

# **“Ringmer to 2030” A Neighbourhood Plan for Ringmer 2010-2030**

A Report to Lewes District Council  
of the Examination into the Ringmer Neighbourhood Plan

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## 1. Introduction

### The Neighbourhood Plan

This Report provides the findings of the examination into the Ringmer Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the ability to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*  
(Paragraph 183, National Planning Policy Framework)

Ringmer Parish Council is the *qualifying body*<sup>1</sup> responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014). Development of the Neighbourhood Plan was led by the Parish Council’s planning committee, which acted as a steering group.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Lewes District Council and the South Downs National Park Authority. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Ringmer Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by Lewes District Council, with the consent of Ringmer Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and am an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Ringmer Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

#### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title of the Neighbourhood Plan sets out that it runs to 2030. In addition, the Basic Conditions Statement establishes that:

*“The Neighbourhood Plan will last until 2030”* (page 3).

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held. However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Following detailed consideration of all of the available information, including the written representations submitted, I confirmed to Lewes District Council that I was satisfied that the Ringmer Neighbourhood Plan could be examined without the need for a Public Hearing.

Having considered all of the available information, I am satisfied that people have had a fair chance to put a case, whether in support of the Neighbourhood Plan, in objection to it, or whether simply providing general comments about it.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

### EU and ECHR Obligations

The Basic Conditions Statement submitted with the Neighbourhood Plan states that it does not breach, and is compatible with, all European obligations.

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

According to European legislation, a Habitats Regulations Assessment (HRA) is required when it is considered that likely negative, significant effects could occur on protected European sites as a result of the implementation of a plan or project. The Neighbourhood Area is close to the Lewes Downs Special Area of Conservation (SAC), a European-designated site, designated because it contains rare orchids.

A HRA Screening Report has been undertaken and concludes that the Neighbourhood Plan would not cause a likely significant effect to the SAC and that a full HRA is not required.

There is no blanket requirement for neighbourhood plans to produce sustainability appraisals that meet the requirements of the European Directive on Strategic Environmental Assessment (SEA). However, the Neighbourhood Plan allocates land for development and the allocation of development land comprises one of the circumstances, referred to by Planning Practice Guidance, whereby a strategic environmental assessment (SEA) *may* be required.

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

The Parish Council undertook a Sustainability Appraisal (incorporating a Strategic Environmental Assessment) Scoping Report. This underwent consultation, including with statutory consultees, in July and August 2012. Comments from Natural England and the Environment Agency were received and taken into account.

I note that this was undertaken during the early stages of Neighbourhood Plan production. This approach has enabled sustainability appraisal to form an integral part of the plan preparation process and has regard to Planning Practice Guidance, which, with regards to Scoping Reports, states that

*“a formal scoping report is not required by law but is a useful way of presenting information at the scoping stage...consultation bodies must be consulted...”*

(Para 034)

A Sustainability Appraisal Report was submitted alongside the Neighbourhood Plan. In its Chapter on neighbourhood planning, SEA and sustainability appraisal, Planning Practice Guidance sets out that:

*“There is no legal requirement for a neighbourhood plan to have a sustainability appraisal...However, a qualifying body must demonstrate how its plan or order will contribute to achieving sustainable development. A sustainability appraisal may be a useful approach for doing this...”* (Para 026)

The Sustainability Appraisal provides evidence that the Policies of the Neighbourhood Plan have been appraised and tested against 19 economic, social and environmental objectives developed through the Scoping Report. Whilst it does not include a detailed analysis as to why choices have been made, the Neighbourhood Plan has emerged through robust public consultation (see below) and, together with all of its supporting evidence, has undergone statutory consultation.

None of the statutory consultees, including English Nature, English Heritage or the Environment Agency, have raised any concerns with regards the Neighbourhood Plan in respect of compatibility, or otherwise, with European obligations. Lewes District Council considers that, subject to some modification, the Neighbourhood Plan meets the basic conditions.

I note that considerable resources have been dedicated to undertaking the Sustainability Appraisal, with the aim of ensuring that sustainability underpins the Neighbourhood Plan.

Taking all of the above into account, I consider that Sustainability Appraisal has clearly been integral to the production of the Neighbourhood Plan and has been done in such detail as is appropriate for the content of the Neighbourhood Plan. I am satisfied that the Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

### **3. Background Documents and Ringmer Neighbourhood Area**

#### Background Documents

In undertaking this examination, I have considered each of the following documents in addition to the Examination Version of the Ringmer Neighbourhood Plan:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Lewes District Local Plan (Adopted 2003)
- Basic Conditions Statement
- Consultation Statement
- Habitats Regulations Screening Opinion
- Ringmer Map
- Sustainability Statement

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Ringmer Neighbourhood Area.

#### Ringmer Neighbourhood Area

The Ringmer Neighbourhood Area coincides with the Parish boundary. It includes part of the South Downs National Park (SDNP).

