

## **Rother Draft Local Plan 2020-2040 (Regulation 18)**

**Respondent: Mr John Lovering of Medici Oast Bodiam Ltd**

**Agent: Mr Martin Hull of KLV Ltd**

### **Policy GTC8 - Biodiversity net gain**

Medici Oast Bodiam Ltd is fully committed to maximising as far as possible the delivery of Biodiversity Net Gain (hereinafter referred to as BNG).

Policy GTC8 requires all development to deliver net gain, with a minimum percentage of biodiversity net gain set at 20%. Should the land off Uckham Lane be allocated for growth / new housing, it is possible, under the draft policy, that it could attract 20% BNG requirement.

We therefore raise concerns and serious questions over the justification for the higher 20% minimum threshold for sites. From recent experience, we have concerns about the deliverability of the additional requirement of providing 20% minimum through the development of large greenfield sites, where the land will have a high BNG baseline value already. Consequently, achieving a minimum of 20% BNG will be challenging for most greenfield sites to the point of impacting on deliverability and viability. It is critical therefore that the BNG requirement be expressed as a target.

The requirement for 20% biodiversity net gain has not been justified in the Council's evidence base as being financially viable or practically deliverable/viable. Whilst we are committed to maximising the delivery of on-site BNG through the delivery of the development and therefore requests that the Plan express the 20% as a target rather than a requirement.

### **Policy GTC9 - High Weald National Landscape**

Medici Oast Bodiam Ltd recognise that the AONB is a Nationally Important Landscape. However, given the need for new homes to be delivered in sustainable locations, it is necessary for the Council to consider locations for new housing and growth, which may include those locations within AONB. If the Council does not thoroughly review AONB sites on the edge of sustainable settlements such as Battle, then the strategy of the emerging Local Plan is likely to result in less sustainable housing locations emerging. A key component of such a review will be whether a particular site results in any significant harm to landscape character. The emerging Plan should examine the housing requirement for the District and identify sustainable location for this housing. The Council should then review landscape character and visual impact in determining which sites should proceed to allocation. This has not been undertaken and is a flaw in the Plan process.

Paragraph 183 of the NPPF does not define what is considered to be small-scale or major development within the AONB. The emerging Local Plan should give consideration to this issue and set out what it considers to be the threshold for major development. If it doesn't then the policy will create an uncertain framework in which planning applications are considered. Inconsistent decisions could flow from such a policy approach.

### **Chapter 5 – spatial strategy**

Chapter 5 explains that the purpose of the section is to meet the development needs of the area. However, the Regulation 18 Plan fails to meet the published needs. This section reiterates

the old Core Strategy growth levels which were for 335 homes per annum up to 2025. As noted, the actual delivery was 219 dwellings per annum – a significant shortfall. As noted at paragraph 5.3 the local housing need is 733 dwellings per annum. The Ministerial Statement from Rachel Reeves on 8th July 2024 is now a material planning consideration. The Ministerial Statement made it clear that housing targets are now mandatory, and this results in a major sea change in the current spatial strategy. The mandatory housing target is that which is presented in the local housing need assessment. On this basis, Rother District Council needs to radically review the way in which they are delivering new homes through the Local Plan and ought to be allocating far more sites than they currently plan. Referencing village clusters around Battle (Policy SD01), is unlikely to be appropriate and additional development is considered necessary. The site off Uckham Lane is a good site and could deliver 20 or so dwellings. We therefore support greenfield releases to the north and east of Battle in the vicinity of Uckham Lane and the strategy should directly reference this. Strategically this area has access to bus routes and is well connected to the town. There is scope within the prevailing landscape character to deliver housing adjacent to the built-up area.

Consequently, the strategy wording in the Regulation 18 Local Plan should be reworded to recognise the Local Housing Target of 733 dwellings per annum and that Battle must be identified as a high order growth settlement.

### **Vision for Battle and surrounding settlements**

The Vision for Battle is contrary to the growth agenda outlined by the New Government. Whilst it is important to maintain the settlements historic character, this should not be at the expense of delivering on the 733 dwellings required to be met per annum.

The District Council should undertake a robust landscape assessment of locations close to the built-up area of Battle and identify those sites which could be released for new housing. The Vision should directly explain that sensitive greenfield releases will be supported around Battle. The strategy of delivering small clusters of growth in surrounding villages is unsustainable. The focus should be to deliver new growth at the principal transport hubs of which Battle is one. Accompanying these submissions is a full landscape and highways assessment which identifies that the site can deliver new housing. The new Plan should identify this site in parallel with changes to the Vision for Battle.

### **Figure 24**

This table should identify the site off Uckham Lane for new housing in line with the submissions made on behalf of Medici Oast Bodiam Ltd. The HELAA has not identified sufficient suitable sites to deliver on the 733 dwellings per annum. The table should identify this 2.26ha site as being appropriate for 25-30 dwellings. The land ownership extends to a much larger farm holding and so there is scope to address biodiversity net gain.

### **Policy DEV3 – Development Boundaries**

This policy is contradictory. The second paragraph prevents greenfield sites which are outside the development boundary, yet the third paragraph provides some scope for greenfield releases on the edge of settlements. The recent Ministerial Statement concerning the obligation to meet mandatory housing targets would indicate that this policy needs significant reconsideration. In order to deliver the local housing target of 733 dwellings per annum, the policy will need to explicitly support greenfield releases on the edge of settlements. The second and third

paragraph should therefore be altered to recognise this. It may be appropriate to include a criteria based policy to judge suitable green field sites.

### **Policy DEV5 - Small sites and windfall development**

The 1 ha threshold included in this policy to define small and medium sized sites is unnecessarily limiting. In considering a 1 ha site that requires BNG, drainage and other infrastructure it will be unlikely that a significant number of dwellings is delivered. There is no justification as to why such a threshold is proposed and therefore, we see no reason why much larger sites such as 70-100 dwelling sites cannot be described /defined as either medium sized or windfalls. The policy should include some further criteria to enable decision makers to appropriately use the policy when judging housing sites.

### **Policy HOU2 - affordable housing**

Currently, the planning policy approach for delivering affordable housing is not working. This is best explained by the high costs associated with the cost of materials, the high CIL requirement, affordable housing and more recently the BNG obligation - in most locations market values for housing are simply not high enough to cover all these costs. As a consequence, affordable housing is the only negotiable element to enable sites to be viably delivered. The Council should look at their background research which led to this situation. Clearly CIL and other assessments are in error. Whilst this policy is appropriately structured it is incumbent on the Council to understand why so many sites fail to deliver enough affordable housing and make the necessary policy changes.

### **HEELA Part 2 – Chapter 3, BAT 0076**

BAT 0076 relates to a large site. However, a smaller site identified on the attached Location Plan is considered appropriate. It is 2.26ha in size.

The site off Uckham Lane should be identified for housing development. This site is available within the next 5 years and is suitable. It is adjacent to the built up edge and accessible. It is adjacent to a bus stop and a public footway.

A detailed landscape appraisal and Transport assessment reveals that the site could come forward without the landscape harm identified against the larger site ref: BAT 0076.

The site is part of a large land holding and so the fields to the east could be used to contribute to biodiversity net gain and other initiatives.

The site is achievable, being that it is in a single land ownership with control over the access.