

# **Rother Local Plan 2020 - 2040**

## **Regulation 18 Consultation**

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**Representations on behalf of Rubicon Associates  
Ltd**

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July 2024

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## **1. Introduction**

- 1.1 Strutt & Parker's Planning Department are instructed to respond to the Regulation 18 draft of the Rother Local Plan 2020-2040 as published in April 2024. The representations are presented on behalf of Rubicon Associates Ltd (RAL), which has a controlling interest in land north of Broom Hill, Flimwell, referenced the site TIC0039 in the HELAA Assessment. This land is being promoted for sustainable new housing and open space.
- 1.2 This representation focuses on the draft Plan's approach to meeting housing need, the Spatial Strategy selection and distribution of housing numbers between sub-areas and settlements. It also references the Sustainability Appraisal in so far as it supports the policy options presented as well as the HELAA Assessment itself.
- 1.3 The representation concludes by examining the suitability of Flimwell to accommodate further growth, examining the relationship of the emerging Local Plan to the Ticehurst Neighbourhood Plan and critically testing the Spatial Strategy and site selection processes.

## 2. Housing Provision

- 2.1 The standard method produces a housing requirement for Rother District of 733 dwellings per annum (DPA). This amounts to 14,660 dwellings for the Plan period 2020-2040. We note that the present Core Strategy made provision for just 335 DPA, which is 43% of the assessed present need. Moreover, average annual completions are at 219 DPA which is just under 30% of current need.
- 2.2 This is well illustrated by fig. 37 (page 177 of the Plan), which seeks to presage the Council's intention to propose a stepped housing trajectory. At this stage however, there is no suggestion as to what such a trajectory might look like. Suffice to say that high levels of housing delivery in 2040 (three full political terms away) will do little to assuage the new government's focus on increasing housing delivery. In this context, the buffers applied (see fig. 37 again) appear to have no impact at all on delivery rates.
- 2.3 **In response to Question 77, RAL does not agree with the principle of a stepped housing trajectory.**
- 2.4 A better way of looking at the position is to consider the Council's previous rate of housing delivery shortfall (219 DPA against a Core Strategy requirement of 335 DPA, or 65%). Applying that figure to the assessed housing need produces a figure of 476 DPA. In other words, if RDC continue to underdeliver at the same rate against housing targets, the Plan requirement still significantly exceed the range of housing provision being contemplated in the draft Regulation 18 Plan, which is between 258 and 364 units.
- 2.5 **In response to Question 54, RAL does not agree with the Plan's proposed minimum target for housing growth.**
- 2.6 Regardless of whether there is a case for a stepped trajectory or not (and we note that there is no policy support for allocating a new settlement or other very large site that might provide apparent justification for such an approach) the overall level of housing provision contemplated appears woefully low. The laudable "*live well locally*" trope that runs as a thread through the draft Plan would be entirely at odds with those in the future population unable to access housing.
- 2.7 The claim that the HELAA "leaves no stone unturned" rings hollow in a district second only to Wealden by area in East Sussex.

- 2.8 It is acknowledged that the combined effect of flood risk and the extensive national landscape coverage are national level development constraints, but there is no green belt land in the district and there are a large number of settlements which provide numerous opportunities for modest expansion without landscape harm. Flimwell is one of them.

### 3. Spatial Strategy

- 3.1 We note the approach at Paragraph 5.100 of the Plan that an assessment of the sustainability of settlements and the HELAA process combined identify the areas of the District where growth can be supported in principle. Fig. 35 is a parish-by-parish assessment which groups parishes into four categories, from those with a greater opportunity to growth for those with limited opportunities.
- 3.2 RAL supports the findings of this exercise, which establishes that the Parish of Ticehurst falls within the area with greatest opportunity for housing growth. However, we do not agree with the way in which this growth is proportioned in fig. 36. This gives the range of growth at Ticehurst Parish between 24 and 134 dwellings. While the majority of these housing numbers derive from Flimwell, the range of between 9 and 108 dwellings stipulated for the settlement is unhelpful. If the lowest figure from this range were included and added to the highest figure for Ticehurst, the figure produced is just 35 dwellings for a parish considered to be one with the greatest growth potential.
- 3.3 **The response to Question 76 therefore is that the assessment presented in fig. 35 is supported, but the variation in ranges in Figure 36 (including at Flimwell) is unhelpful<sup>1</sup>.**
- 3.4 It is difficult to align the assessment of development potential in fig.35 with the manifestation of the Spatial Strategy. We note that in the Development Strategy Background Paper (DSBP), there are 12 spatial development options<sup>2</sup>, with the Regulation 18 consultation selecting 7 of them (Page 109). RAL is concerned that amalgamating such a large number of different spatial development options will dilute the Spatial Strategy to such a degree that it becomes potentially meaningless. Certainly, the manner in which such a mix of options then relates to the assessment of parishes with the greatest development capacities such as Ticehurst, becomes clouded as a result.
- 3.5 **In response to Question 54, RAL considers that the Spatial Development Strategy is diluted as presented. It should be made more succinct and easier to interpret on a site-by-site basis.**

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<sup>1</sup> Similarly, in response to Question 69, the same variation in ranges is unhelpful.