Further to an application made by the Parish Council, Lewes District Council and the South Downs National Park Authority approved the designation of Ringmer as a Neighbourhood Area on 1<sup>st</sup> October 2012.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 4. Public Consultation

### Introduction

As land use plans, the policies of neighbourhood plans will become the basis for planning and development control decisions and legislation requires their production to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

### Ringmer Neighbourhood Plan Consultation

Ringmer Parish Council submitted a Consultation Statement to Lewes District Council.

A Consultation Statement must set out who was consulted and how, together with the outcome of the consultation. The Consultation Statement submitted with the Neighbourhood Plan does this and so meets the requirements of the neighbourhood planning *regulations*<sup>3</sup>.

From consideration of the consultation undertaken – significant parts of which, I summarise below – I am satisfied that the production of the Neighbourhood Plan was supported by significant, comprehensive and well-organised public consultation, whereby the views of the wider community were actively sought and taken into account, on a sustained basis.

Building on from prior work on a Village Plan, Neighbourhood Plan consultation began in earnest in the latter part of 2011. By February 2012, four public meetings had been held, along with a Thursday-Saturday exhibition in an empty shop in the Ringmer shopping precinct.

The Sustainability Appraisal (incorporating a Strategic Environmental Assessment) Scoping Report was prepared and underwent consultation, including with statutory consultees, in July and August 2012. The sustainability objectives set out therein were subsequently used to appraise the policies in the Neighbourhood Plan.

Housing sites were considered during consultation between January and March 2013. This round of consultation included three public meetings and a two day drop-in session. Responses were considered and followed by formal consultation on the Draft Plan. 103 formal responses were received and taken into account.

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<sup>3</sup>Neighbourhood Planning (General) Regulations 2012.

Regular meetings and discussions took place with Lewes District Council and the South Downs National Park Authority. Meetings and communications also took place with a wide variety of individuals and organisations, including residents' groups, landowners, agents, employers, farmers and service providers.

All of the above was accompanied by significant and ongoing publicity. For example, the Parish Council's website provided up to date information and access to relevant reports. Parish Council Newsletters were distributed to every household prior to each stage of the Neighbourhood Plan's development. Notices were placed in the Sussex Express and Ringmer Church and Village News. Monthly Parish Council and fortnightly Planning Committee meetings were open to the public and provided opportunities to consider the Neighbourhood Plan.

The Consultation Statement clearly sets out how issues raised during the public consultation were considered and taken into account in the Neighbourhood Plan.

It is evident that public consultation was fundamental to the production of the Ringmer Neighbourhood Plan. There is an audit trail to demonstrate that consultation was ongoing, extensive and comprehensive, and that it was transparent and widely promoted. There were plentiful opportunities for comment and comments were duly considered. People and organisations were provided with a fair chance to have their say.

The consultation undertaken is reflective of the significant efforts made by all involved to go well beyond any statutory requirements. I am satisfied that the consultation process was significant and robust.

## 5. The Neighbourhood Plan – Introductory Section

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics. It should be noted that changes may require the subsequent re-numbering of Policies and paragraphs in the Neighbourhood Plan.**

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. In this Chapter, I consider the Introductory Section of the Neighbourhood Plan. I make recommendations aimed at making it a clear and user-friendly document.

### Introduction

The text regarding legislation is incorrect. The legislation is fundamental to neighbourhood planning and it is important that it is not misinterpreted:

- **Para 1.1.2 change to “*A Neighbourhood Plan must have regard to national policy and be in general conformity with the strategic policies of the development plan for the area. It takes...*”**

The Lewes District Core Strategy is an emerging planning document. It is not being produced “in parallel with” the Neighbourhood Plan.

- **Para 1.3.1 change line 7 to “*...and the SDNP Authority is an emerging document. The SDNP Authority...*”**

Paragraphs 1.4.1 to 1.4.4 contain historic information not relevant at this stage of the Neighbourhood Plan, or referred to elsewhere.

- **Delete paras 1.4.1 to 1.4.4 inclusive. Replace with a new paragraph “*In accordance with legislation, this Neighbourhood Plan is supported by a Consultation Statement and a Basic Conditions Statement. A Sustainability Appraisal has also been produced. These documents and other information are available on the Parish Council website.*”**

Pages 6 to 14 comprise a lot of unbroken text. If this cannot be made more concise, it would be helpful for readers if it can be broken up with photographs or images.

## Vision and Four Key Principles

The Vision is clear and detailed, as are the Key Principles which follow. The presentation of the Neighbourhood Plan is significantly enhanced by this and the subsequent Sections.

Together, the Vision and Key Principles draw together the significant background work and provide a strong and well-worded introduction to the Policies that follow.

- **No changes proposed to this section**

## **6. The Neighbourhood Plan – Policies**

The layout and presentation of the Policy section is very clear. It is enhanced by the provision of plans and photographs, and by the use of colour. The Policies are clearly separated from the supporting text.

### **General Planning Policies for Ringmer**

#### **Policy 4.1**

The Policy seeks to impose another document, the responsibility of another authority.

- **Delete “Such development...Plan”**

It is unclear what “weight will be given to the impact” actually means, or how such an approach will be measured and implemented. Consequently, the Policy fails to have regard to paragraph 154 of the Framework, which requires policies to provide decision makers with an indication of how to react to a development proposal.

