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Rother Draft Local Plan 2020- 2040: Regulation 18 Representation

On behalf of Denbigh Properties Ltd

Land north of Wardsdown House, Union Street, Flimwell (TIC/0005 & TIC/0027)

July 2024



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1 INTRODUCTION

1.1 PURPOSE OF THIS REPRESENTATION

- 1.1.1 This representation is prepared on behalf of our client Denbigh Properties Ltd in response to the Rother District Council 'RDC' Local Plan (Regulation 18) consultation which closes 23rd July 2024.
- 1.1.2 We understand that RDC is in the process of preparing a new Local Plan to set out a strategy for development for the period to 2040. The draft Local Plan has been prepared with two overall priorities 'Green to the Core' and 'Live Well Locally' which emphasis the role of planning on the environment and sets a goal to create healthy, sustainable and inclusive communities.
- 1.1.3 With these two overall priorities in mind, Council are seeking the views of communities to shape the draft Local Plan which includes proposed strategic policies relating to the distribution and delivery of housing, employment floorspace, community facilities and supporting infrastructure across the district.
- 1.1.4 For the avoidance of doubt, the Regulation 18 Plan does not include individual site allocation policies. The intention is to consult on the development strategy and draft Housing and Employment Land Availability Assessment (HELAA) before final site selection and specific site allocation policies.
- 1.1.5 The strategic approach must also continue to have full regard to planning reforms following the new Government's announcements on proposed changes and a move towards mandatory housing targets.
- 1.1.6 Our client controls the site 'Land north of Wardsdown House, Union Street, Flimwell' (HELAA ref: TIC/0005 & TIC/0027) which is partially allocated within the Ticehurst Neighbourhood Plan for nine residential dwellings. Despite developer interest in the site, the scheme as allocated is unviable owing to higher Community Infrastructure Levy ('CIL') charges and increased build costs associated with the land levels on-site.
- 1.1.7 Our client is now promoting the wider site for residential allocation within the District Plan, with an increased capacity of approximately 18 dwellings to secure the deliverability of the site.
- 1.1.8 Accordingly, within the sections below we provide a detailed response to the questions being posed by the Council before outlining further how we consider our client's site aligns with the spatial options being considered.

1.2 REPRESENTATION STRUCTURE

- 1.2.1 Section 2 of this representation document sets out the context of the Rother Local Plan preparation and relevant national planning requirements.
- 1.2.2 Section 3 details the emerging Plan requirements, having regard to the borough housing need, duty to cooperate as outlined by paragraph 24 of the National Planning Policy Framework and the tests of soundness outlined by paragraph 35 of the Framework.
- 1.2.3 Section 4 provides our response to the Local Plan Core Question posed by the Council and the spatial options being considered.
- 1.2.4 Section 5 introduces our client's site and provides a summary of planning constraints and opportunities, including the quantum of development that could be accommodated and sets out in detail why our client's site should be allocated for development within the emerging Rother Local Plan.
- 1.2.5 Section 6 summarises the key points raised throughout the representation and outlines next steps ahead of the pre-submission Regulation 19 Local Plan preparation.

1.3 SUPPORTING DOCUMENTS

- 1.3.1 For ease of reference, this submission is supported by the following supporting documentation:
- Completed Regulation 18 Response Form [online only]
 - Regulation 18 Representation [DHA/33562] (this document)
 - Site Location Plan [DHA_33572_01]
 - Existing Site Layout Plan [DHA_33572_02]
 - Proposed Site Layout Plan [DHA_33572_03]
 - Policy Plan [DHA_33572_G_01]
 - Local Services [DHA_33572_G_02]

2 REG 18 CONSULTATION BACKGROUND

2.1 CONSULTATION BACKGROUND

Overview

- 2.1.1 RDC are required to prepare a new Local Plan, as the current suite of development plan documents, which comprises the Core Strategy and the Development and Site Allocations Local Plan were adopted in September 2014 and December 2019 respectively.
- 2.1.2 The development plan documents, and the policies contained within, pre-date current national planning policy, practice guidance and local evidence and consequently require updating in accordance with paragraph 33 of the NPPF (2023) which requires policies to be reviewed at least once every five years.

Housing Context

- 2.1.3 In terms of housing, the adopted development plan policies have consistently failed to address the housing needs of the district. The 2014 Core Strategy was tasked with a 29% uplift in housing growth (+1,380 new homes) compared to that required under the South East Plan, equating to a total of 6,180 new homes. However, the adopted housing target was eventually reduced to 5,700 homes, with the Council citing the cancellation of major infrastructure capacity upgrades on the A21 and Hastings to Ashford railway line, as well as the major district constraints of the High Weald AONB (now National Landscape), international and national nature conservation sites and low-lying areas of flood risk as justification for the reduced target.
- 2.1.4 Given the development plan is now more than five years old, the Council are required to use the standard methodology-derived housing need figure of 733 dwellings per annum in the absence of an up-to-date Plan. The uplifted figure is more than 100 dwellings greater than the previously adopted target, however recent housing delivery has seen build-out rates fall below even historic 1991-2011 levels (average 245 dwellings per annum). The Council's latest Housing Delivery Test 'HDT' result of 41% (UK Government HDT, December 2023) equates to the delivery of 661 dwellings over the three-year monitoring period, or just 220 dwellings per annum.
- 2.1.5 In terms of housing supply, the Council's latest published position (RDC Housing Land Supply, December 2023) is 3.09 years and represents only a very modest improvement over last year's position. Even measured against the Core Strategy target, the position would remain just 3.69 years.

- 2.1.6 It is therefore vital that the Local Plan review is undertaken and puts in place a robust and ambitious strategy for growth, that is genuinely capable of delivering the substantially increased quantum of housing that is urgently needed by the district's current and future residents.
- 2.1.7 The strategic approach must also continue to have full regard to planning reforms following the new Government's announcements on planning reform and a move towards mandatory housing targets.

Local Plan Review

- 2.1.8 RDC are consequently now in the process of preparing a new Local Plan to set out a strategy for development for the period to 2040. The draft Local Plan has been prepared with two overall priorities 'Green to the Core' and 'Live Well Locally' which emphasis the role of planning on the environment and sets a goal to create healthy, sustainable and inclusive communities through the delivery of ten further strategic objectives.
- (1) Deliver net zero carbon ambitions through effective and supportive planning policies.
 - (2) Maximise opportunities for nature recovery and biodiversity net gain and preserve the historic landscape character of the High Weald National Landscape and protected habitat areas of Rother and ensure sensitive development that allows communities to thrive.
 - (3) Promote high quality design and protect and enhance Rother's built and natural heritage, while providing opportunities for recreation and tourism.
 - (4) Respond to the housing crisis and help facilitate the delivery of housing to meet the needs of different groups in the community, ensuring a variety of high-quality, sustainable, zero carbon ready dwellings that meet the needs and income levels of Rother's wider population for their lifetime.
 - (5) Deliver sustainable growth and regeneration in Bexhill and its edges, along with Hastings Fringes, with supporting infrastructure, contributing to the needs of the wider housing and economic market area.
 - (6) Create economic prosperity, both in rural and urban locations, meeting the employment needs of the wider population, improving the quality and variety of jobs, and being flexible to the changing needs of the economy.
 - (7) Focus growth in sustainable locations across the district, or places that can be made sustainable through supporting infrastructure and community facilities.
 - (8) Enhance the sustainability and connectivity of local communities through sustainable transport measures and improved internet network coverage.

(9) Support and achieve safe, healthy, vibrant and mixed communities where the physical and mental health of residents is a high priority. Create high standards of inclusivity and accessibility to shared facilities for all the district's residents.

(10) Balance strategic planning with the opportunities for local delivery through neighbourhood planning.

2.1.9 The delivery of the objectives leads to the creation of the Local Plan's development strategy for both the whole district and five sub-areas within it. It proposes a distinct strategy focussed on networks and clusters of towns and villages to respond to the twin priorities.

2.1.10 The Local Plan is intended to be supported at the local level by Neighbourhood Plans, which give communities the power to develop a shared vision for their local area and set specific policies within the context of the Local Plan's strategic policies. At present there are seven adopted Neighbourhood Plan in the district, and the Council intended to work closely with neighbourhood planning groups in the drafting of this Plan and will continue to support Neighbourhood Plans alongside the Local Plan review.

2.1.11 With the two overall priorities in mind, the Council are seeking the views of communities to shape the draft Local Plan which includes proposed strategic policies relating to the distribution and delivery of housing, employment floorspace, community facilities and supporting infrastructure across the district.

2.2 LOCAL DEVELOPMENT SCHEME

2.2.1 The Council's latest Local Development Scheme ('LDS') published in March 2024 outlines the delivery timetable of the emerging District Local Plan and relates to the period February 2024 – February 2027.