<sup>2</sup> Figure 8. Spatial Development Options for the Rother Local Plan

#### 4. A21 Corridor

- 4.1 One of the preferred spatial options is A21 corridor growth. The DSBP describes this as *“development along the A21 within an identified corridor of settlements, with opportunities for growth. Opportunities for sustainable travel through enhanced bus services and cycle track along this corridor”*<sup>3</sup>. Flimwell is a focus area for growth under this option, which accords with the approach in fig. 35 noted above.
- 4.2 In the Sustainability Appraisal, growth in the A21 corridor (STO10) achieves the third highest score of the 7 selected spatial options<sup>4</sup>. However, when the concept is imported into the spatial development options on Page 110 of the Regulation 18 Local Plan, the A21 corridor focus is described as *“longer term”*.
- 4.3 It is very clear from the Sustainability Appraisal that the impacts of all assessed spatial development options are stated as long-term<sup>5</sup>. The SDO10 growth option along the A21 corridor is not singled out as a long-term project<sup>6</sup>. The SA states that *“it should be noted that the A21 corridor option alone does not provide a strategy for significantly uplifting the potential development sites. Whilst it can be a focus for supporting sustainable sites, development would still need to be acceptable based on the environment of constraints in the setting of the High Weald national landscape”*<sup>7</sup>.
- 4.4 The caveat above does not explain why this is considered to be a long-term option only. This caveat emerges in the Vision for Northern Rother set out on Page 156 of the draft Plan.

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<sup>3</sup> Ibid.

<sup>4</sup> Figure 12: Summary of development strategy options

<sup>5</sup> Ibid.