- **Delete the final sentence of Policy 4.1**

Subject to the above modifications, the Policy has regard to the Framework’s requirement for the landscape and scenic beauty of National Parks to be conserved and enhanced. It meets the basic conditions.

#### **Policy 4.2**

This Policy effectively refers to more detailed Policies contained later in the Neighbourhood Plan. It comprises unnecessary repetition.

- **Delete Policy 4.2 and associated supporting text**

#### **Policy 4.3**

Policy 4.3 requires all development to make a positive contribution to the rural landscape. This is an onerous requirement and there is nothing to demonstrate that it would be possible for all development to achieve this. There is nothing in national policy or guidance, or in the Lewes Local Plan, which suggests that such an onerous

requirement is necessary or appropriate. The Policy does not meet the basic conditions.

- **Delete Policy 4.3 and associated supporting text**

#### **Policy 4.4**

This Policy states that the protection of rural lanes will be given high priority. No detail is provided with regards how the country lanes will be protected. Whilst the Policy states that changes that encourage greater vehicle use or speed will be avoided, I note that the Parish Council is not the Highway Authority and cannot control these matters.

The Policy then goes on to consider completely different matters to rural lanes. It states that the conversion of redundant agricultural buildings to office or residential use will be permitted. This fails to have regard to the Framework, which, for example, requires the residential re-use of redundant buildings to lead to an enhancement of the immediate setting (para 55). The Policy then introduces a confusing statement about large scale development and large-vehicle traffic.

Policy 4.4 fails to have regard to national policy. It is confusing. It does not meet the basic conditions.

- **Delete Policy 4.4 and associated supporting text**

#### **Policy 4.5**

The first part of this Policy requires development proposals that would increase traffic flows, especially that which would create large-vehicle traffic, to demonstrate that there would be direct access to the “main road system” or demonstrate that access to the main road system is “within the capacity of the local road system.”

National policy states that “Development should only be prevented or refused on transport grounds where the residual impacts of development are severe” (para 32). Taking this into account, I recommend the following modification:

- **Policy 4.5, change to “...large-vehicle traffic, must demonstrate that they would not result in severe detrimental impacts to the local road system.”**

The Policy goes on to state that some country lanes “are considered to have little additional capacity...” I note that East Sussex County Council considers that there is no evidence to support this contention. Notwithstanding this point, the modifications to the first part of the Policy mean that this latter part is unnecessary.

- **Policy 4.5, delete the final sentence**

Paragraph 4.5.1 is written as though it is a Policy, which it is not. Para 4.5.2 relates to a Policy the deletion of which is recommended.

- **Delete paras 4.5.1 and 4.5.2**

Subject to the above, the Policy has regard to paragraph 32 the Framework and meets the basic conditions.

#### **Policy 4.6**

This Policy sets parking standards. They are largely in line with East Sussex County Council Parking Guidance for New Development, but take into account local requirements. Consequently, the proposal has regard to the Framework's requirement for development to create a safe and accessible environment (para 58).

However, in failing to provide for cycle parking, the Policy does not afford priority to cycle movements, having regard to paragraph 35 of the Framework. I recommend:

**Policy 4.6, add, "...visitor parking *and cycle parking*, in accordance...**

Subject to the above, Policy 4.6 contributes to the achievement of sustainable development and meets the basic conditions.

#### **Policy 4.7**

This Policy seeks to minimise light pollution. It has regard to the Framework and is in general conformity with the Lewes Local Plan. Both these documents seek to protect local character. Policy 4.7 meets the basic conditions.

#### **Policy 4.8**

This is not worded as a Policy but is a general statement about what planning policies and decisions should do. It goes on to refer to "great weight" being given, but fails to explain how this will be measured or implemented.

- **Delete Policy 4.8. Replace as a paragraph of supporting text. Change final sentence to "...odours, *it will be important to protect neighbours...*"**

## Policies for Ringmer's Countryside and Heritage

### **Policy 5.1**

This Policy seeks to protect the countryside and rural landscape. It has regard to the Framework, which considers recognition of the intrinsic character and beauty of the countryside to comprise a principle of planning (para 17). In allowing for other existing Policies to take precedent, Policy 5.1 provides for flexibility and has regard to the presumption in favour of sustainable development. The Policy meets the basic conditions.

### **Policy 5.2**

Policy 5.2 requires development to maintain or enhance an important landscape. It does not seek to prevent development. The Policy has regard to the Framework, which aims to conserve and enhance biodiversity and protect local character (para 118).

The Policy states that development should “enhance the integrity.” It is difficult to understand what this actually means. The following recommendation would make the Policy clearer:

- **Delete “...the integrity of...”**

Subject to the above, the Policy meets the basic conditions.

### **Policy 5.3**

Policy 5.3 recognises the potential of an important riverside area and sets out a Policy aimed at realising recreational or tourism opportunities, whilst providing for appropriate protection.

The Policy has regard to the Framework, which promotes healthy communities (Chapter 8) and supports tourism that benefits visitors and communities, and which respects the character of the countryside. It meets the basic conditions.