2.2.2 The March 2024 LDS sets out that the evidence base gathering process will run until early 2025. The first Call for Sites exercise concluded in October 2020 and was used to inform the draft Housing and Economic Land Availability Assessment published in April 2024.

2.2.3 The Regulation 18 consultation is now taking place broadly as scheduled and forms the first meaningful opportunity for respondents to provide detailed submission material and commentary on the development strategy. The Call for Sites process has also been re-opened during the course of the Regulation 18 consultation and invites the submission of new sites for assessment through the next version of the HELAA.

2.2.4 On this basis, the Council has set out the following targets within the LDS:

REGULATION	STAGE OF LOCAL PLAN PREPARATION	TARGET DATE
-	Evidence Gathering	Ongoing – Q1 2024/25
18	Draft Plan Consultation	Q1 2024/25
19	Pre-submission Consultation	Q1 2025/26
22	Submission	Q2 2025/26
24	Examination	Q4 2025/26 to Q1 2026/27
26	Adoption	Q3 – 2026/27

2.2.5 The Council are currently undertaking the Regulation 18 consultation, for which this submission is made.

3 LOCAL PLAN REQUIREMENTS

3.1 LEGAL TESTS OF SOUNDNESS

Legislation and Guidance

3.1.1 The NPPF sets out how Local Plans and Spatial Development Strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound. The tests of soundness are set out below:

(a) Positively Prepared: based on a strategy which seeks to meet objectively assessed development and infrastructure requirements

3.1.2 This means that the Local Plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development. The NPPF set out principles through which the Government expects sustainable development can be achieved.

(b) Justified: an appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence

3.1.3 This means that the Local Plan should be based on a robust and credible evidence base involving:

- I. Research/fact finding: the choices made in the plan are backed up by facts.
- II. Evidence of participation of the local community and others having a stake in the area; and

3.1.4 The Local Plan should also provide an appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The Plan should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

(c) Effective: deliverable over its period based on effective joint working on cross-boundary strategic priorities

- 3.1.5 This means the Local Plan should be deliverable, requiring evidence of:
- Sound infrastructure delivery planning;
 - Having no regulatory or national planning barriers to delivery;
 - Delivery partners who are signed up to it; and
 - Coherence with the strategies of neighbouring authorities, including neighbouring marine planning authorities.
 - The DPD should be flexible and able to be monitored.
- 3.1.6 The Local Plan should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the Local Plan should make clear that major changes may require a formal review including public consultation. Any measures which the Council has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report.

d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

- 3.1.7 This submission comment on each of the above, highlighting areas of concern and where modifications are required.

3.2 LEGAL COMPLIANCE

- 3.2.1 In terms of **legal compliance**, the main requirements for the early stages of Local Plan consultation are in relation to:
- planning for community engagement;
 - the sustainability appraisal (including consultation with the statutory environment consultation bodies);
 - identifying significant cross boundary and inter-authority issues; and
 - ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

3.2.2 In addition, to the above, the NPPF states¹ that: “Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- a) Plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) Strategic policies should as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) the application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

3.2.3 It is important to note that the NPPF² requires strategic policies to set out an overall strategy for the pattern, scale, and quality of development, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

3.2.4 It is clear from the above, that any local plan should set out a comprehensive and cohesive approach to future development.

¹ Paragraph 11, National Planning Policy Framework December 2023

² Paragraph 20, National Planning Policy Framework December 2023

3.3 DUTY TO COOPERATE

Legal and NPPF Requirements

- 3.3.1 Section 33A of the Planning and Compulsory Purchase Act 2004 sets out a statutory 'Duty to Cooperate' (DtC) to all bodies as prescribed by Regulation 4 of the Town and Country Planning (Local Planning) England Regulations 2012 (the Regulations).
- 3.3.2 The duty requires RDC to cooperate with other persons to 'maximise the effectiveness' with which named activities are undertaken. Those activities include the preparation of development plan documents (such as this local plan review) and activities that support that activity 'so far as relating to a strategic matter'.
- 3.3.3 A strategic matter is defined by S33A(4) in summary as: (a) 'sustainable development or use of land that has or would have a significant impact on at least two planning areas' (a planning area in this case is the area of a borough or district council); and (b) 'sustainable development or use of land in a two tier area' (as this is) 'if the development or use (i) is a county matter, or (ii) has or would have a significant impact on a county matter'. County matters broadly relate to minerals and waste and associated developments as defined by Paragraph 1 of schedule 1 to the Town and Country Planning Act 1990 (as amended).
- 3.3.4 Section 33A (7) requires RDC (and persons subject to the DtC) to have regard to any guidance issued by the Secretary of State about how the duty is to be complied with. In that regard Paragraph ID 9-004-29140306 of the Government's Planning Practice Guidance (PPG) confirms amongst other things that the DtC is not a duty to agree (albeit that local planning authorities should make every effort to secure the necessary cooperation on strategic cross border matters before they submit local plans for examination).
- 3.3.5 The NPPF establishes that effective and on-going joint working is an integral part of the plan making process that will, amongst other things, determine whether development needs that cannot be met wholly within a plan can be met elsewhere. The NPPF goes on to state at paragraph 27 that in order to demonstrate effective and on-going joint working strategic policy making authorities should: "...prepare and maintain one or more statements of common ground documenting the cross-boundary matters being addressed".

3.4 HOUSING NEED

3.4.1 The NPPF is explicit in its requirement for strategic policy-making authorities to meet their needs in full. Paragraph 11 makes clear that:

"Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:

- (a) *All plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including making effective use of land in urban areas) and adapt to its effects;*
- (b) *Strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*

3.4.2 Paragraph 20 goes on to state that:

"Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision¹³ for:

- a) *housing (including affordable housing), employment, retail, leisure and other commercial development;*
- b) *infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- c) *community facilities (such as health, education and cultural infrastructure); and*
- d) *conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation."*

3.4.3 Given this context, the Local Plan review should set out a comprehensive and cohesive approach to future development Rother district, capable of making sufficient provision for the identified needs, whilst balancing the conservation and enhancement of the natural, built and historic environment.

- 3.4.4 National guidance states that strategic policy-making authorities will need to calculate their local housing need figure at the start of the plan-making process. This number should be kept under review and revised where appropriate.
- 3.4.5 In calculating the local housing need, paragraph 61 of the NPPF states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless exceptional circumstances justify an alternative approach.
- 3.4.6 Further, in addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 3.4.7 The Standard Method for assessing housing need, issued alongside the Ministerial Statement on 16 December 2020, sets an indicative housing need figure for Rother of 737 dwellings per annum. This confirms that the level of need going forwards is significantly greater than would be met even if the adopted Local Plan target level of housing delivery were achieved.
- 3.4.8 For clarity, the current adopted Local Plan requirement is 335 dwellings per annum. The new Local Plan will therefore be required to allocate land sufficient to accommodate an uplift of 402 dwellings per annum (equating to 120% increase).
- 3.4.9 On this basis, it is evident that a substantial uplift in Plan-led housing delivery will be required in order to meet the new Local Plan's housing requirement and, due to the finite supply of available land in the district's largest settlements and the restrictive effects of the district's significant landscape, flood risk and ecological constraints to accommodate significant levels of growth, meeting Rother's housing needs will require an ambitious spatial development strategy, drawing upon a range of potential development sources and necessitates a positive and pragmatic assessment of development opportunities right across the settlement hierarchy.

Duty to Cooperate

- 3.4.10 In addition to the borough's own housing pressures, the Government requires constructive and active engagement with relevant bodies and neighbouring authorities to maximise effective working on strategic matters.
- 3.4.11 Part of the duty to cooperate involves considering whether or not neighbouring authorities' unmet housing need can be accommodated. In this regard, the Hastings & Rother Housing and Economic Development Needs Assessment (February 2024) identifies close ties with the neighbouring authorities of Wealden, Tunbridge Wells, Eastbourne and in particular, Hastings which is on the basis of comparatively strongly links, concluded to form a self-contained housing and functional economic market area with Rother.

- 3.4.12 All four neighbouring authorities are subject to significant constraints and have historically underdelivered on housing. Notably, Hastings Borough Council most recently undertook a Regulation 18 Local Plan consultation in Spring 2021, which on the basis of available land, proposed to deliver less than half (4,275 dwellings) of the with a nationally calculated housing need for Hastings of 430 homes a year, equating to 8,600 over the Local Plan period (Hastings Local Plan Regulation 18, Winter 2020/21).
- 3.4.13 Consequently, RDC has a duty to explore whether it can accommodate the unmet need of neighbouring authorities and in particular Hastings, to which Rother shares its housing and functional economic market area.

