

# Battle Civil Parish Neighbourhood Plan 2019-2028

## BTC responses to the initial comments of the Independent Examiner

### Regulation 16 Comments

*4. I would firstly like to offer the Town Council the opportunity to comment on the representations that were submitted as part of the Regulation 16 consultation. I am not expecting a response in respect of every point, just those that the Town Council feels it wishes to respond to.*

The vast majority of representations, both 'comment' and 'object', are similar to the ones that were made during the Regulation 14 public consultation and formed part of the detailed Consultation Statement already in your possession. We will therefore comment only on the ones that we believe merit an additional response.

See attached separate file - *BTC responses on Regulation 16 comments made to RDC v3 2021-04-21*

### Strategic Policies

*5. Can Rother District Council confirm which of its Local Plan policies, are for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general conformity with?*

**Not Applicable**

### Policy H1 –Development Boundaries

*6. Can the Town Council advise me what criteria it used for defining the development boundaries?*

The newly proposed development boundary in the Plan was defined by taking the out of date RDC Local Plan Development Boundary for Battle and only extending it where necessary to accommodate sites that had recently received planning permission and sites identified in the Plan as potentially newly available.

*7. Does it have a view on whether The Cottage and the adjoining Rosecourt opposite the Lillybank Farm development should be included within the settlement boundary?*

During detailed discussions between RDC and SG resulting from the agent for Rosecourt requesting that it should be included within the development boundary, the steering group found out that the mapping scale in use in the Regulation 15 document was not clear with regard to the boundary. This was clarified by RDC providing a larger scale map that enabled the SG to clarify with the agent the prior intention that the development boundary would not change and that its northern boundary would abut the proposed green gap. This intention to define these boundaries and green gap had long established purpose to balance the development at Lilly Bank Farm on the opposite site of the A2100 London Road and to protect an important landscape feature immediately north of Rosecourt.

### Policy HD2- Site Allocations

*8. Does the Town Council and the District Council have a view as to whether the capacities of the housing sites should be expressed as a minimum figure or an approximate figure?*

The preference is for the housing sites to be expressed in terms of an "up to" figure as advised by RDC Planning and agreed by BTC.

9. Can the District Council update me as to the current position regarding the housing site at Blackfriars- has planning permission been granted for the entire site and if it has, can I be sent a copy of the approved layout and the reference number for the relevant consent(s)? I noted on my site visit that ecological surveys seem to be underway, along with some limited tree felling. Does the District Council have a view as to whether the capacity of the site could be increased above the 220-unit figure? I note that the original 2006 Local Plan policy was at least 220 units and the site for the primary school is no longer required.

**Not Applicable**

10. Is the District Council content with the housing figures being used in the neighbourhood plan which reflects adopted local plan policies or is there more up-to-date information on housing need that should be taken into account?

**Not Applicable**

11. Can the District Council update the information set in the two tables in Page 40?

**Not Applicable**

### **Policy HD 3 - Housing Mix**

12. Can the Town Council clarify whether it is expecting that the shared ownership flats will form part of the affordable housing mix?

**RDC Cabinet briefing stated for the 11<sup>th</sup> January 2021 meeting:** “Comments made at Regulation 14 and the pre-submission review still stand. This policy must take account of strategic policies - Core Strategy Policy LHN1 Achieving Mixed and Balanced Communities and DaSA Policy DHG1 Affordable Housing. The wording of this policy relating to 'a proportion of affordable housing and shared ownership flats' could be seen to undermine the strategic policy DHG1 (affordable housing). Shared ownership is affordable housing as defined in national policy and the term 'a proportion' conflicts with Policy DHG1. The wording is vague and difficult for developers to ascertain the more detailed requirements that it is trying to achieve and undermines the strategic policy LHN1 in the Core Strategy. The policy implies that shared ownership units need to be flats which may not be appropriate in all cases - this would preclude developments without flats. It is unclear why single level dwellings (bungalows) are specified and sheltered accommodation provision is expected as part of the policy. These elements could be resolved with some careful rewording of the policy wording.”