The wording of the Policy is a little confusing and I recommend the following modification:

- **Change to “*Development that encourages recreational...*”**

#### **Policy 5.4**

This Policy seeks to create a new designation called “Green Gap.” There is no adopted Green Gap Policy in the Lewes Local Plan and no Green Gap policy in the Framework.

The Policy only allows development that would preserve the openness, separation and character of the countryside. As such, it would be significantly more onerous than Green Belt policy and would fail to have regard to the national policy presumption in favour of sustainable development.

Policy 5.4 does not meet the basic conditions.

- **Delete Policy 5.4 and supporting text**

#### **Policy 5.5**

Policy 5.5 sets out an aspiration of the Parish Council. It is not an implementable land use planning policy. Rather than lose sight of the aspiration, I recommend:

- **Delete Policy 5.5**
- **Replace it as a “*Community Action*”**
- **Re-word “*The Parish Council aspires to maintain Ringmer’s public footpath network and if possible, further improve it through...*”**

#### **Policy 5.6**

Policy 5.6 supports the development of greenspace including a community-managed woodland. Whilst the wording of the Policy is not particularly clear (what is “appropriate,” what will “any future increase in population” actually comprise ?), the intention of the Policy is straightforward and has regard to the Framework, which recognises that access to high quality open spaces for recreation can contribute to the health and well-being of communities (para 73).

Subject to the recommendation below, the Policy meets the basic conditions:

- **Change wording to “*The development of accessible natural or semi-natural greenspace, including a community-managed woodland, in Ringmer Parish, will be supported.*”**

## **Policy 5.7**

Whilst poorly worded, the intention of Policy 5.7 (and paragraph 5.7.1) is relatively clear – it seeks to protect buildings considered to be heritage assets, but not listed as such by English Heritage.

The recognition of non-designated heritage assets has regard to Planning Practice Guidance, which notes that local planning authorities may identify non-designated heritage assets (para 039). Planning Practice Guidance goes on to establish that local lists can be a positive way to identify non-designated heritage assets against consistent criteria, so as to improve the predictability of the potential for sustainable development (para 041).

As part of the supporting evidence to the Neighbourhood Plan, an assessment has been undertaken and this lists twenty local buildings considered to be significant heritage assets. The inclusion of these buildings in the Neighbourhood Plan as a local list of non-designated assets recognises that they have a degree of significance meriting consideration in planning decisions. Consequently, the intention of Policy 5.7 has regard to national policy.

I note that paragraph 5.7.1 makes some bold statements and is partly set out as a Policy itself, which it is not. Furthermore, not all of paragraphs 126-141 of the Framework, as referred to in this paragraph and in the Policy, are relevant to non-designated heritage assets. Taking this and the above into account, I recommend the following:

- **Delete Para 5.7.1 Replace with “*National policy recognises that the provision of a local list of non-designated heritage assets can improve the predictability of the potential for sustainable development. As part of the supporting evidence for the Neighbourhood Plan, a study has assessed and identified twenty buildings considered to warrant inclusion on such a list.*”**
- **Policy 5.7 re-word “*The following buildings are recognised as non-designated heritage assets. The effect of an application on the significance of these will be taken into account in determining the application, with regard to the scale of any harm or loss to, and the significance of, the heritage asset: (INCLUDE LIST OF 20 BUILDINGS HERE, TOGETHER WITH A NOTE REFERENCING APPENDIX B).*”**

Subject to the above, Policy 5.7 meets the basic conditions.

## **Policy 5.8**

I note that the previously adopted archaeology-related Policy of the Lewes Local Plan has not been saved. Policy 5.8 and its supporting text draws attention to the rich archaeology of the Neighbourhood Area.

Policy 5.8 begins with a general statement and goes on to impose an onerous requirement for all development to conserve and enhance heritage assets. This fails to reflect national policy, which does not require all heritage assets to be enhanced and adopts a much more detailed approach to conservation and enjoyment of the historic environment (Chapter 12).

The second part of the Policy seeks to paraphrase the detailed requirements of the Framework, notably paragraph 128, but in so doing, misapplies national policy.

Policy 5.8 does not meet the basic conditions. In deleting the Policy I am mindful that its general aims are already set out within the Framework.

- **Delete Policy 5.8**

### **Policy 5.9**

There is no evidence to demonstrate that the first part of this Policy can be controlled or implemented by the Parish Council:

- **Delete “Existing....will be maintained and enhanced, and...”**

The rest of the Policy (now beginning “Where...”) seeks the provision of green corridors as part of new developments, and requires them where developments are located between open countryside and a wildlife habitat in a developed area. The aim of this has regard to national policy, which aims to conserve and enhance biodiversity (para 118). It contributes to the achievement of sustainable development and meets the basic conditions.

### **Policy 5.10**

Policy 5.10 has regard to the Framework’s aim of conserving and enhancing biodiversity (para 118). However, it applies to all development proposals – it may not be relevant to all development proposals, for example new double glazing on a house in a Conservation Area.