4 RESPONSE TO THE CORE QUESTIONS

4.1 Q1. WHAT ARE YOUR VIEWS ON THE COUNCIL'S VISION?

4.1.1 According to the Vision, by 2040:

" The needs of all the local community will be met, with an emphasis on enhanced health and wellbeing for now and into the future. Bold solutions will have successfully addressed the climate and biodiversity emergencies and the housing crisis."

4.1.2 We agree with the vision in principle and strongly welcome the decision to put addressing the housing crisis at the forefront of the Plan. The Core Strategy 2014 notably refers to meeting local needs, but does not explicitly refer to housing, nor put the extent of the need in such strong terms.

4.1.3 It cannot be ignored that the adopted development plan has ultimately fallen substantially short in its ambition to meet the need of communities and did so from the very start.

4.1.4 However, whilst the recognition of the housing crisis within the Vision is a positive initial step, it must be backed by a suite of ambitious and robust policies capable of delivering the contents of the Vision on ground and providing tangible change for the district's current and future residents currently grappling with the extent of the housing need shortfall in Rother.

4.2 Q2. WHAT ARE YOUR VIEWS ON PROPOSED TWIN OVERALL PRIORITIES TO BE 'GREEN TO THE CORE' AND 'LIVE WELL LOCALLY'?

4.2.1 The Vision is further translated into two Overall Priorities: "Green to the Core" which means considering the impact of all planning decisions on the climate emergency, the biodiversity crisis and the High Weald National Landscape, and "Live Well Locally." The latter means considering the goal of creating healthy, sustainable communities, supporting residents in terms of access to jobs, services and facilities, connected and compact neighbourhoods and new places that foster a sense of belonging, identity and shared experience. While we agree with these the overall thrust of these priorities, neither adequately go to the heart of the urgent need for housing, including specifically addressing the current housing crisis.

4.2.2 The housing crisis is both persistent and acute in Rother and getting a Local Plan in place is the first step to ensure proper, planned delivery of housing in a consistent and sustainable manner to ensure the Council can realise its two overall priorities. However, the Local Plan needs to honestly address the scale of the housing shortfall and the importance of meeting the local housing need in full.

Accordingly, we recommend that “Live Well Locally” is expanded to specifically confirm that it will be the aim of the Council to address the housing crisis in all communities, both urban and rural, by planning to meet the local housing need in full and ensuring the delivery of housing on the ground is maximised.

4.3 Q3: WHAT ARE YOUR VIEWS ON THE KEY ISSUES THAT HAVE BEEN IDENTIFIED AND IS THERE ANYTHING SIGNIFICANT MISSING?

4.3.1 The draft Local Plan seeks to address ten key planning issues, which are stated to stem directly from the Vision for the Plan and link to the Council’s two ‘Overall Priorities’. In summary these are:

- Delivering carbon reduction, climate change adaptation, and responding to the 'Climate Emergency';
- Meeting the overall local demand and need for housing (including affordable and specialist need);
- Securing economic improvement;
- Improving access to jobs, services, and facilities, and supporting sustainable rural economies and communities;
- Conserving and enhancing the landscape and environmental quality, alongside delivering biodiversity gains and improvements to green infrastructure;
- Delivering infrastructure to support growth and strengthen sustainability;
- Promoting physical and mental health and wellbeing, healthier lifestyles, and reducing inequality and deprivation;
- Planning for an ageing population with adaptable homes and a range of accommodation options;
- Providing better sports, leisure, culture, and tourism facilities for residents and visitors; and
- Managing uncertainties and contingency planning for long-term climate resilience.

4.3.2 In response, all ten 'key issues' are important and should be integrated into the overall strategy. As previously mentioned, the need to fully address housing needs should be explicitly identified as an “Overall Priority,” as it is not adequately captured by the strategic priorities of “Green to the Core” and “Live Well Locally.” We welcome the recognition of the housing need within the 10 key issues, although would expand the issue to capture the needs and deliver benefits to both

urban and rural communities, the latter of which who can be frequently abandoned by the Plan-making process, in favour of the 'more sustainable' urban areas.

4.4 Q4. WHAT ARE YOUR VIEWS ON THE COUNCIL'S OBJECTIVES FOR THE LOCAL PLAN?

- 4.4.1 The draft Local Plan sets out ten strategic spatial objectives, which will be used to support and deliver sustainable development.
- 4.4.2 Spatial Objective 4 recognises the need to respond to the housing crisis and help facilitate the delivery of housing to meet the needs to different groups. This will be achieved by maximising the potential opportunities for residential development in sustainable and deliverable locations. We strongly support this objective and it is encouraging that the Council specifically refer to the housing situation as a crisis. We do however question the validity of inferring that there is a matter of choice about the delivery of housing and economic needs, given the clear legal requirement of the Plan to meet social and economic needs.
- 4.4.3 As outlined within the consultation document, there is a need to identify enough sites to deliver a minimum of 737 homes per year. This target is not an arbitrary Government top-down target, and instead is based on the Government's standard methodology and directly corresponds to the district's established population, affordability, and future needs. Accordingly, creating a place where the range of housing needs are being met in full, and improved, should be clearly explained to be a minimum requirement – it is the way it is achieved that should be subject to more open questions to the public.
- 4.4.4 We would suggest some minor modification to clarify that the plan is positively prepared and fully aligned with the provisions of the NPPF to make it clear that the plan as a minimum, seeks to meet the area's objectively assessed needs:
- "Respond to the housing crisis and help facilitate the delivery of housing to meet the needs of different groups in the community in full [...]"*
- 4.4.5 We would also suggest the inclusion of proportionate rural housing alongside the need to deliver affordable housing, specialist housing and custom and self-build / custom homes. Whilst maximising development in the most sustainable and deliverable locations is logical, there is increasingly limited capacity in the district's major urban areas and separate issues of declining viability and social vitality in rural communities, resultant in part due to a lack of plan-led growth should be addressed by facilitating proportionate growth in rural settlements.
- 4.4.6 With regard to the above, we are supportive of Spatial Objectives 5 and 7 in principle, which seeks to focus growth in sustainable locations, or places that can be made sustainable through supporting infrastructure and community facilities. However, this must be balanced by accompanying development across the

settlement hierarchy, particularly given the limited capacity of the major settlements if the Council intend to meet the local housing need in full.

- 4.4.7 In all respects, it is vital that these objectives are carried forward into specific policies and site allocations in subsequent versions of this emerging Local Plan, ensuring that the potential of all settlements in the district is afforded the opportunity to grow and benefit from the products of new development and the delivery of sites is maximised by ensuring appropriate densities are sought on all identified opportunities.

4.5 Q5. ARE THERE ANY ALTERNATIVES OR ADDITIONAL OBJECTIVES AND/OR THE WAYS TO ACHIEVE THE OBJECTIVES THE COUNCIL SHOULD BE CONSIDERING?

- 4.5.1 Having regard to our response to question 4, we suggest an additional spatial objective which serves to address the needs of rural communities by facilitating opportunities for proportionate growth alongside the Neighbourhood Plan-making process in the middle and lower tier settlements, particularly where sites are capable of providing additional benefits such as affordable and specialist housing and financial contributions to local facilities.

4.6 Q6. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY GTC1: NET ZERO BUILDING STANDARDS?

- 4.6.1 We support the general principle of ensuring that new development contributes to climate change mitigation by reducing emissions through energy efficiency and the way that fossil fuels are used, as well as addressing the ways in which developments are designed, constructed and operate over their lifetime. However, draft policy GTC1 seeks to set ambitious net-zero carbon standards for new development that go beyond the minimum standards provided by the Building Regulations.
- 4.6.2 On 13 December 2023, a Written Ministerial Statement advised that while some local authorities' plans exceed national efficiency standards, the Government aims to balance improving home efficiency with ensuring sufficient housing is built. The Statement also notes that multiple local standards can increase costs and complexity, undermining economies of scale. Thus, the Government does not expect plan-makers to set local energy efficiency standards beyond current or planned building regulations. It advises that:

"any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- *That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.*
- *The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP)."*

4.6.3 The Draft Plan recognises that this policy does not currently meet these criteria. Moreover, the detailed requirements do not reflect the evolving nature of zero carbon building policy, where standards inevitably will change in response to technological and market advancement and more stringent nationally set standards. Policy GTC1 contains little flexibility to allow for such changes and provides a high degree of certainty about the standards that will be applied over the lifetime of the Plan. This brings into question whether the evidence that supports the standards justifies the approach as a sound one.

4.7 Q20. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY FOR LOCAL NATURE RECOVERY AREAS?

4.7.1 The draft Local Plan requires all development to meet the objectives of the East Sussex (including Brighton & Hove) Local Nature Recovery Strategy (LRNS), taking opportunities to deliver ecological networks and green infrastructure.

