

**Examination of the Herstmonceux Parish Council Neighbourhood Plan**

**SCHEDULE OF MODIFICATIONS**

(6th February 2012)

The changes below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the change in words in *italics*.

The page numbers and paragraph numbering below refer to the submission neighbourhood plan, and do not take account of the deletion or addition of text

Page	Policy / Paragraph	Suggested Modification	Examiners justification	Decision
38-39	<b>Policy 1: Spatial Planning Principles for the Parish</b>	All development proposals within the Herstmonceux Parish Neighbourhood Plan (HPNP) will be supported provided that:-		
		<p><del>1. Development conforms with Policy 11 within this Neighbourhood Plan and takes into account infrastructure capacity.</del></p> <p>2. <u>1.</u> Development within or affecting the setting of the High Weald AONB should seek to conserve and enhance its landscape, <u>biodiversity</u> and scenic beauty, having particular regard to the impacts on its</p>	<p>This proviso requires a development to have to comply with another policy in the plan. Policy 11 is the design policy and highlighting that policy over others may imply it has more weight than other policies. Removal of this proviso provides clarity to the policy.</p> <p>This addition was a result of comments received from East Sussex County Council in their regulation 26 consultation response. This</p>	<p>Modification made</p> <p>Modification made</p>

		<p>character components, as set out in the High Weald AONB Management Plan.</p> <p><del>3. Development addresses identified local need and deliver community benefit, particularly within the settlements of Horstmonceux, Cowbeech and Windmill Hill, unless material planning considerations indicate otherwise.</del></p> <p><u>2. Proposals deliver sustainable development which improves the environmental, social and economic conditions in the area, in particular, those that meet local need and deliver community benefit.</u></p>	<p>addition reflects the objectives of paragraphs 115 and 117 of the NPPF.</p> <p>This part of the policy fails the test of compliance with national policy, in particular the presumption in favour of sustainable development, which may be entirely acceptable development, but does not necessarily meet local need or deliver community benefit. If local need is not addressed and there is not addressed and there is no evidence of community benefit, then the presumption is that the application will be refused. The policy also goes beyond the scope of the strategic policy in the Core Strategy, as set out in policy WCS14 which reflects the presumption in favour of sustainable development. The emphasis of meeting local needs and the delivery of community benefits runs counter to the requirement that a neighbourhood plan should “plan positively to support local development”, not just development that</p>	<p>Modification made</p>
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			meets local needs. A new proviso is required to introduce the presumption in favour of sustainable development but will accept that it can include development that meets local need and can deliver sustainable development.	
42-43	<b>Policy 2: Local Green Space</b>	<p>The Herstmonceux Parish Neighbourhood Plan designates the following locations as Local Green Spaces.</p> <p>These are as shown on the Proposals Map.</p> <p><del>GS01 - Herstmonceux Castle Grounds and Gardens.</del></p> <p>GS02 - Herstmonceux Recreation Ground.</p> <p>GS03 – Football Pitch at Lime Cross.</p> <p>GS04 - Land owned by Herstmonceux Scouts and Church adjacent to Herstmonceux Recreation Ground.</p> <p>GS05 - Denefield Green, Fiennes Road, Herstmonceux.</p> <p>GS09 - Herstmonceux Allotments at Greenway Fruit Farm.</p> <p>Support will be given to providing new sustainable links to any of the Local Green Spaces and to improving existing ones. Proposals for any development on Local Green Spaces <del>will be resisted</del> <u>not be approved</u>, other than in very special circumstances. <del>In the case of Herstmonceux</del></p>	<p>Herstmonceux Castle and Grounds do not meet the criteria for Local Green Space in the NPPF of being in reasonable close proximity to the community it serves and it is also a paid for facility. The policy as submitted recognises that new development may be required to sustain the facilities tourism, recreation leisure and education role. To designate the site as a Local Green Space would be contradictory to Policy 3 which designates the Castle as a location where the improvement and</p>	Modification made

