels. However, the definition of fuel poverty refers to the “ability to afford to keep one’s home adequately heated”. That reflects the relationship between an occupier’s income versus their heating costs, which is beyond the scope of a planning policy. However, other elements to the policy, for example, relating to the thermal efficiency of materials and insulation will obviously contribute to the reduce heating costs. I will be recommending that this element of the policy be deleted.
111. Similarly, the requirements for electric vehicle charging points are now covered as requirement of the Building Regulations (Part S) and hence its inclusion within the policy would be unnecessary duplication.
112. Beyond this, I have no other comments in terms of the basic conditions.

Recommendation

Delete A. (vii) and (viii)

Policy HG7: Enhancing the Public Realm

113. I recognise this is a policy which offers support for development which meets the aspirations set out in the Design Code and also the Aims and Vision document. Initially, I did question where the policy was only directed towards developments which affect their highway, as most public realm improvements quoted, will be taking place on highway land e.g. gateway signage, roadside green spaces and road signs and other street furniture. I now appreciate that the Parish Council is looking to other developments which take place in the village which could contribute to improvements to the public realm. However, the item set out in (i) to (iv) are not just to be applied to public highway land but could be considered for other land property visible from publicly accessible areas.
114. I do appreciate the aspiration of a policy covering the public realm, but I am concerned that there could be no direct relationship between the development being proposed and the public realm improvements for which the policy is seeking contributions. As previously quoted the appropriate tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 namely that the contribution is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development. I believe these tests should be included within the policy, so that any obligations comply with Secretary of State policy and advice. This will allow a contribution to the public realm which meets these tests to be made whether financial or through direct provision.

Recommendation

At the end of the first sentence, add' "where the works are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development"

Policy HG 8: Protecting Hurst Green Dark Skies

115. A neighbourhood plan policy is to be used to determine planning applications. It cannot dictate what information an applicant is required to be submitted with a planning application. That is the role of the local validation checklist, produced by the District Council and covers the whole of Rother district. As such the policy needs to look at the impact or consequence of the proposed lighting schemes which will be covered by the two separate elements the policy, namely internal and external lighting, when planning applications come to be determined. In my view reference to passive infrared detection should only be applied to external

lighting schemes and will be best incorporated within that part of the policy.

Recommendations

In the second sentence delete “and provide details of”

Delete the last sentence of the first paragraph

Insert (iv)” the lights are controlled by passive infrared detectors so they only come on when required”

Policy HG9: Protecting the Natural Features of the Parish

116. I have no comments to make on this policy.

Policy HG10: Green Infrastructure

117. Again, a neighbourhood plan cannot be specific about what documents, such as a biodiversity appraisal, must be submitted with the planning application, for the reasons set out earlier. However, a policy can influence how an application is to be determined based on whether it has been demonstrated that the negative impact on biodiversity can be minimised.

118. Now that the provisions of the Environment Act 2021 have been fully introduced, there is no longer a justification for a policy requiring net biodiversity gain. That is a position which is now accepted by the Parish Council. The Act’s provisions would also cover requirements for 30 years post development management of new habitats created.

119. I have no other comments to make on this policy which reflects Secretary of State approach in terms of establishing the hierarchy of actions to address harm to biodiversity interest.

Recommendations

In B. delete “must be supported by a biodiversity appraisal to” and “biodiversity net gain achieved. The appraisal” and insert “and”

Delete B(i) and (iii)

Policy HG11: Local Green Space

120. I am content that the seven identified local green spaces are all demonstrably special to the local community for a variety of reasons and individually and collectively meet requirements to the designation of such local green space as set out in paragraph 106 of the NPPF.

121. Some Regulation 16 representations suggest the inclusion of Cooks Field as a local green space but as that is not something that the neighbourhood plan is promoting, having been considered and rejected as not meeting the requisite criteria. Clearly that is a matter that could be revisited in any future review of the neighbourhood plan, if that was the

overall community view and the site is not required to be allocated to meet the future housing numbers for the village.

Policy HG12: Protection of Locally Significant Views

122. I have no concerns regarding the plan's identification of the two locally significant views. Again, the addition of Cooks Field as a key viewpoint is not a matter that I need to consider, as it is not a plan proposal.