<sup>6</sup> Paragraph 5.2.2 Sustainability Appraisal Main Document

<sup>7</sup> Paragraph 5.2.3 Sustainability Appraisal Main Document

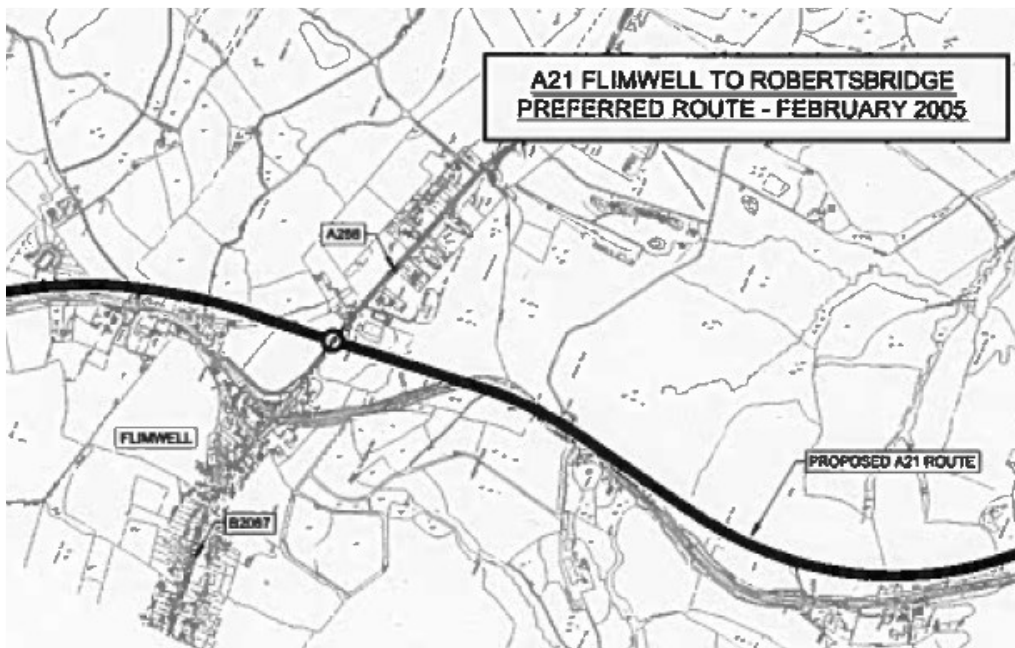
## 5. Vision for Northern Rother

- 5.1 Before reviewing why this vision puts the A21 corridor spatial development option into the longer-term category, it is necessary to look at the basis for distinguishing the 5 sub-areas in the Spatial Development Strategy (shown on Page 122 in graphic format).
- 5.2 The draft Local Plan claims that the 5 spatial sub-areas identified “*aligns with the principles and focus areas of growth*” (Paragraph 5.28). The subdivision is further complicated by what is said in Paragraph 5.30, namely that all countryside areas outside of villages with development boundaries form part of the open countryside. This makes little sense taken together with Paragraph 5.30, given that the Spatial Development Strategy envisages development outside existing development boundaries.
- 5.3 It is telling that the draft Regulation 18 Plan does not invite comments on the selection of these 5 spatial sub-areas, focussing instead on issues arising within each of them. The overall result is further confusion. Not only is the proposed Spatial Development Strategy an amalgam of 7 different spatial development options it is presented across 5 sub-areas which do not translate easily from the former, and which seem to bear no relation with the growth capacity assessment of Table 35. The result is a confused picture.
- 5.4 **Rubicon Associates Ltd consider that if the Council does wish to identify sub-areas, the Plan should avoid the claim at 5.28 that the areas align with the Spatial Strategy as that is not immediately apparent.**
- 5.5 The Northern Rother Vision is set out on Page 156 of the Plan. Insofar as it supports “*growth in villages to create sustainable forms of development and protect and enhance the landscape character*” the vision can be supported. However, it is the final paragraph that is problematic. This states as follows:
- “Longer term (over a 30-year timeframe), the delivery of significant improvements to create a sustainable transport corridor, including bypasses to Flimwell and Hurst Green could open up opportunities for future development along the A21 corridor.”*
- 5.6 It is this aspect of the vision that infects the proposed Spatial Development Policy and specifically SDO10.
- 5.7 5.75 of the Plan provides some more detail here, noting that the A21 could become a sustainable travel corridor with busses given priority, linked to walking, cycling and wheeling



routes. There is reference to TfSE Strategic Investment Plan identifying potential bypasses at Flimwell and Hurst Green. The difficulty here is that the long-term nature of those bypass projects is being linked with the timetable for delivering a sustainable, transport corridor along the A21, when this link need not be determinant of improving sustainable transport on the A21 route.

- 5.8 In 2005, the then Department of Transport (DoT) made a preferred route announcement for bypasses for Flimwell, Hurst Green and Silver Hill. A large number of properties at these settlements were purchased by the DoT before the project was cancelled in the Autumn 2010 Spending Review. It is noteworthy that the bypass route protected in 2005 passed to the eastern side of the crossroads, cutting across sites which form part of Site TIC0008, assessed as potentially developable through the HELAA (see route plan extract below – please note that north is to the left of the page in this image).