		<p><del>Castle and Grounds, proposals that are for the purposes of tourism, recreation, leisure and education, and that are designed to sustain the historic interest and landscape amenity of the green space, will be supported based on the advice given by Historic England on such proposals and meeting any strategic policies contained within the Local Plan. Any development relevant to this policy must be subject to a Habitats Regulations Assessment.</del></p> <p><b>New Policy: Herstmonceux Castle and Grounds</b></p> <ul style="list-style-type: none"> <li>• <i>“Proposals for development that will support the use of Herstmonceux Castle and Grounds for the purposes of tourism, recreation, leisure and education will be approved provided that the development has been designed to preserve and sustain the historic interest and landscape amenity of the Scheduled Ancient Monument of the castle or its associated listed buildings and their setting and the Registered Parks and Garden as shown on the Map GSO1 – Herstmonceux Castle and Grounds. Any development relevant to this policy must be subject to a Habitat Regulations Assessment”</i></li> <li>• The policy needs to be accompanied by appropriate supporting text.</li> </ul>	<p>enhancement of the site will be supported. A separate policy for the castle is suggested which was also suggested by Historic England in comments received during the regulation 16 consultation. This policy recognises the importance of the site to the local area which is based on its historic and tourism importance and which allows appropriate development to support that role.</p>	
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<p>45-47</p>	<p><b>Policy 3: Resisting the Loss of Employment Locations</b></p>	<p><del>Herstmonceux Parish Neighbourhood Plan (HPNP) seeks to improve the sustainability of parish employment by supporting employers in the parish, promoting economic growth, creating a sustainable community and supporting local employment sites</del></p> <p>The improvement and enhancement of these key employment sites will be supported provided that the following points are taken into account <u>approved if:-</u></p> <p>i. There is no detrimental impact on neighbouring properties or the landscape.</p>	<p>This paragraph is the objective of the policy rather than a statement of how a planning application will be determined. This paragraph should be moved to supporting text.</p> <p>This change is to improve the precision of the policy</p>	<p>Modification made</p> <p>Modification made</p>

		<p>ii. Traffic generation is acceptable and there are adequate levels of parking on site or nearby.</p> <p>iii. It includes opportunities to support sustainable travel</p> <p>iv. The design, materials, massing of the proposed extension/redevelopment plus any landscaping scheme can mitigate any impacts on the street scene and local amenities.</p> <p>v. <del>Proposals meet the requirements of the Habitat Regulations.</del></p> <p>vi. Extensions are located within the curtilage of the business premise/planning unit.</p> <p>Any development relevant to this policy must be subject to a Habitats Regulations Assessment</p> <p><b>Other Changes:</b></p> <ul style="list-style-type: none"> <li>• Replace the maps in Appendix B Policy 3 with the Maps - Policy 3 Sites 1-18 provided by the Qualifying Body on 8th January 2018.</li> </ul>	<p>This is a duplicate of the final paragraph of the policy and is an unnecessary duplication.</p> <p>To provide further clarity individual site maps have been produced for each site to define the area to which the policy applies.</p>	<p>Modification made</p> <p>Modification made</p>
49-50	<b>Policy 4: Retail Development in the Parish</b>	<p>The HPNP will seek to retain:-</p> <p><del>1. Key local retail facilities – falling within A1 and A2 Use Class, including post offices and convenience stores.</del></p> <p><del>2. Key hospitality services such as restaurants/cafes falling within A3 Use Class, public houses falling within A4 Use Class and</del></p>	<p>This paragraph and its accompanying text points out what the policy sets out to achieve rather than being a policy. This paragraph should be moved to supporting text.</p>	<p>Modification made</p>