**BTC Response at Full Council meeting on 29<sup>th</sup> January 2021:** “We agree with the amendment to exclude the reference to the sole use of flats for affordable housing. In view of this we would welcome a careful rewording of this policy by RDC so that it does not contradict policy LHN1 in the Core Strategy.”

**RDC may provide further comment**

13. Can the Town Council confirm whether it expects that the percentage of affordable housing in Netherfield should be 40%, on schemes above 5 units?

We do not understand where the 40% figure on schemes above 5 units was derived. However, we intended the same percentage of affordable housing in Netherfield is the same as for the rest of the Civil Parish (35% on schemes of 10 or more dwellings) as detailed in the Policy Intent of HD3 section 5.1.3 of the Submission Plan.

### **Policy HD5- Protection of Landscape Character**

14. *Can the Town Council clarify whether it expects every planning application to be accompanied by a landscape and visual assessment or just those developments which have the potential to have an impact on the landscape e.g. would it be expected for a small infill site within the centre of town. Is there a difference between the expectation of integrating a development in the landscape within in a countryside location and the integration of a building into its surroundings in a built-up area, where the issues are more of townscape integration and is that better covered by Policy HD7?*

The landscape and visual assessment would need to be proportionate and appropriate so a small infill site within the town centre. There is a difference in expectation, but the principle is the same in that the intention is to integrate the development and respect the landscape. It can be covered by Policy HD7.

15. *Is criteria 6 essentially duplicating existing Development and Site Allocations Local Plan Policy DEN 3 and Policy HD8? Yes, criteria 6 trails the important local detail in HD8, which provides greater detail of reasons for inclusion.*

16. *Is the requirement for masterplans in the green gaps, expected only for schemes of 10 or more units or on all proposals and would that requirement be better placed withing Policy HD8? Yes, masterplans in the green gaps is required for 10 or more but yes it could be moved to Policy HD8 if required.*

### **Policy HD6 – Local Connections**

17. *Is it the Town Council's expectation that occupation of starter homes should be restricted to persons with a local connection and can the District Council comment whether this could be made a on-going restriction?*

In public consultations local residents have expressed a wish for “local homes for local people”. There was also support for this in the response to AiRS survey question: “If approved, what benefits should arise from any new development”, over a third of respondents supported “local homes for local people”. However, we conceded to RDC in our response to the Cabinet Report of 11<sup>th</sup> January 2021 that this is potentially unenforceable and therefore reluctantly agree to the removal of this policy.

### **Policy HD8 - Protection of Green Gaps between Settlements**

18. *Can I be provided with more detailed maps showing the extent of the Green Gaps. I note that some of these gaps already contain development, including a number of residential properties. If the sites are already developed, how are they preventing settlements coalescing? I note that the outer edge of the gaps is not another settlement, but often open countryside, so to what extent are these green gaps protecting the separation of Battle from surrounding villages? Does the District Council have a view on this?*

We believe that the mapping included in the Regulation 15 Submission Plan [supporting documents](#) show adequate detail. However, if you require more detailed mapping you will need to refer to RDC. Due to the nature of the terrain of the Civil Parish the green gaps chosen align with incomplete ribbon development follow the high contour lines. They do not necessarily protect from urban developments beyond them but the intention is to protect from further infill. Further detail on the justification for the Green Gaps can be seen [here](#)

19. *The policy wording reflects the wording of the Local Plan policy by saying that “development will be carefully controlled”. Can the District Council elaborate on how it uses the policy elsewhere, how does it give an additional control over the protection already offered for the areas outside development boundaries and within the AONB?*