Policy HG13: A Green Village Hub for Hurst Green

123. The neighbourhood plan describes the aim of the village hub to create a focal point for local activities. The plan acknowledges there is currently no obvious village centre. The plan has identified the hub focused on Lodge Field and the Village Field and which can be the focus for more community facilities, as well as more village car parking and possibly the generation of renewable energy.

124. There have been several comments made including one from a newly appointed parish councillor, questioning the practicality and deliverability of this facility. As the Parish Council has responded, the policy is one that that is enabling, setting criteria if a proposal subsequently comes forward.

125. I have no comments on this locally derived policy except that the extent of the area covered by the village hub should be shown on a Proposals Map for clarity.

Recommendation

The extent of the area of the Green Village Hub should be shown on the Proposals Map

Policy HG14: Sports and Leisure Facilities in Hurst Green

126. I have no comments to make on this policy.

Policy HG15: Allotments and Community Growing Spaces

127. Again, I have no comments to make on this policy.

Policy HG16: Promoting Rural Tourism

128. My only question is whether it is necessary for proposals have to demonstrate that it achieves each of the following: economic, environmental and social benefits, arising from the proposal. The NPPF places significance only securing the economic benefits from development in rural areas. I do not consider it is necessary for the applicants to have to demonstrate "social and environmental benefits" arising from the proposal in every case.

Recommendation

In (i) delete "environmental and social"

Policy HG17: Supporting Local Employment Opportunities

129. I believe the policy takes a positive approach, in terms of encouraging employment provision, whether it be through the instruction of new buildings or through creating accommodation within the curtilage of residential properties for home-based working. In the latter case it may well be that most proposals will not necessarily require planning permission.
130. The nature of land use planning control cannot differentiate between what would be an incubator / startup business building or, for example, move on accommodation for existing companies, as they will all fall within an existing specific use class, such as Use Class B2/B8 or Class E. Equally, planning cannot control the terms of any occupancy of a building, whether it be held on a long or short term lease or indeed a freehold basis. I propose to change the emphasis so that units which are suitable for incubator / start up units available on flexible terms will be supported.
131. Similarly, I note that Part C of the policy sets an expectation for the accessibility of the business premises to public transport and also it should cater for all users including children and those with disabilities. I challenged the Parish Council on this criterion. Its response gave examples such as the provision of childcare facilities or after school clubs for those working on site. It also points to the need to meet the needs of individuals with disabilities in this rural area. Whilst such measures may well be desirable and attractive for certain businesses, it could equally be an over onerous obligation to impose on other developments or as a requirement it would not necessarily be appropriate, say for buildings comprising industrial workshops or where manoeuvring of heavy goods vehicles or service vehicles will be involved. Again, I propose to change the emphasis so that where such facilities are offered, they will be welcomed. In any event, the buildings have to comply with the access requirements or reasonable adaptations as set out in the Building Regulation and in employment law.
132. In terms of the broadband facility for the business premises, the requirements as it relates to residential purposes is already covered by Policy HG 5. I will adapt the same approach in terms of the provision of a service connection in terms of business premises, so the obligation equally relates to the provision of the infrastructure so that a broadband operator can deliver the service to the premises when commissioned by the occupier.

Recommendations

In A. insert after “for instance through” insert “accommodation suitable for”

In C. replace “provided that” with “especially where”

At the end of C(ii) after “enhanced” insert “where it is appropriate”

In D. delete “residential” and after “area should be” insert “have the necessary infrastructure and ducting so as to be capable of being”

Policy HG 18: Encouraging Active Travel

133. The requirements of the policy would, as drafted, cover all development proposals, which in my experience could be inappropriate, depending on the nature of the proposals. I will refine the scope of the policy by referring to new residential proposals.
134. There are issues within Part C which referred to new access roads. There could be an issue in terms of the adoptability of such roads by the Highway Authority if there is an overarching requirement for them to be permeable.
135. The statement that the use of shared surfaces will not be supported, will again be inconsistent with the wording of Policy HG 5 which accepts they could be used in “limited cases”.
136. The final requirement relating to the widening of footpaths and /or traffic calming measures would not in reality be the subject of planning controls as they are covered by the Highways Act and the responsibility of the Highway Authority and go beyond the scope of the neighbourhood plan policy. The aspirations of the Parish Council could be articulated in the non-planning part of the plan document.