		<p><del>take-aways falling in A5 Use Class.</del>  <del>3. Community and visitor facilities at Herstmonceux Village Information Centre.</del></p> <p>With regard to retail development:-</p> <p>i. Proposals involving changes of use of ground floor premises from retail to non-retail uses or residential will only be permitted where it can be shown that the development would not harm the vitality of local shopping facilities or the amenities of the area, <del>unless material planning considerations indicate otherwise.</del></p> <p>ii. Proposals for the redevelopment of existing retail units, or change of use class, will only be permitted where it can be shown and supported by evidence that a village centre retail or commercial use is no longer suitable or viable <del>and that the development is proportionate in size, scale, form and height to surrounding buildings.</del></p> <p>iii. <del>Development must also comply with Policy 11 of the HPNP on Design and have no detrimental impact on neighbouring businesses or properties.</del></p> <p>iv. Proposals to improve the appearance of and traffic management within Herstmonceux village will be supported and encouraged as well as supporting improved opportunities for sustainable travel.</p> <p>Any development relevant to this policy must be subject to a Habitats Regulations Assessment.</p>	<p>It is not the role of a planning policy to articulate the statutory requirement to weigh the development plan against other material circumstances. This is the duty that any decision maker must exercise when looking at the planning balance.</p> <p>The final element of ii) is already covered by Policy 11 and its inclusion could reduce the clarity as to which a policy proposal is required to comply with.</p> <p>Criteria iii is a policy that requires a proposal to comply with another policy in the plan and will for the same reason to reduce the clarity of the Plan.</p>	<p>Modification made</p> <p>Modification made</p> <p>Modification made</p>
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52	<b>Policy 5: Sports, Leisure and Recreation Facilities in Herstmonceux Parish</b>	<p><del>Herstmonceux Parish Neighbourhood Plan (HPNP) supports and protects the existing areas used for sports, leisure and recreation in the parish.</del></p> <p>Proposals for development of existing sport, leisure and recreational sites (as shown on the Proposals Map) <u>or new sport, leisure or recreational facilities provided as part of any new residential development</u> within the Parish and land used for outdoor sport will be resisted, except in very special circumstances. Any new or improved sport, leisure or recreational buildings must enhance the use of the facilities. This could include improving capacity, its quality of use for users or its accessibility.</p>	<p>This paragraph sets out the intention behind the policy rather than set the policy against which a planning application will be determined. It should be moved to supporting text.</p> <p>Arising from new residential developments there will be new areas of sports, leisure and recreational sites. It is important that these proposed facilities, once provided will equally be protected from inappropriate development in the future even though they are not currently shown on the Proposals Map. Additional wording in the policy will provide for this.</p>	<p>Modification made</p> <p>Modification made</p>
57	<b>Policy 8: Rights of Way in Herstmonceux Parish</b>	<p><del>The Herstmonceux Parish Neighbourhood Plan promotes and supports the network of public footpaths, byways and bridleways in the parish.</del></p> <p><del>The Parish Council supports the formation of a Bridleway Group.</del></p>	<p>This paragraph is a statement of the objective of the policy and should be moved to the supporting text.</p> <p>This is not a policy for the “use and development of land” which can be used to</p>	<p>Modification made</p> <p>Modification made</p>



		<p>Any new developments should, where practicable, ensure that there is access to the Rights of Way Network. <del>The Parish Council supports the maintenance and enhancement of existing Rights of way where they are found to be in a poor state of repair</del> The Council also supports the creation of new rights of Way that links the settlements to the surrounding countryside.</p>	<p>determine planning applications. This text should be moved from the policy to be in the community aspiration and action plan section of the plan.</p> <p>Issues regarding the maintenance of the existing rights of way network is again a non land use matter and should be moved to the community aspirations and action plan section of the plan.</p>	<p>Modification made</p>
<p>63-64</p>	<p><b>Policy 11: The Design of Development in the Parish</b></p>	<p>All <del>development</del> <u>new building</u> proposals will be required to demonstrate that their design is in accordance with the provisions of the Wealden Design Guide in relation to the Low Weald Character Area and the Herstmonceux Design Guide prepared for the Neighbourhood Plan.</p> <p><del>8. Incorporating sustainable design and construction techniques to meet high standards for energy efficiency and water efficiency.</del></p> <p>9. <u>8</u> Ensuring appropriate provision for the storage of waste and recyclable materials.</p> <p>10. <u>9</u> Incorporating sustainable drainage</p>	<p>The policy as written related to “all development”. There will be some development that could relate to the use of land, and design policies would not be relevant. The policy has been amended to relate to the construction of new buildings.</p> <p>This requirement could conflict with the Secretary of State’s policy and advice in as much as it relates to “sustainable design and construction techniques to meet high standards for</p>	<p>Modification made</p> <p>Modification made</p>