- **Change wording to “*Development proposals should consider their impact on biodiversity and where appropriate, include provisions to ensure biodiversity is maintained, or where possible, enhanced.*”**

## Policies for Employment in Ringmer

### **Policy 6.1**

This Policy provides employment sites to support economic growth. However, the allocated sites are not included in the Neighbourhood Plan. This is an inappropriate approach. It fails to have regard to the Framework, which requires policies to provide decision makers with a clear indication of how to react to a development proposal.

There is no need to refer to other Policies in the Neighbourhood Plan within Policy 6.1 and I note that most Policies in section 4 are, anyway, recommended for deletion.

- **Include the names of the allocated sites and plans showing their boundaries below Policy 6.1. Remove references to Appendix C in the Policy.**
- **Remove reference to “providing they are in general conformity with the general planning policies for Ringmer (section 4)”**

### **Policy 6.2**

This Policy introduces an onerous requirement relating to “the best and most versatile agricultural land” which does not have regard to the Framework and seeks to restrict development subject to Policies that are recommended for deletion.

- **Delete Policy 6.2 and related supporting text**

### **Policy 6.3**

The first part of Policy 6.3 has regard to the Framework, which promotes the vitality and viability of town centres. The management of car parking spaces is not a land use planning policy matter.

- **Delete “Parking facilities...service users.”**

There is no defined criteria to measure “the quality of employment opportunities” or the “variety or quality of retail.” The Conservation Area is appropriately protected by Conservation Area policies in the Framework and Policy H4 of the Lewes Local Plan and there is no clarity as to what the “village appearance” means.

- **Delete criteria a) to d) inclusive**

- **Delete e) and re-word as “Development must not result in a reduction in the total number of parking spaces.”**

Subject to the above, Policy 6.3 meets the basic conditions.

#### **Policy 6.4**

The first sentence of the Policy is unclear – it does not specify precisely what the “2010 level” was, what will happen if the level is not maintained, or how additional provision for older residents will be delivered – or even whether or not it can be delivered.

- **Delete first sentence**

The Policy effectively seeks to prevent the change of use of care premises. This is an onerous requirement and there is nothing to demonstrate that it has regard to national policy or is in general conformity with the strategic policies of the development plan. Furthermore, no detail is provided as to how “redundancy” will be established. Consequently, this part of the Policy fails to have regard to paragraph 154 of the Framework.

- **Delete second sentence**

The final sentence has regard to the Framework, which supports the delivery of a wide choice of housing (para 47).

- **Last sentence, delete “and in conformity...4).”**

#### **Policy 6.5**

This Policy provides for development at Ringmer Community College and in so doing, it has regard to the national policy presumption in favour of sustainable development and is in general conformity with Lewes Local Plan Policy RG3.

The Policy requires “new and safer road traffic and pedestrian access” but does not set out how, or whether, this can be achieved. The reference to Green Gap needs to be removed.

- **Delete a) and d) and delete second sentence of c)**

## **Policy 6.6**

In general, Policy 6.6 has regard to the Framework, which supports sustainable rural tourism and leisure developments, as well as the sustainable growth and expansion of business and enterprise in rural areas (para 28).

However, the second part of a) fails to provide clarity with regards how decision makers should measure whether the provision of health promoting outdoor activities compensate for loss of agricultural production.

- **Delete b) and end a) at “...new employment.”**

Subject to the above, the Policy meets the basic conditions.

## Policies for Residential Development in Ringmer

The Neighbourhood Plan is not being developed in parallel with the Lewes District Core Strategy.

- **Delete paras 7.1.1 and 7.1.2**

It is not for the Neighbourhood Plan to determine how much planning “weight” another document “carries.”

- **Delete Para 7.1.3**
- ***Add new paragraph “The Neighbourhood Plan does not seek to limit the amount of housing to be built in the Neighbourhood Area during the plan period. However, it does allocate land for around 240 houses and thus provides for certainty with regards sustainable growth up until 2030. In so doing, a wide range of factors have been taken into account, including information related to the emerging Lewes District Core Strategy.”***

### Policy 7.1

In allocating land for 240 homes, and treating this figure as a “minimum” for the Neighbourhood Area, Policy 7.1 provides for sustainable growth. It has regard to the Framework.

The allocation of housing land the Neighbourhood Plan provides for a considerable degree of certainty with regards delivery.

The Neighbourhood Plan does not seek to place a cap, or a maximum limit on the number of dwellings to be built in the Neighbourhood Area during the plan period. This approach has regard to the Framework’s presumption in favour of sustainable development.

There have been representations with regards the absence of up to date District-wide Policies relating to housing land and the absence of a District-wide 5 year housing land supply. I acknowledge these points and find that the Neighbourhood Plan, by allocating housing sites, goes some way towards filling a current policy gap.

The wording of Policy 7.1 is not very clear due to its use of the future tense and its attempts to introduce other Policies. I recommend:

- **Policy 7.1 re-word “*The Neighbourhood Plan allocates land for at least 240 houses. This figure reflects the minimum number of new houses to be developed in the Neighbourhood Area during the Plan Period.*”**

## **Policy 7.2**

In providing for affordable housing, the first and fourth sentences of Policy 7.2 have regard to the Framework, which requires the delivery of a wide choice of homes and the creation of mixed and balanced communities (para 50).