Recommendations

In A. insert after “” all; new” insert “residential”

In C. replace “required” with “encouraged”

Delete “such routes should be of a permeable material where possible” and at the end of the paragraph insert “except in limited cases”

Delete D.

Policy HG19: Public Parking

137. I have no comments to make on this policy.

Policy HG20: Residential Parking Provision

138. I believe that it will be clearer, if reference to parking, following the recommendations set out in the Design Code, was specific in terms of influencing the layout of the parking spaces rather than the number of parking spaces which is in fact covered by Part B of the policy, which refers to the County standards.
139. As I have referenced elsewhere the policy requirements for electric vehicle charging is not required as it is covered by the Building Regulations
140. Beyond that I have no comments to make on the policy.

Recommendations

In A. insert after “suitable parking” insert “laid out”

Delete C.(iii)

Policy HG21: Highway Capacity at Key Road Junctions

141. This is not a policy that can be used to determine a planning application but rather how transport assessments/ statements should assess the impact on certain junctions in the parish.
142. I do not believe it is necessary to a policy to be prescriptive by requiring the impact on all the identified junctions to be assessed. In my experience, this is generally a matter which would be the subject of pre application discussions between the Highway Authority and the applicant's transport consultants and it would be unreasonable for the modelling exercise to be subject to unnecessary calculations if there is unlikely to be a severe residual cumulative impact on a junction which may only marginally be affected by the development. I will therefore be recommending that this policy be deleted.

Recommendation

That the policy be deleted

Proposed New Policies re Allocation Sites

143. In order for me to be consistent with my recommendation made in respect of Policy HG2, it is incumbent upon me to recommend the inclusion of the policies setting out planning justification, constraints and development considerations for the two allocation sites on London Road. I have essentially copied the policy wording and the supporting text which was included in the Regulation 14 version of the plan. I have however removed the unnecessary policy which requires the application to comply with all policies in the plan. That is unnecessary as these policies would already apply. I have also adjusted the number of units on the southern site to tie in with what is set out in Policy HG2.
144. I will leave it to the Parish Council to come up with the appropriate layout, formatting and paragraph numbering so that the policies can be integrated into the next version of the plan. It may also need to review the policy numbering.

Recommendations

Insert the following two policies and supporting text into the plan.

Policy HGSA2: Site HG22/43: Land opposite Hurst Green School

Site context

This is a 2.05 ha greenfield site located in the High Weald AONB, directly east and

beyond the development boundary of Hurst Green, and it is also directly east of the A21. The Site gently rises and is highest on the south end, approximately 81m above ordnance datum and drops away to the northern boundary to a low point at 75m above ordnance datum.

The site has a water main and easement which runs from midway across the northern boundary to gravel banks before hugging the site's western boundary to the south. The landscape is comprised of semi-improved grass field on light to medium soils. To the east the boundary is on rising ground and it is delineated by a post and wire fence. The site is an undulating semi-improved grass field located at the village edge. It is well screened from the settlement by dense boundary tree and understorey planting which creates a sense of enclosure to the west, north and south. To the elevated eastern areas of the site it is more open and therefore more influenced by the parkland landscape around Iridge Place to the north and north east and the countryside High Weald character to the east and south. There is intervisibility with a handful of neighbouring properties and there are long distance and high quality open views to the High Weald ridge line to the east and north east with more limited views from the south to the High Weald ridge lines to the west. The boundaries to the south, west and north are densely planted with trees and understorey planting which creates a sense of enclosure in those directions.

Within the site there are several high quality mature specimen trees which contribute to the parkland character. The air and noise pollution of the A21 is a landscape detracting element, which becomes more significant the closer receptors are located in relation to the western boundary. PRoW HG29 bisects the site as it moves from the north west part of the site before exiting approximately half way down the eastern boundary.

There is one Grade II* Listed Building, Iridge Place (Reference 1365292) located 150m north east of the site (also an Historic Farmstead). There are four Grade II Listed Buildings in close proximity to the site, these are: 115 and 117 London Road (Reference: 1365327); and 119, 121 and 123 London Road (Reference: 1034436) all of which are on the opposite side of the A21.

