

Battle Neighbourhood Plan Examination

Rother District Council response to the Battle Town Council Responses

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

BTC Response

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.

RDC Response

The Roselands site has been the subject of six applications since 1994. It should be noted that the land to the southeast corner, which lies within the development boundary, has been the subject of several refusals of permission for dwellings, which were then also dismissed at appeal in 2011 and 2015 (RR/2015/1419/P for one dwelling <https://planweb01.rother.gov.uk/OcellaWeb/planningSearch> and RR/2011/585/P for two dwellings <https://planweb01.rother.gov.uk/OcellaWeb/planningSearch>). In both cases the inspector concluded that the proposals 'would cause significant harm to the character and appearance of the area and would not conserve the High Weald AONB.' A single storey underground dwelling has subsequently been granted permission on a site adjacent to Rosecourt within the development boundary.

We would raise the same concerns as the inspector regarding the development boundary being extended to include these sites.

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?

BTC Response

RDC Cabinet briefing stated for the 11th 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 29th 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 Response

We recommend that this policy wording is amended to bring the NP policy in line with the DaSA policy LHN1: Achieving Mixed and Balanced Communities - *'Housing developments within the Development boundary of Battle Civil Parish will be permitted where they include a range of house types, including affordable housing and shared ownership flats. Housing developments will also be expected to include an element of single level dwellings and, where practicable, sheltered accommodation to meet the needs of the elderly and people with disabilities, thus enabling them to remain independent and within the community for as long as is possible.'*

There is not a housing needs document included in the evidence base for the NDP which clearly demonstrates the need for sheltered housing or bungalows in the parish.

- Change the first sentence to: 'Housing developments within the Development Boundary of Battle Civil Parish will be permitted where they include a range of house types, including affordable and social housing.'
- Delete the second sentence in the policy.

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?

BTC Response

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.

RDC Response

Policy DHG1: Affordable Housing in the DaSA sets out the strategic policy for affordable housing across the district with varying thresholds and percentages based on geographical location. It states that in the Rural Areas in criterion iv(a) In High Weald Area of Outstanding Natural Beauty ... 40% on-site affordable housing on schemes of **6 dwellings** or more (or 0.2 hectares or more).

This percentage of affordable housing applies to the village of Netherfield.

20. Is it the Town Council's intentions that they should effectively be given the same status as Strategic Gaps?

BTC Response

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.

RDC Response

RDC advised that the NP should use the term Green Gaps to avoid confusion in decision making with the Strategic Gaps listed in the Local Plan, however it was not understood at the time that the same criteria as policy DEN3 Strategic Gaps would be used. This renders the inclusion in NP policy GG4 of the area in Telham, west of Forewood Lane, as unacceptable as it has been deleted from the gap when the previous planning policy from the 2006 Local plan was replaced by Policy DEN3 for not meeting the specified criteria. The background paper which supports the Strategic Gaps policy in the Local Plan can be found here https://www.rother.gov.uk/wp-content/uploads/2020/01/Strategic_Gaps_Background_Paper_Mar16.pdf

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.

BTC response

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.

RDC Response

RDC were consulted with throughout the compilation of the Battle Local List (LL). The Design and Conservation officer has made extensive comments on the assets listed and suggested that the LL is placed in the NDP as an appendix which is accessible for reference in decision making as a material consideration. Historic England gives guidance on this in its Local

Heritage Listing advice note, stating in paragraph 57 *'Where a Parish or Town Council or Neighbourhood Forum is preparing a local list for a Neighbourhood Plan, the LPA's agreement to the local list is not needed, but the LPA will be an important stakeholder at the examination stage, and will be the body responsible for deciding whether to accept the examiner's recommendations, whether to take the plan to referendum and, ultimately, whether it should be made.'*

This was the understanding of how the LL will be used in the future. It is uncertain what is meant in the above BTC response that *'RDC has agreed to designate the heritage assets listed in Schedule 2 pages 89 – 92.'*

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?

BTC Response

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.

RDC Response

Please see RDC Regulation 16 response below. Our position on this policy has not changed.

Officers stated during the Regulation 14 consultation, that the employment and retail targets agreed at the neighbourhood area designation have not been included for allocation. The supporting document *Battle CP Call for Sites for Retail and Employment 2020* highlights that there are employment sites which are suitable but they have not been allocated. The Rutherfords employment site will continue to be carried forward from the 2006 Local Plan Policy EM4 (some 2.700sq m of the requirement). Once planning permissions and completions have been taken into account the residual figure (from the 10,000sq m target) is 642 sq m of employment space. It is appreciated that the policy is positively worded, but the omission of the employment allocations potentially leaves the parish open to speculative development, which should be avoided. The continued 'saving' of the extant Rutherfords policy from the 2006 Local Plan assists to protect the parish from large scale speculative employment land development.

It is noted and welcomed the statements within Policy ET2 supporting the retention of retail spaces within the defined Battle town centre.

The commentary accompanying policy ET2 does not make a recommendation regarding the allocation of land for identified target set out in Policy BA1 of the Core Strategy for additional retail space. The District Council considers that the Council-owned site at Market Square where the Jempsons convenience store is

located offers the most appropriate location for any expansion of convenience retail capacity in Battle and we believe that it would be appropriate to allocate this site for this purpose. However, the District Council would not wish the BCPNP to fail on this point and therefore it is considered that policy could be reworded to include reference to the outstanding requirement for retail floorspace and its suitability in this locality without the need for a specific allocation, wording such as *'It is the intention to support the retention of existing retail outlets within the town centre boundary and further support the provision of the outstanding target for additional convenience goods floorspace primarily at the market square site.'* would ensure conformity.

Policy ET3- Developer Contributions

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

BTC Response

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.

RDC Response

It is unclear what is meant by *'uncertainty of the new RDC Local Plan'*. The updated Local Development Scheme, which sets out the Local Plan review until adoption in 2023, can be found here <https://www.rother.gov.uk/wp-content/uploads/2021/03/Local-Development-Scheme-2021-Final-.pdf>

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

BTC Response

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.

RDC Response

Our response to the policy remains the same as at Regulation 16 and Regulation 14 as below:

Officer comments made for this policy at the Regulation 14 stage have not been taken on board.

At Regulation 14 Officer's commented that:

'The wording of this policy and its intentions need to be rethought. CIL will be collected on new eligible residential development and 25% of monies collected will be forwarded to BTC if the Neighbourhood Plan is made. (15% if the NP is not made). BTC is free to spend these funds on whatever infrastructure projects it chooses within the Parish. S106 contributions where appropriate and relevant to the development will be negotiated on a site by site basis for elements such as affordable housing, highway works, greenspace, local community facilities etc. S106 funds and/or works or facilities are negotiated whereas CIL monies are collected. The policy cannot operate in the way that it is set out in the draft plan. The Policy might be better placed in the aspirations section of the plan where a list of projects and objectives could be identified and advanced for funding by CIL monies or negotiation via S106 Obligations. It is noted that a Health Centre within Netherfield is an objective.'

It is recommended that this policy is omitted from the BCNP as its intentions are impossible through the planning system. As stated in our Regulation 14 comments above, the collection and distribution of distribution of CIL monies is not managed through planning policy, however this intention could be placed in the aspirations section.

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?

BTC Responses

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.

RDC Responses

As stated by RDC at Regulation 16, it is outside the scope of planning to implement the intention set out in the policy wording. The ACVs could be listed in the 'Community Aspirations' section of the NP.