The requirements for affordable housing to be indistinguishable from market housing and to be “pepper-potted” appear to be aspirational and no evidence is provided to demonstrate that this can be implemented, is necessary, or is viable, having regard to national policy. It may be that social landlords prefer houses to be close together, to support effective management. Part of the Policy relates to a subsequent Policy, which is recommended for deletion. The rest of the Policy is then based on an emerging document.

- **Retain first and fourth sentences, delete the rest of the Policy**

## **Policy 7.3**

This Policy simply refers to supporting evidence. Furthermore, it states that a model approach “will be developed and tested” some time in the future, but provides no detail with regards how the policy will be implemented.

- **Delete Policy 7.3 and related supporting text**

## **Policy 7.4**

This Policy attempts to set out where development of at least 240 allocated dwellings will take place. It is unnecessary and detracts from the clarity of the Neighbourhood Plan, given that the sites are listed in later Policies.

- **Delete Policy 7.4 and related supporting text**

## **Policy 7.5**

Policy 7.1 states that it allocates land for a minimum of 240 homes. However Policy 7.5 states that those allocations will be prioritised and effectively prevents the allocation of land until prioritised areas of land have come forward. The approach set out is confusing, lacks clarity and fails to have regard to the national policy requirement to consider housing applications in the context of the presumption in favour of sustainable development (para 49). It does not meet the basic conditions. Furthermore, the Policy then goes on to repeat national policy. It is not the role of neighbourhood plans to repeat policy that already exists.

- **Delete Policy 7.5 and related supporting text**

## **Policy 7.6**

Policy 7.6 misses the word "not" on line three (which gives the Policy the opposite meaning to that intended, as set out in the supporting text).

As worded, the Policy would support the residential conversion of any traditional agricultural building that makes a positive contribution to the landscape and that has a useful remaining life subject to it being in an appropriate location for residential use.

The Policy fails to clarify what an "appropriate location for residential use" comprises and is thus unclear. It fails to define what a "traditional agricultural building" is. It fails to provide clarity on how "a useful remaining life" would be measured. The Policy does not have regard to paragraph 154 of the Framework.

Furthermore, the Policy would not necessarily prevent the conversion of a building that may be unsuitable for residential conversion for any number of reasons. This could result in inappropriate conversions across the Neighbourhood Area, and of particular concern, within the National Park.

The Policy does not meet the basic conditions.

- **Delete Policy 7.6 and associated supporting text**

## **Policy 7.7**

This Policy seeks to protect "the village scale." This has regard to national policy and is in general conformity with the Lewes District Local Plan. Both of these documents seek to protect local character.

However, paragraph 7.7.1 presents opinion as unsubstantiated fact.

- **Para 7.7.1 delete from "It must be recognised..." to end of para.**

The final sentence in Policy 7.7 makes little sense. Most developments of more than a few houses are "developed progressively" or in phases. Policy 7.7 doesn't provide any detail on how developments should be phased and as such, does not provide any clarity for decision makers.

- **Delete final sentence of Policy 7.7**

## **Policies 7.8, 7.9, 7.10 and 7.11**

Together, these Policies attempt to phase the bringing forward of land for around 240 homes. I note that the first phase, re: 50 homes to be developed in 2015 may be

ambitious, given that it is unlikely that the Neighbourhood Plan would come into force until well into 2015.

Notwithstanding the above point, the proposed phasing up until 2030 is based on infrastructure constraints and according to Policy 7.8 “to be consistent with economic circumstances.” This latter point suggests that the plan-makers know what economic circumstances will prevail between now and 2030, which is not the case.

Infrastructure and specifically, the provision of drainage and sewerage systems, is considered in Policy 9.10. There is nothing to demonstrate that new capacity cannot be provided to accommodate new development. I also note that development can be required, through legal agreements, to provide for new school places and off-site highway works.

Taking the above into account, the proposed phasing strategy appears to be founded on a flawed basis. It is unnecessarily rigid and fails to have regard to the national policy presumption in favour of sustainable development. However, in seeking to spread the development of allocated land over time, Policy 7.8 does have some regard to paragraph 47 of the Framework, which considers housing trajectories over plan periods.

I also note that together, pages 37 to 42 introduce unnecessary confusion. They are unclear, not least due to the quality of the Maps provided, and introduce an unnecessarily complicated phasing strategy. I find that, resultantly, the Policies contained within this section fail to provide clarity and fail to have regard to paragraph 154 of the Framework.

The owner of site RES32 has stated that the site is not available for development. Paragraph 47 of the Framework is clear in its requirement for housing allocations to be deliverable and consequently, the allocation of RES32 would fail to have regard to national policy.