4.7.2 The Responsible Authorities were appointed in the 2023 when they began setting up the process and building the baseline evidence that supports the LRNS strategies. At the time of writing, it is anticipated that the draft strategies will be shared for public consultation in early 2025, before being published later in the year. It is therefore critical that the Draft Local Plan provides enough flexibility to respond to an evolving strategic context to satisfy the test of soundness required for Local Plans to be made.

4.8 Q22. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY FOR BIODIVERSITY NET GAIN?

4.8.1 We note that under policy GTC8, all qualifying development proposals must deliver at least a 20% measurable biodiversity net gain. Whilst we support the principle of achieving net gain, there is no apparent evidence of the Council understanding the implications of what a 20% uplift would require, nor any justification as to why provision above the mandatory 10% requirement is sought.

4.8.2 In February 2024, Planning Practice Guidance (PPG) was updated to advise plan-makers that they should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities

for a higher percentage and any impacts on viability for development. Consideration is also needed to be given as to how the policy will be implemented (Paragraph: 006 Reference ID: 74-006-20240214).

- 4.8.3 Comparatively, the Draft Plan states that a higher level is justified because “opportunities to deliver this off-site, if necessary, are available locally” and because “the viability of development is unlikely to be unduly impacted in most cases”. The Plan is accompanied by an Environmental Management Background Paper (2024), which refers to a justification for a 20% net gain (dated September 2020) and a viability assessment (dated June 2022) prepared by the Kent Nature Partnership. Neither of these documents relate to Rother District, nor meet the requirements of the PPG.
- 4.8.4 If this policy is implemented, development assumptions must factor this in, and ultimately, more sites will be needed to deliver the Local Plan housing requirement as 20% Biodiversity Net Gain will inevitably reduce developable areas resulting in lower yield of dwellings from allocated sites.
- 4.8.5 For both urban and rural sites and particularly sites being promoted by individual landowners and small-medium housebuilders the assumption that net-gain can be simply delivered off-site is a gross oversimplification of the process made without any evidence of deliverability and disregards the costs and practical difficulties associated with entering into agreements with off-site landowners.
- 4.8.6 The Council have themselves stated the limited land availability being brought forward and are currently suggesting that less than half of their total housing need is capable of being delivered. To suggest that there is plentiful land availability to deliver off-site net gain on-site is frankly disingenuous.
- 4.8.7 Consequently, at this stage we are extremely concerned that policy GTC8 is not underpinned by appropriate evidence, does not demonstrate that the approach taken will be viable, and is therefore not “justified” (NPPF, paragraph 35). At this stage there is no financial viability or land availability evidence to suggest that anything greater than 10% Biodiversity Net Gain is deliverable in Rother.

4.9 Q28. WHAT ARE YOUR VIEWS ON THE AREA TYPES AND DENSITIES PROPOSED AS A KEY DRIVER TO LIVE WELL LOCALLY?

- 4.9.1 Proposed Policy LWL1 sets out minimum densities for different areas, as defined by Rother’s Density Study:
- Urban areas in Bexhill, Battle and Rye: 60-90+ dph;
 - Suburban areas in Bexhill, Battle, Hasting Fringes and Rye: 45-75 dph;
 - Live well locally areas: 45-60 dph;

- Village areas (with development boundaries): 25-45 dph.

4.9.2 It is not clear from the Density Study (April 2024) whether these figures are measured in terms of gross or net density. Moreover, these area types have not yet been confirmed, so it is difficult to comment on the proposed density ranges.

4.9.3 We are however concerned that the densities for all areas appear very high and we question the practicality even in the urban areas of consistently delivering 60dph as a minimum figure and 90dph as an upper figure. In rural areas, typically washed over by the High Weald National Landscape achieving even the minimum 45dph and 25dph densities may simply not be achievable from a design perspective.

4.9.4 We therefore suggest that an emphasis on sourcing additional sites, alongside expanding existing sites is made a priority before relying on high-density development to address the shortfall.

4.10 Q30. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY ON FACILITIES AND SERVICES?

4.10.1 According to proposed policy LWL2 (Facilities & Services) all development proposals for one or more new dwellings in Urban, Suburban and 'Live Well Locally' Area types, must be located within "an 800m safe, usable walking distance of a mix of local amenities".

4.10.2 In village and countryside area types it is recognised that access to services may be more than 800m and states in these cases, development must be located on safe, useable walking routes, that are an appropriate distance to a suitable bus stop facility, served by an appropriate public transport service(s), which connects to destination(s) in a site's respective sub-area that contains the remaining local amenities.

4.10.3 Whilst we agree with the premise of the policy, it must be ensured that the policy is not applied excessively rigidly such that opportunities for development in rural areas capable of improving footpath, services and public transport provision are not inadvertently in conflict with the policy on the basis that such provisions are not available as existing. The policy should therefore be reworded to allow for proposed and future services to be considered.

4.11 Q51. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PREFERRED SPATIAL DEVELOPMENT OPTIONS?

4.11.1 The Council has considered a series of potential spatial development options (SDOs), and these have been individually assessed through the Sustainability Appraisal process. Rother's proposed development strategy is a combination of the following options:

- Bexhill Greenfield Growth (without new multi-modal transport corridor); (SDO3A)
- Radial settlement network connected to Bexhill and Hastings (SDO2)
- Village Clusters centred around Rye and Battle; (SDO1)
- Sustainable settlement growth, with focus along the A21 Corridor; (SDO4, SDO10)
- Hastings fringes urban growth (SDO5)
- Brownfield Intensification and Redevelopment. (SDO6)

4.11.2 Whilst we recognise the need to direct development towards the most sustainable settlements, we are extremely concerned at the relative lack of growth options in the Northern Rother sub-area. Spatial option SDO10 suggests a focus along the A21 corridor, which would likely include northern villages, however we are concerned that this option appears intended in the longer term and therefore fails to address the needs of northern Rother residents in the early and mid-phases of the Plan.

4.11.3 We therefore strongly suggest that the submission version spatial strategy includes scope for the delivery of proportionate growth in rural settlements and does not exclude such settlements which are disproportionately located in the northern Rother sub-area from the benefits of plan-led growth.

4.12 Q54. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED SPATIAL DEVELOPMENT STRATEGY AND PROPOSED MINIMUM TARGETS FOR HOUSING AND EMPLOYMENT GROWTH?

4.12.1 It is the expectation that local planning authorities will plan to meet their full assessed need, as required by the NPPF (paragraph 11b and paragraph 23), supporting the Government's objectives to significant boost the supply of homes (NPPF, paragraph 60).

4.12.2 According to the Overall Spatial Development Strategy, the Council will meet the local need for all forms of housing. To achieve this, a minimum of 5,158–7,287 dwellings at an average rate of 258–364 dwellings per annum (dpa) are proposed to be constructed by the end of the Plan period in 2040.

4.12.3 The draft Local Plan is evidenced by a Housing and Economic Development Needs Assessment Update (HEDNA) (February 2024) jointly prepared with Hastings Borough Council to assess future development needs up to 2040. This states that the Standard Method calculation results in a minimum Local Housing Need (LHN) figure of 737 dpa for Rother, which is in sharp contrast to the proposed target of 258–364 dpa. As drafted the Plan falls grossly short of the genuine need and a

shortfall of more than 50% is likely to be found unsound on the basis of not being positively prepared, given the lack of evidence to suggest such a low target.

- 4.12.4 As evidenced in Table 2.1, the Council has consistently failed to deliver against its housing requirement. This has no doubt led to the current acute shortage of housing in Rother and its current identified need. During this time, the need for affordable housing has also become even more acute, with 238 dpa required for affordable rented housing tenure and 87 dpa required to be affordable home ownership tenure. Therefore, the total net annual affordable housing need for the period 2021 to 2044 is 325 dpa (equivalent to 44% of the local housing need figure based on 737 dpa, which is high).
- 4.12.5 It is clear therefore, that the proposed minimum targets for housing growth fall overwhelmingly short in meeting the local need for all forms of housing.

Historic Housing Delivery in Rother			
Year	Completions	Requirement (at that time)	Difference
2015/16	246	336	-90
2016/17	283	335	-52
2017/18	186	336	-150
2018/19	255	336	-81
2019/20	247	363	-116
2020/21	175	490	-315
2021/22	239	740	-501

TABLE 4.12: SUMMARY OF HISTORIC HOUSING DELIVERY IN WEALDEN

- 4.12.6 It is acknowledged that the present target is a draft target and is largely a function of the limited supply of identified land within the HELAA. We understand that the Council are running a Call for Sites alongside the Regulation 18 consultation in anticipation of preparing an updated HELAA prior to the publication of the final Plan, in the hope of identifying additional sites.
- 4.12.7 We however emphasise that in its current form, the Plan falls significantly short of meeting its targets such that it will likely be found unsound. Consequently, it is imperative that additional sites are identified, alongside the capacity of existing sites being reviewed in order to more appropriately address the local housing need and to match the 'bold' and 'ambitious' vision of the Plan.