**Not Applicable**

20. *Is it the Town Council’s intentions that they should effectively be given the same status as Strategic Gaps? Yes, however we were advised by RDC not to use the term ‘Strategic Gaps’ and use instead the term ‘Green Gaps’ specifically because the Civil Parish identity is strongly defined by the High Weald countryside impact on its settlements. e.g. Netherfield, Battle, Telham.*

### **Policy IN1- Traffic Mitigation**

21. *Can the District Council set out what thresholds it uses in terms of which schemes are required to submit a Traffic Assessment with a planning application and is it set out in the Local Validation Checklist?*

**Not Applicable**

22. *Can the Town Council give some examples of the type of additional measures that a scheme expects to be required “to reduce the impact of traffic movements generated by the new development?”*

Measures for dealing with the traffic impact may differ in different situations but some examples of additional measures could be changes in the site plan/design of the proposed development to minimise traffic impact, additional traffic lanes, pedestrian footpaths and crossings, making possible U-turns, changes in lighting, access improvements and parking arrangements.

### **Policy ENV4 – Historic Environment**

23. *Can the Town Council confirm whether the policy expecting to assign the same status to the protection of non-designated heritage assets as designated assets? Is there a value in non-heritage assets being covered by both this policy and Policy ENV 5 and which policy would a decision maker use to assess a planning application affecting a non-designated heritage asset?*

The assets recorded in the local heritage list in EN5 do not have the same level of protection as those listed by Historic England. Local heritage listing is a means for a community and a local authority to jointly identify heritage assets that are valued as distinctive elements of the local historic environment. The Local Heritage List identifies those heritage assets that are not protected by statutory national designations but are of local heritage interest, contributing to the sense of place and history of the local area. Preparing a local heritage list means that the significance of heritage assets on the list is given due consideration by the Local Planning Authority, when change is being proposed. In other words it is a material consideration when applications are made for planning permission. The higher level of scrutiny in listed building planning applications is not a consideration for the local non-designated heritage list.

This policy has a focus on official designations made by Historic England and East Sussex Heritage Environment (ESHER).

“Policy EN5: Locally important historic buildings, other structures and other non-designated

heritage assets” has a focus on the non-designated assets compiled by the local community and is recorded in a local heritage list.

A decision maker would use both policies EN4 & EN5 to assess a planning application.

Suggest rewording of policy EN4 to make clear the small but significant differences between the policies

Policy EN4: Historic Environment

“Heritage assets in the Parish and their settings, including designated heritages such as buildings listed by Historic England, Battle Conservation Area,” .....

.....“ In addition, the following will be similarly protected: local heritage assets including those of archaeological significance that are designated in the East Sussex Heritage Environment Record and those in the historic public realm.”

*24. Can the Town Council explain what is meant by the final paragraph of the policy?*

The final paragraph is aimed at protecting local heritage assets and assets of archaeological significance listed in the East Sussex Heritage Environment Record.

### **Policy ENV 5 – Locally Important Buildings**

*25. Is the neighbourhood plan actually proposing to designate the buildings and the other structures which are not buildings, as non-designated heritage assets or is it nominating the buildings for the District Council to designate? A neighbourhood plan can confer non-designated heritage assets status but it should identify them as such within a policy.*

The plan is proposing to designate locally important historic buildings, other structures and other heritage assets not recorded by Historic England and which have been identified by the local community in a Local Heritage List. RDC has agreed to designate the heritage assets listed in Schedule 2 pages 89 – 92.

A full version of nominations including description and assessment of the significance of each asset can be found in separate document, Battle CP Local Heritage List (Full text), on the Neighbourhood Plan website:

<http://battleneighbourhoodplan.co.uk/reg15> Key Evidence base documents

### **Policy ET1 – Tourism and Local Economy**

*26. Can the various destinations covered by this policy be listed and/ or shown on a map as some are vague and it could be ambiguous whether some are covered by the policy or not e.g. Public Houses and Hotels, Heritage Churches and various heritage trails?*

We suggest amending Policy ET1 as follows:

Delete:

4. it will not cause or exacerbate any severe traffic problems and will promote sustainable transport.