Abutting the north west corner of the site is 76 London Road (Reference: 1276290) which is located north of the site's northern boundary (also an Historic Farmstead) and the Stables of Iridge Place to the north west of the House (Reference: 1034440). The A21 is an Historic Routeway (Road) and PRoW HG29 is an Historic Routeway (PRoW). The site's southern boundary is an Historic Field Boundary.

There is evidence of a historic treeline that ran across the site in the 1700s, of which two oak trees remain.

Proposed development

The site is considered suitable for approximately 28 dwellings.

The access to the site to be agreed with National Highways, is from the A21 London Road. Development proposals will have to demonstrate the ability to accommodate a satisfactory vehicular access. The access to the site provides an opportunity to create a distinctive gateway into Hurst Green village as well as a school drop-off and collection point.

In order to provide the opportunity for a greater degree of connectivity by foot and cycling between the proposed development and local facilities including the village hub and the proposed nature reserve. The opportunity should be taken to provide a new crossing point to access the school. PRoW HG29 should be enhanced and incorporated into the overall design of the site, providing a walking link to the existing public green space at Stage Field in Silver Hill.

The most sensitive part of the site is located on the southern and eastern areas, where there are good quality views to the High Weald ridge line to the east and also where there is a parkland character. These areas should form a large-scale Village Green as an amenity for the whole village if the site is developed. The Village Green must have a minimum size of 800m²

There is a historic tree line that runs diagonally across the site, which should be reinstated. Any development should be to the west of this tree line.

The northern and lowest area of the site has the potential to receive surface water from across the site. The proposed surface water attenuation strategy could link via a series of bio-engineered surface water retention features to a village pond or ponds with the associated green infrastructure (GI), landscape, ecological and amenity benefits. The road and path design should be dictated by the GI design. The GI (rather than the road

design) should lead the masterplan process to create a development that is sensitive to its landscape context. The road should explore the option to be shared use and seek to re-use the surface water it generates for landscape and ecological benefit. New dwellings, built forms and structures (including fences) that face on to sensitive outlooks such as the High Weald to the east and the Listed Buildings must be sympathetic in terms of architectural elevations with high quality design, the use of local vernacular or appropriate contemporary materials and disguising built forms with earthworks, planting, green roofs, green walls etc. Low level or cowed lighting to be used to lessen impacts on dark skies. High quality public views to be retained. The development should utilise the existing slopes to create a sense of place and setting with built forms that step down with the topography and which emphasise horizontal lines. The constraints of the water main and the need to protect PRoW HG29 offer opportunities for new green spines through the Site which could enhance the GI. The boundary planting should be strengthened with indigenous species and a high percentage of evergreens where screening of views is required.

POLICY HGSA2: SITE ALLOCATION – LAND OPPOSITE HURST GREEN SCHOOL (HG22/43)

A. The site is allocated for residential development with an estimated capacity of 28 dwellings. These homes shall provide a mix of unit size and a mix of tenure in line with Policy HG2.

~~Development proposals should comply with all relevant Policies in this Plan.~~

C. Proposals which meet the following criteria will be supported:

Design

i. **The design of any new buildings on the site will be required to demonstrate how it relates to the local character and is appropriate to its rural location and avoids a suburban feel. Guidance is provided in the Masterplan and Design Codes, detailed in Policy HG4, and in the High Weald Housing Design Guide.**

ii. **A car parking strategy should be agreed at the outset with an aim of reducing landscape and visual impacts (specifically avoiding glint and glare impacts for views back in from the High Weald to the south). Car parking in driveways and on the road is more visually intrusive and suburbanising than discretely located and easily accessible block parking.**

The former should be avoided with a preference for the latter wherever possible.

iii. **The southern extreme of the site should provide an enhanced gateway into Hurst Green Village.**

Landscape and heritage

iv. **The existing boundary planting should be strengthened with indigenous species and a high percentage of evergreens where screening of views is required.**

v. **A publicly accessible green space of at least 800m² must be provided; this should be located at the most sensitive part of the site to the south and south-east, to minimise impacts on views and the setting of the heritage asset.**

vi. **The path of the historic treeline running diagonally north-east to south-west across the western half of the site must be retained and replanted.**

vii. **Provision of information board at the village green which document the site's former history, landscape setting and village green amenity.**

viii. **Provision of benches within the village green.**

Biodiversity net gain

ix. **The constraints of the water main and the need to protect PRoW HG29 offer opportunities for new green spines through the Site which could enhance the Green Infrastructure. The replanting of the historic treeline would also add to habitat provision.**