Duty to Co-operate

- 4.12.1 It is also important that the Council has regard to any needs that cannot be met within neighbouring areas when establishing the amount of housing to be planned for, to ensure the Plan is "positively prepared" (NPPF, paragraph 35).

- 4.12.2 According to the Engagement and Duty to Cooperate Statement, Rother has prepared a Joint Statement with Hastings Borough Council in order to develop and action matters of cross-boundary importance and most importantly, explore joint opportunities to maximise housing delivery. However, other LPAs that neighbour Rother District who may not be able to meet their local housing need include Wealden, Tunbridge Wells, and Ashford, whilst Eastbourne Borough Council has recently declared a Housing Emergency, following a similar declaration by Crawley Borough Council.
- 4.12.3 RDC will be required to demonstrate how they have sought to engage with these authorities to establish whether they should be accommodating any unmet need. Demonstrably failing to consider this issue will place the Local Plan at risk of not being found sound. It is therefore even more pressing that the Council plans to meet its housing objective in full, since this could contribute to a worsening housing supply and affordability if there is consistent under delivery of housing in this part of East Sussex and Kent.

4.13 Q. 68 WHAT ARE YOUR VIEWS ON THE VISION FOR NORTHERN ROTHER?

- 4.13.1 We are generally supportive of the proposed vision for Northern Rother which recognises the need for rural settlements and communities to benefit from Plan-led growth, through small-scale sensitive residential development and growth in villages.
- 4.13.2 The need to promote sustainable development in rural area is contained within the NPPF which requires housing to be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby (paragraph 83).
- 4.13.3 Villages such as Flimwell are well-connected to sustainable settlements such as neighbouring Ticehurst via frequently served bus routes between Tunbridge Wells and Hastings via Hawkhurst (primarily route '1066').
- 4.13.4 We strongly agree that there are opportunities for sensitive development in the short term, including through delivery of sites identified within Neighbourhood Plans, such as Ticehurst Neighbourhood Plan. Where sites are already allocated at a local level, we strongly suggest that these are revisited for potential to accommodate additional growth, given the district-level shortfall in site availability.
- 4.13.5 We support the long-term ambitions for greater delivery upon completion of improvement to the A21 corridor, however such works fall outside either the scope or timeframe of the Local Plan and cannot be relied upon as a source of growth within the Plan period.

4.13.6 We therefore urge the Council to maximise available opportunities within the northern rural settlements, both to ensure the long-term viability of rural business and social vitality of rural communities and also to assist in addressing the district-wide shortfall in land availability.

4.14 Q.69 WHAT ARE YOUR VIEWS ON THE DISTRIBUTION AND OPPORTUNITIES FOR GROWTH IN SETTLEMENTS WITHIN THE SUB-AREA IN FIGURES 29, 30 & 31?

4.14.1 As introduced above, given the availability of services in Flimwell and the connectivity of the village to neighbouring Ticehurst (identified as a high sustainability settlement), we suggest that Flimwell is suitable to accommodate additional growth further to the nine dwellings allocated within the Ticehurst Neighbourhood Plan at Wardsdown House (our client's site).

4.15 Q.70 WHAT ARE YOUR VIEWS ON THE POTENTIAL SITES IDENTIFIED IN THE DRAFT HELAA THAT COULD ACCOMMODATE MORE GROWTH IN NORTHERN ROTHER?

4.15.1 Our client controls site TIC0005 'Wardsdown House, Flimwell' which is allocated for nine residential dwellings within the Ticehurst Neighbourhood Plan. However, despite developer interest in the site, the scheme as allocated is unviable owing to higher CIL charges and increased build costs associated with the land levels on-site.

4.15.2 Our client has subsequently promoted the wider site for residential allocation within the District Plan, with an increased total capacity of approximately 18 dwellings to secure the deliverability of the Neighbourhood Plan site.

4.15.3 The wider site is included in the HELAA under site reference 'TIC0027' (Land rear of Fruitfields, High Street Flimwell) and is identified for eight dwellings (in addition to the nine allocated within the Neighbourhood Plan) to bring a total of 17 dwellings.

4.15.4 The site assessment concludes that the wider is potentially deliverable, subject to site specific considerations to which we would agree. We would however suggest that where sites such as TIC0027 are identified as potentially suitable, these are appropriately maximised, given the district level need and the limited longer term opportunities for northern Rother settlements in the absence of a deliverable scheme of improvements to the A21 corridor.

4.15.5 Further justification is set out in section 5 of this representation, however it is strongly suggested that given the local support in principle for residential development in this location, the capacity of TIC0027 is increased slightly to nine dwellings, to bring the site total to 18 dwellings and ensure the deliverability of the

nine homes already allocated within the Neighbourhood Plan and assist in addressing the severe shortfall of available housing land at a district level.

4.16 Q76. WHAT ARE YOUR VIEWS ON THE DISTRICT-WIDE DEVELOPMENT POTENTIAL FOR THE LOCAL PLAN UP TO 2040 WHICH IS PRESENTED IN 4, 35 AND 36?

- 4.16.1 The Councils' housing supply components are consolidated in Table 2.2 and set a housing target of between 5,158 and 7,287, representing a shortfall of up to 9,582 dwellings.

Source of Housing Supply	Total Dwellings
Constructed 1 April 2020 – 31 March 2023	802
Known completions and commencements on large sites since 1 April 2023	340
With Planning Permission	1,693
DaSA and Neighbourhood Plan allocations without permission brought forward	1,660
Additional HELAA potential sites	2,129
Windfall projection (across the district)	663
Total Range	5,158 - 7,287

TABLE 2.2: PROPOSED SOURCES OF HOUSING SUPPLY

- 4.16.2 Neither the Housing Background Paper (April 2024) nor the Development Strategy Background Paper (April 2024) contain any evidence to support these figures, particularly in relation to known completions and sites with Planning Permission. Based on the level of information available, it is therefore difficult to determine with any level of certainty whether the purported supply is reliable and how this relates to the NPPF definition of being deliverable. The Council should make it clear through its evidence base how these units have been counted towards the overall supply in order to ensure the Plan is “justified” (NPPF, paragraph 35).
- 4.16.3 Furthermore, it cannot be assumed that each one of these sites with Planning Permission will come forward either in part or in full. For instance, consents can lapse or the full development potential of a site may not be achieved, for example, Reserved Matters consent is granted for fewer homes than consented under an Outline permission. Based on previous delivery rates, a non-implementation rate must therefore be applied, allowing for an element of under-implementation.

- 4.16.4 The suitability of relying on vague developer statements was recently addressed during consideration of appeal Ref: APP/Q3115/W/20/3265861 for Little Sparrows, Sonning Common, Oxfordshire where the Inspector offered clear findings on the benchmark level of evidence required to meet the deliverability tests of the PPG. The Inspector concludes evidence of deliverability requires more than just being informed by landowners, agents or developers that sites will come forward.
- 4.16.5 Accordingly, if the identified sites are to be relied upon in the final plan it will require a substantial and robust extent of evidence in order to ensure the Plan is “justified” (NPPF, paragraph 35).

4.17 Q77. DO YOU AGREE WITH THE PRINCIPAL IDENTIFIED BY THE COUNCIL OF ACHIEVING A STEPPED HOUSING DELIVERY WITH GREATER LEVELS OF DELIVERY PLANNED FOR LATER IN THE PLAN PERIOD?

- 4.17.1 The Council acknowledges that a significant step change in housing delivery is required in order to deliver a significant uplift compared to current and historic delivery rates. As a result, it proposes to deliver a stepped increase in housing delivery with a greater amount of development coming forward towards the end of the planning period.
- 4.17.2 Notwithstanding this, the proposed number of dwellings to 2040 is only just sufficient to cover Rother’s current five-year housing land supply (as at 1 April 2023). Therefore, we are concerned that a stepped approach will result in an even greater undersupply of homes in the short to medium term, leaving an overall gap in provision against assessed needs within the district across the entire Plan period.
- 4.17.3 In accordance with paragraph 69(a) of the NPPF, planning policies should identify a supply of specific, deliverable sites for years 1 to 5 of the plan period following the intended date of adoption. In plan-making, the Inspector examining the plan will test the evidence to ensure that the 5 year housing land supply identified in strategic policies is sound. The housing crisis means that additional housing is required urgently now, and if RDC do want to plan for a stepped trajectory, stronger evidence to justify why this is necessary must be presented.