Policy 7.11 includes a reference to a reserve site, RES35, to be brought forward in case of a shortfall. I note that site RES26 refers to 40 dwellings at Caburn Field. These dwellings are already allocated in the Lewes District Local Plan. It is not the role of Neighbourhood Plans to re-allocate, or double-count existing housing land allocations. RES26 should be deleted. My recommendations below would bring forward RES35 to the period post-2024, thus dealing with the potential shortfall resulting from my proposed deletion of RES26.

I recommend the following:

- **Policy 7.8 delete text and re-word “*The allocated housing sites will be split into two phases, with land for around 170 dwellings up to 2024; and land for around 70 dwellings between 2024 and 2030.*”**

***Phase 1 sites comprise: INCLUDE LISTS FROM POLICIES 7.9 AND 7.10 HERE***

***Phase 2 sites comprise: ...* INCLUDE LIST FROM POLICY 7.11 HERE, BUT DELETE RES26 and RES32 AND REPLACE WITH RES35**

I have reasonable eyesight and find the Maps on pages 40 and 41 to be entirely illegible. They are inappropriate for inclusion in the Neighbourhood Plan.

- **Show the boundaries of all sites (Phase 1 and Phase 2) above, excluding those identified as already having planning permission on a Plan or Plans, ensuring that site boundaries are legible.**
- **Delete Policies 7.9, 7.10 and 7.11**
- **Delete paragraphs 7.8.1, 7.9.1, 7.10.1, 7.11.1**
- **Delete Map 7.1 and Map 7.2**

**Policy 8.1**

Policy 8.1 begins with a non-policy statement and ends with unnecessary reference to (deleted) Policies. However, in general, it supports the development of community facilities. This has regard to the Framework, in particular paragraph 28, which states that neighbourhood plans should

*“promote the retention and development of...community facilities in villages, such as...meeting places...”*

- **Delete first sentence and end Policy 8.1 “...will be supported.”**

Subject to the above, the Policy contributes to the achievement of sustainable development, the social role of which – in supporting strong, vibrant and healthy communities – is recognised by national policy.

Policy 8.1 meets the basic conditions.

**Policy 8.2**

Policy 8.2 is vague in its requirements. As a consequence, as worded, Policy 8.2 does not have regard to the Framework which requires policies to provide decision makers with a clear indication of how they should respond to a development proposal.

Clearer wording can establish the protection for Ringmer Green and the other managed open spaces that is sought. I recommend:

- **Re-word, “*Development that harms the character of the village green at Ringmer Green will not be permitted. The development of Ringmer’s other managed open spaces, listed below, will only be permitted where any harm arising is outweighed by community need for their use for other purposes. PROVIDE LIST OF THE MANAGED OPEN SPACES HERE AND REFERENCE APPENDIX A*”**

Subject to the above, Policy 8.2 has regard to the Framework and is in general conformity with the Lewes Local Plan. Both of these documents protect local character.

### **Policy 8.3**

This Policy concerns the local swimming pool. There is no indication of what its “further development” comprises and “making it more accessible to the community” appears to relate, according to the supporting text, to hours of opening. Rather than a land use planning policy, this is better suited to a Community Action.

- **Delete Policy 8.3 and replace as a “*Community Action*”**

### **Policy 8.4**

This Policy allocates land for outdoor sport. This has regard to the Framework, which promotes healthy communities (Chapter 8) and recognises that sport and recreation can make an important contribution to community well-being. It meets the basic conditions.

### **Policies 8.5 to 8.7**

Together, these Policies support the provision of play space, facilities for outdoor activities and allotments. They have regard to the Framework, which promotes healthy communities (Chapter 8) and contribute to the achievement of sustainable development.

### **Policy 8.9**

I note that there is no Policy 8.8.

This Policy relates to a long list of a wide-ranging variety of land and buildings regarded as “community assets.” Many of these are not under the control of the Parish Council and the Policy appears to be aspirational, rather than form an implementable land use planning policy. The Policy is odd – for example, rather than allow a bank to close and re-open elsewhere, it would require it to be replaced by a higher quality bank. It is not clear how this would work in practice. The Policy does not provide the clarity required by the Framework and does not meet the basic conditions.

Rather than lose sight of the aim of supporting local assets, I recommend:

- **Delete Policy 8.9 and replace as a “*Community Action*” removing the aspiration for replacement by “higher quality assets”**

## Infrastructure Requirements

### **Policy 9.1**

Paragraph 32 of the Framework states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Policy 9.1 seeks to defer development that would add significantly to traffic flows at a location on the A26 until there are “firm commitments” and “realistic plans” to mitigate current issues. However, commitments and plans are not the same thing as delivery and implementation. Consequently, the approach set out in 9.1 does not necessarily achieve its aims, but by preventing development from coming forward, the Policy presents a barrier to sustainable development. Consequently, it does not meet the basic conditions.

Traffic congestion is not unusual. Residential development frequently funds highway improvements through various mechanisms. Such an approach can be particularly appropriate in the light of the Framework’s presumption in favour of sustainable development.

In making the recommendation below, I am mindful that the absence of a Policy in a Neighbourhood Plan does not prevent development from funding appropriate; and am also mindful that East Sussex County Council has expressed significant concerns with Policy 9.1.