Access

x. **Dwellings within the site must be accessible by a separate pedestrian access (i.e. pavement) as opposed to a shared surface (road/pavement).**

xi. **The main vehicular access to the site could be from A21 London Road.**

xii. **Provision must be made for a community car park, incorporating a school drop off/collection point.**

xiii. **Provision should be made for a new crossing point across the A21 London Road.**

xiv. **The Public Right of Way HG29 must be enhanced and incorporated into the design and layout to improve cycle and pedestrian connections to the existing public green space at Stage Field in Silver Hill.**

Policy HGSA3: Site HG6: The Field Opposite the Lodge, London Road

Site context

This is a greenfield site of 1.71 ha. It is a medieval field with historic field boundaries that is located in the High Weald AONB, directly north and beyond the Development Boundary of Hurst Green. It is approximately 5 metres (m) west of the A21 the busy trunk road that runs through the village to link Hastings in the south to London (via Tunbridge Wells) in the north. The site is semi-improved grassland on medium to light soils, in Flood Zone 1 and is Grade 3 Listed agricultural land. The site gently rises from the north up to a high point at the centre of the site at an approximate level of 75m above ordnance data and then drops away to the north west. The site is roughly rectangular in shape and located to the north west of a wider open field.

The site is a village edge, semi-improved grassland field of historic interest in the nationally protected High Weald AONB landscape. The site is visually well contained as it is enclosed by boundary planting although there are occasional gaps that allow some partial and obscured views and is more open to the north. The site's tranquillity is heavily influenced by the landscape detracting traffic and noise from the A21 which physically severs Hurst Green to create distinct east and west village halves.

The site's local context is described as follows: to the north east and opposite the A21 the character is rural village edge with a large house (the Lodge) set back and obscured from the site by the A21. To the south east there is historic settlement (including listed buildings) in a residential ribbon pattern as the village follows the A21 to the south. To the south is Public Right of Way (PRoW) Hurst Green (HG) 6, the Hurst Green Holy Trinity Church (a landmark building) and a small area of Greenspace associated with the Church. To the south west is the Ridgeway, a late 20th Century, suburban, residential cul-de-sac with some first floor intervisibility from a handful of houses (at the cul-de-sac end). To the north there are some houses including the landmark oast building in the Historic Farmstead of Lodge Farm, the farm shop (with its landscape detracting car parking) and beyond is high quality High Weald rural, undulating landscape with its irregular agricultural historic field pattern defined by historic hedge and tree boundaries.

Buildings in the local context to the site, have a mix of poor to high quality architecture, built forms and materials which have varied levels of historic interest. There are suburban gardens located directly west of the site which act as a buffer between the site, the village edge and Burgh Wood Ancient Woodland.

The Burgh Wood ancient semi-natural woodland is located at the site's north western boundary and the 15m protected buffer zone (government guidance zone) extends into the site. Grade II Hawthorne Cottage (Reference: 1034406) and its setting (although heavily impacted by the A21) is located directly east of the site with first floor open views directly into the site. There are also Grade II buildings (Listed Woolpack Inn (Ref: 1365306) and Yew Tree House (Ref: 1365325) located south-east of the site although it is judged that there is a lack of intervisibility with the site from these buildings. The area to the southeast which includes the Listed Buildings (above) is listed as historic settlement (extent circa 1860) and follows the A21 through the central part of the village to the south.

Existing trees are generally indigenous and located along the boundaries.

Proposed development

The site is considered suitable for approximately 26 dwellings. The access to the site would be from the A21 and would need to be agreed with National Highways.

The development should take a landscape-led approach taking account of the topography of the site. The most site sensitive parcel of land is located on the highest central area of the site where there are high quality views to the High Weald ridge line to the north. This area has the opportunity for lower (height) level landscape proposals (rather than taller built forms) such as amenity open space.