4.18 Q87. WHAT ARE YOUR VIEWS ON THE COUNCIL’S STRATEGY APPROACHES TO SMALL SITES AND WINDFALL DEVELOPMENT?

- 4.18.1 We support the intention to pursue a target of 20% of housing delivery to be delivered on small/medium sites and we agree in principle with the identification of the neighbourhood plan process as a source of small/medium site supply.
- 4.18.2 However, given the 20% target, equating to some 150 new homes a year if meeting the local housing need in full, we question whether such a high housing delivery figure from this source is achievable given the historic windfall delivery

circa 45 dwellings per annum and whether the neighbourhood plan process is capable of allocating sufficient sites to meet this target.

- 4.18.3 We strongly suggest that suitable sites are allocated within the district plan wherever possible, to provide maximum certainty to prospective developers and ensure that sites capacities have been appropriately maximised.

4.19 Q114. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY ON MIXED AND BALANCED COMMUNITIES?

- 4.19.1 Policy HOU1 sets out the Council's preferred housing type and mix for both market and affordable homes. According to this policy, in all housing developments that include market housing, at least 30% of the market housing shall comprise one- and two-bedroom dwellings.
- 4.19.2 It is important that this policy recognises that housing needs change over time and a desired mix in 2024 will very unlikely reflect the needs in subsequent years. Whilst it is considered that this policy reflects this, the policy should make it absolutely clear that private mix must be dictated by the market.

4.20 Q116. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY ON AFFORDABLE HOUSING?

- 4.20.1 To meet the district's need for affordable housing, all qualifying housing developments delivering 10 or more units, or proposals for 6 or more units within the High Weald National Landscape, or sites of 0.5 hectares or more, will be required to provide on-site affordable housing. At this stage, the minimum percentage has not been set out and will be informed by viability analysis, to be completed following the Regulation 18 Consultation on the Local Plan.
- 4.20.2 The policy sets out the indicative tenure mix for affordable housing as follows:
- 25% First Homes (where required in accordance with national policy);
 - 58% Social/ Affordable Rented;
 - 17% Other Affordable Home Ownership.
- 4.20.3 As stated in response to question 114, it is important that this policy recognises that housing needs change over time and a tenure mix in 2024 will very unlikely reflect the needs in subsequent years. Therefore, the policy must allow flexibility to account for market conditions. Onerous or inflexible affordable requirements can upset a site's viability and accordingly it is essential that the viability of the proposed policy is carefully assessed.

- 4.20.4 Additionally, although initially introduced by a WMS in May 2021 and briefly referenced in paragraph 6 and footnote 36 of the NPPF, the requirement for First Homes is not mandatory. The policy should recognise that it is not to be applied in a blanket fashion, and that its place in the statutory scheme of things is as a material consideration and no more.

5 ASSESSMENT OF SITE SUITABILITY

5.1 SITE AND SURROUNDINGS

- 5.1.1 The submission site referred here as 'Land to the north of Wardsdown House, Union Street, Flimwell' comprises a logical 2.17ha parcel of land to the rear of residential development north of Union Street, in the centre of Flimwell.

The site is in equestrian use containing stable buildings and associated paddock grazing land and therefore comprises Previously Developed Land 'PDL' as defined by the NPPF (2023). The site is well-contained on all sides by existing residential built form and mature boundary vegetation and is afforded only glimpsed views from the site access onto Union Street. The topography of the site varies, with significant level changes across the site.



FIGURE 5.1: APPROXIMATE AERIAL SITE LOCATION (GOOGLE EARTH)

- 5.1.2 Flimwell comprises a linear settlement that has historically been broadly centred around the crossroads between the A21 'London Road' and the B2087 'Union Street / High Street / Hawkhurst Road'. In the last 25 years, the development of sites in the west of Flimwell has seen the settlement evolve north of Union Street with cul-de-sac developments at Bewl Bridge Close and Old Wardsdown.
- 5.1.3 More recent development has seen a further nine new homes at Old Wardsdown (RR/2015/1312/P) and the development of Corner Farm, adjacent to the Cross

Road has brought 25 new homes and a village hall (RR/2017/1831/P) which is also understood to include a community store.

- 5.1.4 Flimwell comprises a mid-tier settlement in the Northern Rother sub-area with a small number of local facilities. However, the settlement benefits from excellent public transport connectivity by bus (route '1066') to higher order levels of services and facilities in neighbouring Ticehurst and Hawkhurst (Tunbridge Wells Borough Council) including grocery stores, schools, medical facilities, community facilities and a range of independent shops, restaurants and employment opportunities. The bus route also continues to nearby Robertsbridge which benefit from frequent rail connections between London Charing Cross and Hastings.
- 5.1.5 In terms of overarching planning constraints, the site falls within the High Weald National Landscape, as indeed does the entirety of the Northern Rother sub-area. A parcel of Ancient Woodland 'Wardsdown Wood' lies to the north of the site. In terms of ecology, a previous Phase 1 Ecology Survey confirms the majority of the site appears to be generally of poor ecological quality, consisting of improved grassland and bramble scrub. The site is located entirely within Flood Zone 1 (least likely zone to flood) and there are no heritage assets within the vicinity of the site.

5.2 TICEHURST NEIGHBOURHOOD PLAN ALLOCATION

- 5.2.1 The Ticehurst Neighbourhood Plan was made (adopted) in July 2019 and forms part of the Rother District Development Plan. The Plan was prepared by Ticehurst Parish Council with input from residents and stakeholders and sets out a future vision of the parish and its three distinct settlements of Ticehurst village, Stonegate and Flimwell. The vision is to have friendly, safe and attractive communities which will flourish within the beautiful setting of the High Weald Area of Outstanding Natural Beauty.
- 5.2.2 The plan has four aims:
- 1) *To maintain and enhance the rural character of the parish*
 - 2) *To support and extend employment opportunities within the parish*
 - 3) *To provide high quality housing for all residents*
 - 4) *To improve the infrastructure and amenities within the parish.*
- 5.2.3 As introduced in previous sections, the submission site is partially allocated within the Ticehurst Neighbourhood Plan for residential development under Policy H2 of the Plan.
- 5.2.4 The site is known as 'Wardsdown House, Flimwell' (site area below) and is allocated for nine residential dwellings, forming the only residential allocation for Flimwell within the Neighbourhood Plan.

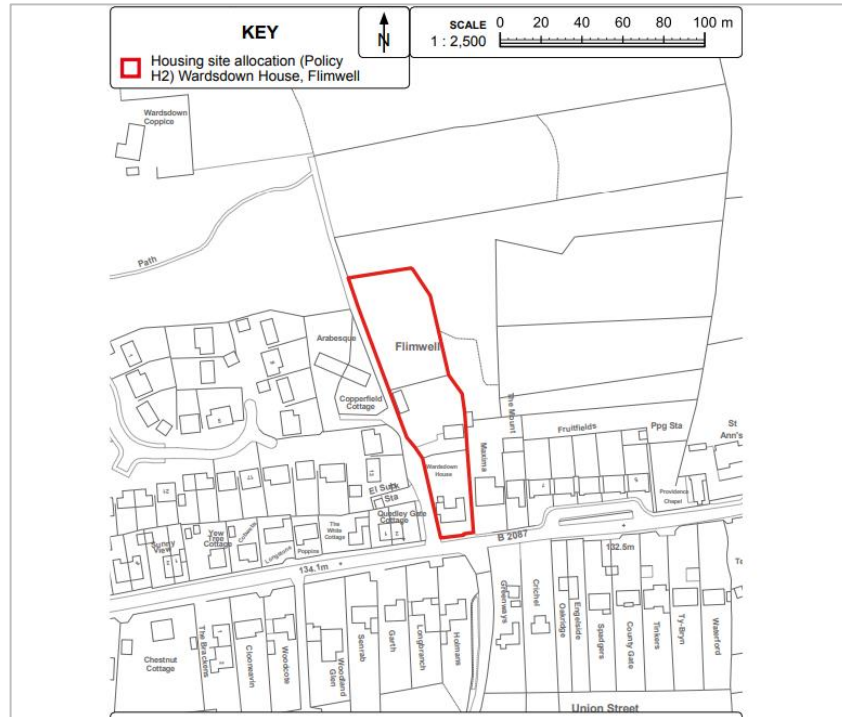


FIGURE 5.1: EXTRACT OF TICEHURST NEIGHBOURHOOD PLAN POLICY H2 ALLOCATIONS 'WARDSDOWN HOUSE, FLIMWELL'.

- 5.2.5 Since the allocation of the site in 2019, circumstances in the construction industry have changed significantly with substantially higher costs for labour and materials. Coupled with the high CIL charges and the construction challenges associated with the change in land levels on the site, it has become apparent that the scheme as allocated is unviable and is unlikely to come forward in its current form.
- 5.2.6 On account of the change in circumstances, our client is now promoting the wider site for residential allocation within the District Plan, with an increased capacity of approximately 18 dwellings to secure the deliverability of the site.