- **Delete Policy 9.1 and associated supporting text/Map 9.1**

### **Policy 9.2**

I note that East Sussex County Council states that its comments relating to this Policy “have been taken on board.”

The Policy seeks to improve safety. It has regard to paragraph 35 of the Framework, which encourages highway safety.

### **Policy 9.3**

This Policy promotes the provision of a cycle way and mobility scooter route. It has regard to national policy, which promotes sustainable modes transport.

#### **Policy 9.4**

I note that East Sussex County Council states that its comments relating to this Policy “have been taken on board.”

The Policy promotes road safety, having regard to the Framework (para 35).

#### **Policy 9.6**

I note that there is no Policy 9.5.

The aims of this Policy have regard to the Framework, which affords great weight to the need to create, expand or alter schools. The first two sentences of the Policy comprise background information and should form supporting text. The second half of the Policy relates to nursery education, not school places.

- **Remove first two sentences of Policy 9.6 and place in a new supporting text paragraph above the Policy**
- **Remove the last two sentences of Policy 9.6 and place in a new “Community Action” paragraph**

Subject to the above, the Policy meets the basic conditions.

#### **Policy 9.7**

This is not a land use planning Policy.

- **Delete Policy 9.7 and replace as a “Community Action”**

#### **Policy 9.8**

As worded, the Policy doesn’t make any sense. However, subject to the recommendations below it has regard to national policy, which promotes healthy communities (Chapter 8).

- **Re-word, “...needs that are *not* currently met...”**
- **End policy at “...will be supported.”**

### **Policy 9.9**

This Policy supports development proposals that improve water treatment works. Subject to the modification below, this has regard to paragraph 7 of the Framework, which recognises the role the provision of infrastructure has in achieving sustainable development (para 7).

- **End policy at “...will be supported.”**

### **Policy 9.10**

This Policy addresses matters relating to drainage, sewerage and flooding. It has regard to the Framework, which, in paragraph 7 recognises the role the provision of infrastructure has in achieving sustainable development; and which, in paragraph 100, directs development away from areas at highest risk from flooding.

I am mindful that the Policy has emerged, in part, further to consultation with Southern Water, but does not fully reflect the results of that consultation. I recommend:

- **Policy 9.10, add “...sewage works. *New and improved utility infrastructure will be encouraged and permitted in order to meet the identified needs of the community.* Development proposals must...”**

### **Policy 9.11**

This Policy relates to matters outside the control of the Neighbourhood Plan

- **Delete Policy 9.11 and associated supporting text**

### **Policy 9.12**

The first part of this Policy supports appropriate development that improves waste recycling. It contributes to the achievement of sustainable development.

The remainder of the Policy provides an unnecessary link to other (deleted) Policies of the Neighbourhood Plan and sets out an aspiration, not a land use planning policy matter.

- **End Policy 9.12 “...impact on neighbouring amenities.”**
- **Move last sentence of the Policy to a new “Community Action”**

### **Policy 9.13**

This Policy allocates land for a cemetery. It has regard to the Framework, which supports the provision of community facilities.

### **Policy 9.14**

There is no definition of what “first class e-communications facilities” comprise or whether a land use planning policy can provide for them. The Policy fails to have regard to the Framework, which requires policies to provide decision makers with a clear indication of how to react to development proposals. It does not meet the basic conditions.

- **Delete Policy 9.14 and associated supporting text**

## Village Design Statement

This section of the Plan establishes character areas and provides detailed design Policies. The general approach has regard to the Framework, which attaches great importance to the design of the built environment (para 56). It is also in general conformity with Policy ST4 of the Lewes Local Plan, which supports good design.

### **Policies 10.1-10.10**

Together, and subject to the minor modifications recommended below, these Policies combine to provide clear guidance aimed at providing a high quality built environment. I note that the Policies allow for flexibility.

- **Policy 10.2 delete “...the PSCS-recommended...” (this is not an adopted planning document)**
- **Policy 10.6 Re-word “*Where possible*, development should...” (landscaping is not appropriate for all development)**
- **Policies 10.8 and 10.9, delete the references to “conforms to the general planning policies for Ringmer (section 4)”**

### **Policy 10.11**

The control of highway signs is not a matter for a neighbourhood plan.

- **Delete Policy 10.11**

## 8. Summary

The Ringmer Neighbourhood Plan is the result of a major, sustained community effort. It demonstrates a passion for neighbourhood planning.

Further to consideration of its Policies against the basic conditions, I have recommended a large number of modifications to the Neighbourhood Plan. These changes are necessary if the Neighbourhood Plan is to meet the basic conditions.

Subject to the recommended modifications, the Ringmer Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

Taking the above into account, I find that the Ringmer Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to Lewes District Council that, subject to the modifications proposed, **the Ringmer Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

I am required to consider whether the Referendum Area should be extended beyond the Ringmer Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence before me to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Ringmer Neighbourhood Area as approved by Lewes District Council on 1 October 2012.

**Nigel McGurk, January 2014**  
**Erimax – Land, Planning and Communities**

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