Existing tourist activities / destinations will be protected from development such as:

Public Houses and Hotels within the Civil Parish,

Recreation Grounds

Almonry and gardens

Battle Museum of Local History  
Battle Abbey and grounds  
Heritage churches in the Civil Parish  
Beauport Park Country Club (Golf Club)  
Bannatyne Spa and Health Club  
Various Heritage Trails

In pursuit of encouraging tourism and the local economy Battle Town Council is actively seeking World Heritage status for the town and this would have a significant potential impact on employment, retail and hospitality.

Insert:

4. It will not cause or exacerbate any severe traffic problems and will promote sustainable transport.

5. Existing tourist activities / destinations will be protected from development:

Public Houses and Hotels within the Civil Parish: White Hart (Netherfield), Kings Head (Mount Street, Battle), The Bull (High Street, Battle), Abbey Hotel (High Street, Battle), The Chequers (Upper Lake, Battle), The Railway (Lower Lake, Battle), Black Horse (Telham)

Recreation Grounds as listed within the Local Green Spaces

Almonry and gardens (High Street, Battle)

Battle Museum of Local History (High Street, Battle)

Battle Abbey and grounds

Heritage churches in the Civil Parish: John The Baptist (Netherfield), Battle Baptist Church (Mount Street, Battle), Our Lady Immaculate and Saint Michael (Mount Street, Battle), St. Mary the Virgin (Upper Lake, Battle), Battle Church of the Ascension (Telham)

Beauport Park Country Club (Golf Club, Hastings Road, Battle, A2100)

Heritage Trails: 1066 Country Walk, 1066 Malfosse Walk (by Neil Clephane-Cameron), Children's Trail, Country Trail, Heritage Trail, Battle Sculpture Trail (see also

<https://www.visit1066country.com/things-to-do/battle-heritage-trails-p1732511>)

## **Policy ET2 - Sustaining Local Retail and Encouraging Employment Opportunities**

27. How does the intention of this policy, to protect existing town centre businesses, differ for the protection offered by Policy HD9?

Policy ET2 is seeking to encourage local retail and employment for the whole parish whereas HD9 is about delineating the Town Centre Boundary hence why it includes the shopping area and retail frontage in context of the Town Centre.

28. *Is it appropriate to describe Battle as an "historic former market town"?*

Yes, the demise of the livestock market in the town took place in the 1980's. The phrase "historic former market town" is our way of implying that there is no longer a livestock market or important associated banks that market towns required to facilitate trade in a cash economy. Furthermore neither the brewery nor the pubs remain on a scale associated with market towns. Despite the very small food and wares market held in the "Market Square", it is contended that use of the description "former market town" is helpfully descriptive of the current status of Battle.

It may be noted that Battle was granted a Charter to hold a market by William 1<sup>st</sup> but this is no longer expedited.

### **Policy ET3- Developer Contributions**

29. How does this policy's requirements differ from those set out in Policy IM2 of the Rother Core Strategy?

Whilst Policy ET3 is very similar to RDC Policy IM2, due to the uncertainty of the new RDC Local Plan and that this policy relates specifically to Battle CP community needs, it is recommended that this is retained in the NP

30. Is the policy seeking specific contributions beyond those which the Community Infrastructure Levy is expected to cover?

The policy is not seeking any specific contributions beyond CIL but should there be other contributions which are liable then it seeks to ensure that this is required.

### **Policy ET 4 – Assets of Community Value**

31. My understanding is that an Asset of Community Value is not a planning designation and if granted covers the community right to bid and will only offer that status for 3 years – would it not be better to protect the community buildings by Policy ET5?

The Town Council has still to go through the ACV process with RDC when the Plan is implemented in order for the actual designations to be made. Policy ET5 addresses existing community leisure and cultural facilities and development of new facilities so trying to amalgamate the two policies may become too complex.