		<p>systems with maintenance regimes to minimise vulnerability to flooding and climate change.</p> <p>44. <u>10</u> Encouraging the use of renewable and low carbon energy technology, as appropriate.</p> <p>42. <u>11</u> Ensuring that adequate infrastructure, services and community facilities are, or will be, made available to serve the development.</p> <p>43. <u>12</u> Ensuring that site layout and building design helps to provide a safe and secure environment in line with Secured by Design Guidelines.</p>	<p>energy efficiency and water efficiency". The Secretary of State made a written statement to the House of Commons dated 25<sup>th</sup> March 2015 which stated that "neighbourhood plans... should not set any additional standards or requirements relating to the construction, internal layout or performance of new dwellings." This policy therefore should not relate to residential dwellings. In addition the policy is not precise enough as it does not allow the applicant or the decision maker to know what is expected, in terms of high standards for energy efficiency and water efficiency beyond the requirements of compliance with the Building Regulation.</p>	
66-67	<b>Policy 12: Windfall Sites</b>	<p>Proposals for development on sites outside the Development Boundary will be considered <del>on a case by case basis</del>, taking into account the policies in the HPNP, the NPPF, the Local Plan for the Wealden District and having particular regard to the potential impact on the countryside, the High Weald AONB, areas of landscape value and traffic generation.</p>	<p>With regard to sites outside the development boundary a policy which requires proposals to be considered on a case by case basis is not a policy. It is not certain enough for applicants or provides guidance to the</p>	Modification made

			decision maker.	
71	<b>Policy 14: Herstmoncuex Community Land Trust</b>	<del>The Herstmonceux Parish Neighbourhood Plan supports the current development of Herstmonceux Community Land Trust as a community-controlled and owned organisation for the purpose of acquiring, developing and holding land and property assets in the Parish of Herstmonceux.</del>	This is not a policy that can be used to determine a planning application. It is an expression of parish council policy as to how it will pursue development in the parish and can be incorporated in the plan. It should be moved to the non statutory community aspiration and action plan chapter.	Modification made
72	<b>Policy 15: Infrastructure Investment</b>	<del>The following projects shall be considered for Community Infrastructure Levy (CIL) investment in the future, with regards to CIL receipts that the Parish Council receives:</del>  <del>1. Improvements to Herstmonceux Village Centre, in pursuit of Policy 4</del> <del>2. Redevelopment of former public toilets, in pursuit of Policy 6</del> <del>3. Development of recreation facilities at Lime Cross Recreation Area and Lime Roughs, in pursuit of Policy 5</del> <del>4. Improvements to the refurbishment and extension to the car park at Herstmonceux Recreation Ground, in pursuit of Policy 7</del> <del>5. Community Land Trust capital programme, in pursuit of Policy 14</del> <del>6. Creation of a new shared access from Windmill Hill to Herstmonceux, in pursuit of</del>	This is a legitimate statement of the priorities that the parish council will attach to the spending of funds that it receives as part of the Community Infrastructure Levy. It is not a policy that relates to the determination of a planning application but a statement of budgetary priorities. It should be moved to the non statutory community aspiration and action plan chapter.	Modification made

		Policy 9 7. Support of Herstmonceux Village Hall		
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