5.3 INDICATIVE PROPOSALS

- 5.3.1 At this early stage, the site is promoted with an indicative capacity of approximately 18 dwellings comprising a mix of three and four-bed family homes reflective of the prevailing development pattern locally, with access retained as existing from Union Street.
- 5.3.2 To assist the Council, an illustrative site layout has been prepared which demonstrates how the proposed capacity could be achieved to deliver a landscape-led layout whilst ensuring sufficient separation distances to properties south on Fruit Fields. An illustrative drawing pack is provided as Appendix 1.



FIGURE 5.2 ILLUSTRATIVE LAYOUT

- 5.3.3 All properties will achieve in excess of nationally described space standards and are provided with spacious rear amenity spaces, two allocated parking spaces and set within an organic layout with scope for internal landscaping features.
- 5.3.4 In response to land levels, a generous planted buffer is afforded around the site perimeter contributing to the required Biodiversity Net Gain (BNG) and ensuring robust landscape boundaries between proposed and existing neighbouring properties. Further details will be subject to the baseline BNG score and can be refined following receipt of an ecology report. In response to land levels, the clearing to the north-east has been highlighted as potential SuDs area which can be refined following receipt of a drainage assessment.

5.4 STRATEGIC JUSTIFICATION FOR ALLOCATION

- 5.4.1 Flimwell comprises a mid-tier settlement in the Northern Rother sub-area with a small number of local facilities. However, the settlement benefits from excellent public transport connectivity by bus (route '1066') to higher order levels of services and facilities in neighbouring Ticehurst and Hawkhurst (Tunbridge Wells Borough Council) including grocery stores, schools, medical facilities, community facilities

and a range of independent shops, restaurants and employment opportunities. The bus route also continues to nearby Robertsbridge which benefit from frequent rail connections between London Charing Cross and Hastings.

- 5.4.2 The settlement has recently represented a deliverable source of high-quality new homes, with recent development at Corner Farm delivering 25 new homes and a village hall. The adopted Ticehurst Neighbourhood Plan allocated to the western parcel of our client's submission site for nine dwellings. The Plan was made in 2019, having been prepared by Ticehurst Parish Council and voted through by residents of the Parish who recognised the need for proportionate plan-led growth in Flimwell and supported development of the site at Wardsdown House.
- 5.4.3 At the District-scale, the Council's spatial strategy makes provision for sustainable settlement growth, however more specifically, RDC's draft vision for the Northern Rother sub-area makes clear the intention to support the viability and social vitality of the rural communities through small-scale residential development which the Council aim to ensure that health and wellbeing and community cohesion is maintained and improved.
- 5.4.4 At this stage in the Plan-making process, the Plan does not identify specific site allocations, however with much of the district's population living in rural or remote areas, a range of site locations and options are needed and the NPPF promotes a balanced distribution of development. For example, paragraph 74 is clear that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns. However equally, paragraph 70 acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. At paragraph 82 the framework states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.
- 5.4.5 It also clear that there are severe shortages in the availability of housing land in the district's most sustainable location. As drafted, the Plan will seek to deliver less than half of the standard methodology housing need figure and it is clear that additional sites are urgently needed.
- 5.4.6 We therefore strongly suggest that all options are explored to increase the supply of housing within the Plan period, including reviewing the suitability of land within the mid and lower tier settlements for additional or uplifted housing capacity.
- 5.4.7 The Regulation 18 Plan objectives identify the opportunity afforded by the neighbourhood planning process to deliver new homes. In this regard, where sites are already partially supported in principle by a Neighbourhood Plan allocation, such sites represent vital opportunities to both deliver additional housing to meet the district-level need and address the needs of rural communities by delivering the much-needed improvements to local services, community facilities and infrastructure that can be brought forward alongside new development.

- 5.4.8 The identification of additional housing capacity is plainly necessary in villages including Flimwell, in order to address the housing land availability shortfall within the period to 2040. The failure to do risks further isolating rural communities and damage to the social and economic vitality of the district's fragile rural settlements.
- 5.4.9 In this context, our client's site at land to the north of Wardsdown House comprises a logical well-contained site within Flimwell, which relates positively to the prevailing settlement growth pattern and is located in close proximity to the existing services and bus stops within the village centre.
- 5.4.10 The submission site is capable of contributing positively to the social and economic activities within the village and is promoted on the basis of securing the deliverability of the Ticehurst Neighbourhood Plan allocation at Wardsdown House for nine dwellings, which is unviable as allocated.
- 5.4.11 The site represents an unconstrained, greenfield development opportunity proportionate to the settlement with capacity to deliver a modest quantum of new housing, biodiversity enhancement and financial contributions early in the Plan period and is promoted as available, suitable and achievable for the allocation of approximately 18 dwellings.

5.5 WIDER PLANNING ISSUES

- 5.5.1 Notwithstanding the early stages of the proposals, wider planning issues are considered set out below:

Landscape

- 5.5.2 The entirety of Flimwell and indeed the majority of the Northern Rother sub-area are washed over by the High Weald National Landscape. However, the wider characteristics of the site make it a logical area to extend the settlement boundary without risk of further encroachment or the loss of sensitive countryside. The topography of the site varies, which means that a well-designed housing scheme could maximise the use of the level changes to create a subtle and non-intrusive extension to the village, whilst still maintaining the open character and any sensitive landscape views and incorporating high-quality boundary and internal landscaping measures.

Heritage

- 5.5.3 There are no nearby heritage assets that would be impacted by the delivery of the proposed submission site.

Ecology, Trees and Flood Risk

- 5.5.4 A previous Phase 1 Ecology Survey confirms the majority of the site appears to be generally of poor ecological quality, consisting of improved grassland and bramble scrub. The woodland to north has elements of Ancient Woodland and the Phase 1 Survey suggests that a detailed botanical survey may be required in spring to confirm the precise nature of ground flora. A copy of report can be made available on request, albeit any future planning application will be supported by an updated survey with regard to the recent Biodiversity Net Gain requirements of which 10% net gain is anticipated to be capable of being accommodated on-site and accompanied by a robust scheme of internal and boundary landscaping enhancement.
- 5.5.5 In terms of arboriculture, the majority of trees and hedgerows within the site perimeter can be retained. A significant buffer to the north of the site will also protect trees within Wardsdown Wood (Ancient Woodland).
- 5.5.6 Finally, the site is located entirely within Flood Zone 1 (least likely zone to flood) and there is at this stage considered sufficient space outside of the developable area to accommodate a robust SuDS scheme.

Highways and Access

- 5.5.7 Access design and improvements are subject to ongoing feasibility work by the project team with an expectation to provide additional information as the emerging Local Plan progresses and upon submission of a planning application.
- 5.5.8 Nevertheless, at this early stage no constraints with regard to access are anticipated and the existing access is considered to be suitable to serve the proposed development capacity, subject to further details.
- 5.5.9 The site is already easily accessible by public transport and benefits from access to a range of existing day-to-day services and facilities via sustainable travel modes.
- 5.5.10 Given the above, it is considered that the proposed development would not result in 'severe' residual transport impacts, in accordance with the NPPF, and that it represents sustainable development in transport planning terms

Residential Amenity

- 5.5.11 Any future scheme will have careful regard to the relationship between the proposed development and existing properties to the rear along Fruit Fields. The indicative proposals demonstrate how the site may be developed utilising the land levels to minimise adverse impact on residential amenity which would be further mitigated by the degree of achievable separation distances and reinforced boundary landscaping.

Deliverability

- 5.5.12 The site is in single ownership and there are no known complex legal agreements or covenants that would prohibit the ability to bring forward the site early in the Plan period.
- 5.5.13 The uplifted housing capacity generated by the inclusion of the wider site will serve to ensure the deliverability of the existing nine dwelling Neighbourhood Plan H2 allocation 'Wardsdown House' by addressing the present viability constraints to development.
- 5.5.14 The wider site is therefore considered available and achievable for the purposes of the tests of deliverability.