All planting to boundaries and along the Green Infrastructure (GI) routes to strengthen High Weald historic interest with indigenous species (include consideration of increasing the percentage of evergreen species where views may need to be screened all year round). An area east of the ancient woodland buffer could link the open spaces for enhanced protection and a high quality green and blue infrastructure connection through the site. This space should be a minimum of 15m to meet government guidance, but ideally should be larger.

The Grade II Listed Hawthorne Cottage setting offers an opportunity for mitigation in the form of sensitive open space and to be an integral part of the green/blue (attenuation) Infrastructure through the site. Opportunities to link the site to PRoW HG6 (historic routeway) and greenspace network should be undertaken. Community engagement revealed that the Church has no car park, and this should be accommodated as part of the development.

In order for the development design to occur the following are required: detailed topographic survey; highway design (or feasibility must be confirmed); a heritage scoping statement; further ecological survey; and a tree survey (including tree protection measures). Further landscape assessment would be needed as and when a Highways design would be forthcoming.

POLICY HGSA3: SITE ALLOCATION: FIELD OPPOSITE THE LODGE, LONDON ROAD

(HG6)

- i. The site is allocated for residential development with an estimated capacity of 26 dwellings. These homes shall provide a mix of unit size and a mix of tenure in line with Policy HG2.
- ii. ~~Development proposals should comply with all relevant Policies in this Plan.~~
- iii. Proposals which meet the following criteria will be supported:
 - Design
 - iv. The design of any new buildings on the site will be required to demonstrate how it relates to the local character and is appropriate to its rural location and avoids a suburban feel. Guidance is provided in the Masterplan and Design Codes, detailed in Policy HG4, and the High Weald Design Guide.
 - v. Open space to be provided in the setting of the Grade II Listed Hawthorne Cottage and other listed buildings.
 - vi. Provision of community growing spaces (allotments) within the site boundary.
 - Landscape and heritage
 - vii. The higher parts of the site are less suitable for development and should be retained for accessible open space.
 - viii. A minimum 15m buffer to be provided between the ancient woodland and proposed development.
 - ix. All planting must be indigenous species that blend with the retained existing habitats with a consideration to increase the percentage of evergreen species where views may need to be screened all year round.
 - x. Provision of a public information board at the village green which documents the site's former history, landscape setting and amenity.
 - Biodiversity net gain
 - xi. Creation of a village pond, to serve as an attenuation pond.
 - xii. Provision of public green space with benches.
 - xiii. Green corridors to be provided throughout the site, linking the natural features: ancient woodland, the pond, green spaces.
 - Access
 - xiv. Dwellings within the site must be accessible by a separate pedestrian access (i.e. pavement) as opposed to a shared surface (road/pavement).
 - xv. The main vehicular access to the site could be from A21 London Road.
 - xvi. Links to PRoW HG6 (Historic Routeway) and the wider greenspace network must form an integral part of the site access.
 - xvii. The provision of publicly accessible car parking to serve the village church.

Policy HGSA4 Site HG 45 Land Adjacent to Iridge Place, London Road

145. In terms of the requirements of the policy, this is clearly set out in the second element of the document. The first paragraph states what documents need to be submitted with the planning application and as a previously indicated that goes beyond the scope of what can be covered by a neighbourhood plan policy. That is the role of the local validation checklist. I believe that the scope of (ii) can be extended to include the assessment of the impact on the trees and in the impact on adjoining building listed buildings. I know that the policy suggests that the shared use of the access road should be explored which seems to be running contrary to the reference to shared surfaces elsewhere in the plan.

Recommendation

Delete B(i)

The Referendum Area

146. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance,

I can confirm that the area of the Hurst Green Neighbourhood Plan as designated by Rother District Council on 10th April 2017 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

147. I congratulate Hurst Green Parish Council on reaching a successful outcome to the examination of its neighbourhood plan.
148. I commend the Parish Council for having the resilience to see the plan through to this stage and I appreciate that at times it has been a controversial exercise. However, this is a locally distinctive plan which deals with the issues that are important to the community.
149. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test, and that it is appropriate, if successful at referendum, that the Plan be made.
150. **I am therefore delighted to recommend to Rother District Council, that the Hurst Green Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI, FRGS
John Slater Planning Ltd
28th March 2025