6 CONCLUSION

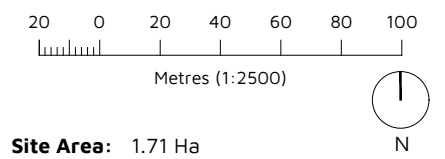
6.1 SUMMARY

- 6.1.1 This representation has been prepared on behalf of our client Denbigh Properties Ltd in response to the Rother District Council 'RDC' Local Plan (Regulation 18) consultation which closes 23rd July 2024.
- 6.1.2 Our client controls the site 'Land north of Wardsdown House, Union Street, Flimwell' (HELAA ref: TIC/0005 & TIC/0027) which is partially allocated within the Ticehurst Neighbourhood Plan for nine residential dwellings. Our client is now promoting the wider site for residential allocation within the District Plan, with an increased capacity of approximately 18 dwellings to secure the deliverability of the site.
- 6.1.3 The site is demonstrated to be suitable for development and is consistent with the long-term spatial strategy of the draft emerging Plan, which recognises the need for sensitive growth in rural settlements and longer term, along the A21 corridor in the absence of sufficient available land in Bexhill, Battle and Rye. However as drafted, the Plan falls substantially short of the local housing need figure, such that it likely fails the tests of soundness in regard to being 'positively prepared'.
- 6.1.4 The Council's independently commissioned HEDNA (2024) confirms that the local housing need figure is 737 dwellings per annum and no circumstances exist to either increase or decrease the figure within the emerging Local Plan. The latest figure represents an annual increase over the adopted Local Plan figure of 402 dwellings and a 533 dwelling increase over average annual delivery rates.
- 6.1.5 Given the extent of the uplift, it is crucial that prior to the publication of the Regulation 19 'Pre-submission' Plan, all potential sources of further housing are exhausted, likely through a combination of both additional sites and uplifted capacity on existing sites.
- 6.1.6 Consequently, where immediate development opportunities already exist and where they can provide much-needed new housing capable of supporting the viability and vitality of rural communities in the north of the district, these opportunities should be fully maximised, particularly where such sites are already benefit from local support within an adopted Neighbourhood Plan.
- 6.1.7 Taking all of the above into consideration, we consider that the additional land promoted north of Wardsdown House should be included as a future housing allocation within the District Plan for an uplifted figure of 18 new homes, identified for delivery commencing within the initial 0-5 year phase. Formal allocation within the District Plan will secure the deliverability of the Neighbourhood Plan allocation and the site should continue to form part of the Council's housing evidence base which will inform the emerging Local Plan.

APPENDIX

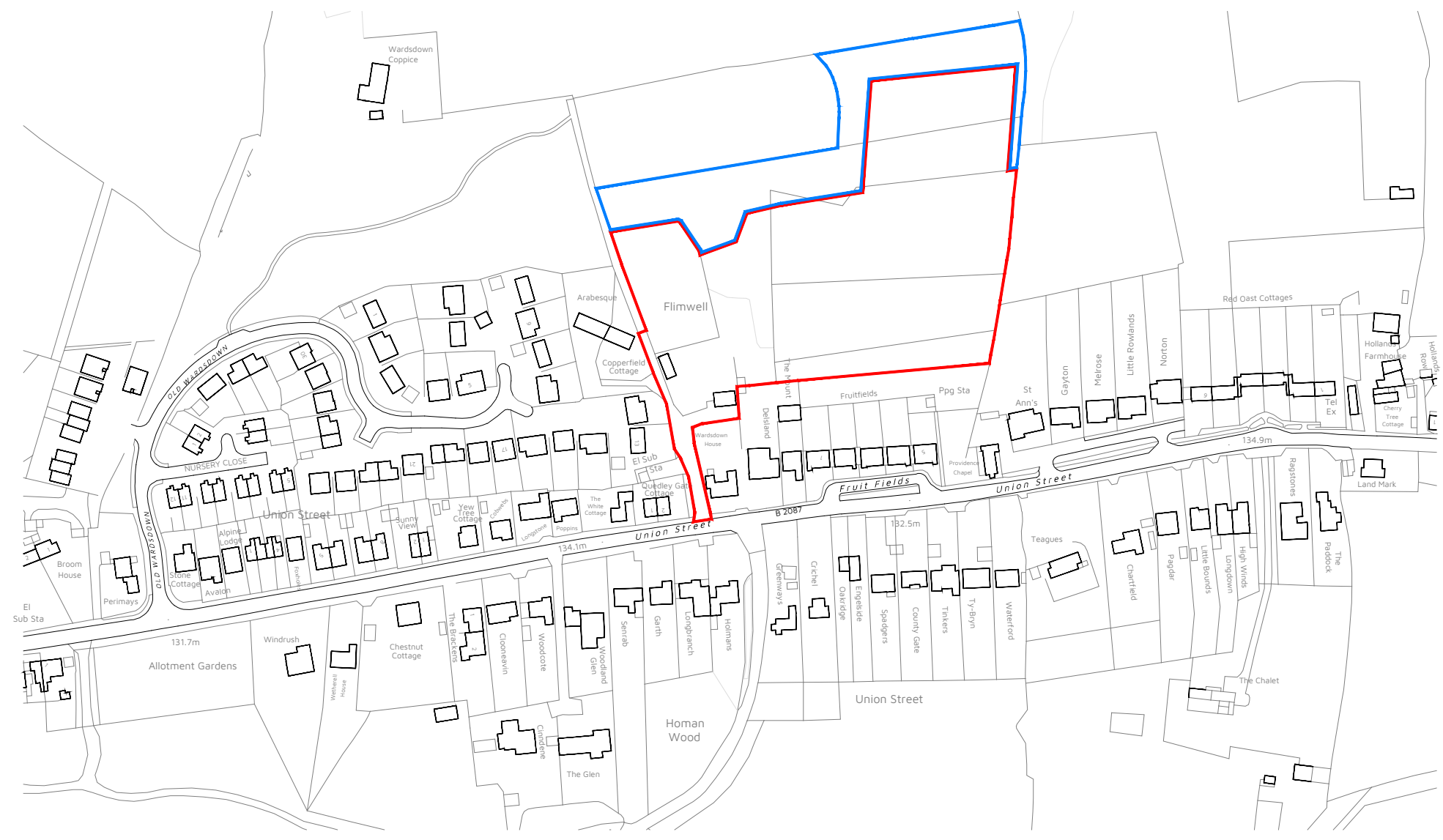
1





Site Area: 1.71 Ha

- Application Boundary
- Applicant Ownership



Rev: Reason: Date:

Client:
DENBIGH PROPERTIES LTD

Project:
LAND AT FLIMWELL, TICEHURST,
WADHURST, TN5 7NX

Title:
SITE LOCATION PLAN

Drawing No: Rev: Scale: Date:
DHA/33572/01 1:2500 JULY 2024



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CAD Reference: DHA_33572_LAND AT FLIMWELL_MC01 A3



0 10 20 30 40 50
Metres (1:1000)

N

- Application Boundary (1.71 Ha)
- Land Within Ownership (0.49 Ha)
- Approximate Location of Existing Tree
- Approximate Location of Existing Hedgerow
- Area of Existing Woodlands

Rev: Reason: Date:

Client:
DENBIGH PROPERTIES LTD

Project:
LAND AT FLIMWELL, TICEHURST, WADHURST, TN5 7NX

Title:
EXISTING SITE LAYOUT PLAN

Drawing No: Rev: Scale: Date:
DHA/33572/02 1:1000 JULY 2024



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Maidstone, Kent, ME14 3EN

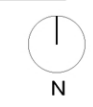
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CAD Reference: DHA_33572_LAND AT FLIMWELL_MC01 **A3**

Existing Site Layout Plan
1:000 @ A3



- Application Boundary (1.71 Ha)
- Land Within Ownership (0.49 Ha)
- Existing trees to be retained
- Proposed Trees
- Existing Trees potentially to be removed (Subject to further study)
- Indicative residential plots
- Potential SuDS allowance subject to further study
- Indicative zones for Biodiversity Net Gain subject to further study

18 Unit scheme

Indicative schedule of accommodation

(Circa. GIA)

- Plot 1 - 4Bed/7Person @ 140sqm
- Plot 2 - 4Bed/6Person @ 108sqm
- Plot 3 - 4Bed/6Person @ 108sqm
- Plot 4 - 3Bed/6Person @ 102sqm
- Plot 5 - 4Bed/6Person @ 108sqm
- Plot 6 - 4Bed/7Person @ 120sqm
- Plot 7 - 4Bed/6Person @ 156sqm
- Plot 8 - 4Bed/7Person @ 120sqm
- Plot 9 - 4Bed/6Person @ 120sqm
- Plot 10 - 4Bed/7Person @ 120sqm
- Plot 11 - 4Bed/6Person @ 108sqm
- Plot 12 - 3Bed/4Person @ 84sqm
- Plot 13 - 3Bed/5Person @ 98sqm
- Plot 14 - 3Bed/4Person @ 84sqm
- Plot 15 - 3Bed/4Person @ 84sqm
- Plot 16 - 3Bed/4Person @ 84sqm
- Plot 17 - 3Bed/4Person @ 84sqm
- Plot 18 - 3Bed/5Person @ 98sqm

Rev: Reason: Date:

Client: DENBIGH PROPERTIES LTD

Project: LAND AT FLIMWELL, TICEHURST, WADHURST, TN5 7NX

Title: CALL FOR SITES ILLUSTRATIVE LAYOUT PLAN

Drawing No: DHA/33572/03 Rev: 1 Scale: 1:1000 Date: JULY 2024



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