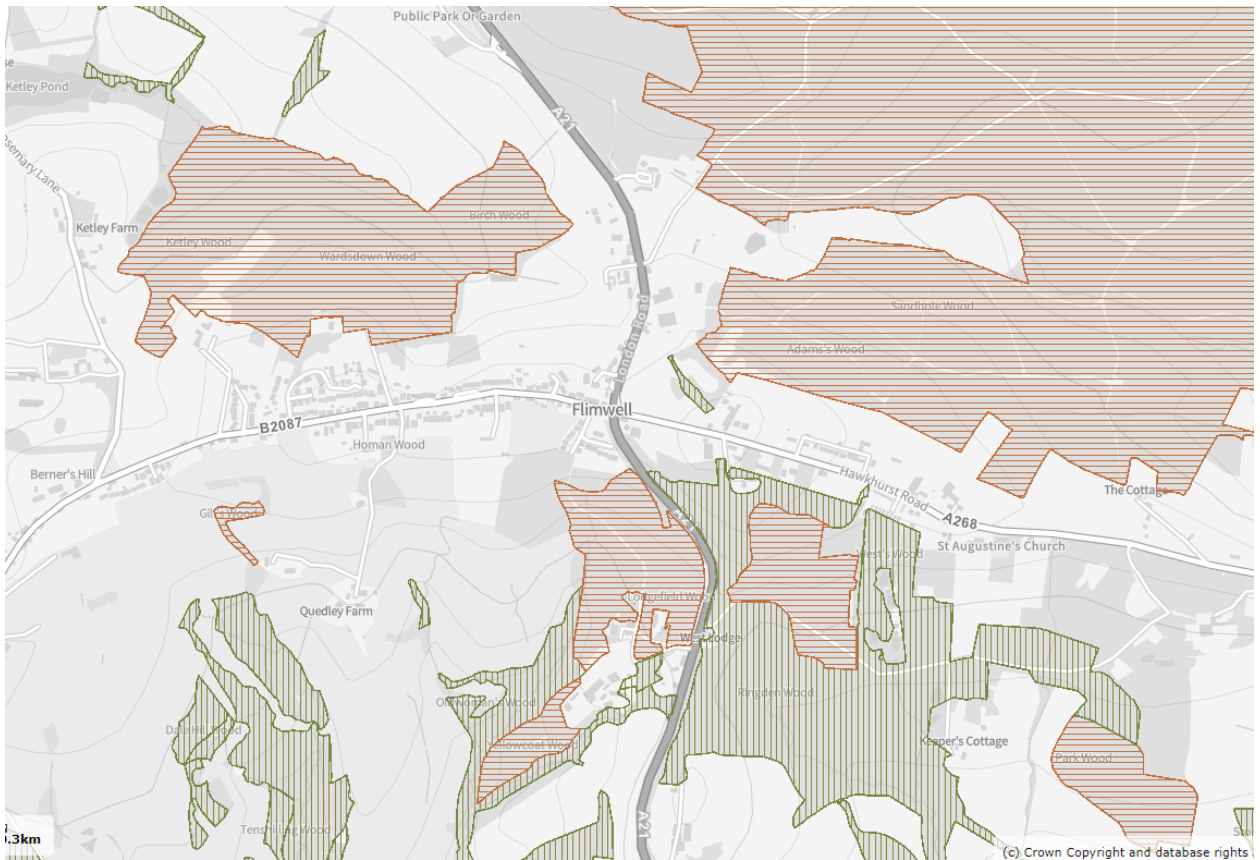


Extract, Department of Transport Preferred Route A21 Flimwell to Robertsbridge 2005

- 5.9 The Site Assessment for TIC0008 makes no mention of the potential impact of a bypass despite the geography of Flimwell making other options (other than an online improvement) very unlikely by virtue of the extent of property acquisition required.
- 5.10 The A21 is an existing strategic movement corridor which is more than capable of accommodating a greater frequency of bus services. Additionally, projects for improving

cycling and walking access to and from the route and along it, need not be predicated on bypass proposals.

- 5.11 **In response to Question 71, RAL considers that the deliverability of the A21 corridor development option in Northern Rother need not be predicated on the potential timescale for bypasses for Flimwell and Hurst Green. Presenting SD010 as a long-term spatial option is not soundly based. SD010 should be retained without this reference.**
- 5.12 There are three sites within the Parish of Ticehurst allocated in the 2019 Neighbourhood Plan, including one site at Wardsdown House, Flimwell, which is yet to come forward. We note that this land is in the same ownership as site TIC0027. The HELAA suggests that the allocated site may come forward in conjunction with the larger adjacent property but notes concerns about the steeply sloping nature of the site.
- 5.13 It is noted that Wardsdown Wood immediately abuts both of these sites. This is an Ancient Woodland.
- 5.14 Indeed, there is a great deal of Ancient Woodland on the east side of Flimwell as shown in the image below. Ancient Woodland directly abuts site TIC0008 on its northern and (in respect of land south of Hawkhurst Road) its southern boundaries.



Ancient Woodland at Flimwell – Magic Map

- 5.15 The potential impact of a Flimwell bypass on site TIC0008 is noted above.
- 5.16 The Site Assessment for TIC0039 notes that this is a “*large ridge-top site*”. While the Regulation 18 draft Plan is not accompanied by a Landscape Assessment, we note that the Landscape Character Assessment which supported the Core Strategy describes Flimwell in the following terms:

*“As a ridge top settlement of characteristic ribbon development Flimwell has some limited opportunities for new development. Any proposals deemed acceptable would need to avoid the more open slopes. There are some enclosed areas which are surrounded by extensive areas of woodland where new development could be accommodated without encroaching on the wider countryside”.*<sup>8</sup>

- 5.17 That assessment concluded that the village had a moderate ability to accommodate change, particularly in the more enclosed areas close to the village edges. It also noted that “*there would be greater scope for infill development on the north side than the more open*

<sup>8</sup> Paragraph 5.3.4 Core Strategy: Market Towns and Villages Landscape Assessment August 2009

*slopes to the south. Avoid open slopes adjacent to A21*<sup>9</sup>. This conclusion appears to be at odds with the HELAA finding in respect of the western element of site TIC0008.

- 5.18 The TIC0039 assessment continues “*this development will be prominent in long views, appearing as an encroachment into the countryside..... a development of this scale considered through the HELAA in the location would not meet these objectives [of the Neighbourhood Plan]*”<sup>10</sup>.
- 5.19 The area submitted for consideration through the HELAA is 2.91 hectares in total. However, an indicative layout plan provided for built development on the eastern field parcel only. Development in this format would retain the existing field boundary (noted in the HELAA as a potential environmental constraint). We note the Call for Sites exercise remains open in the District, as the HELAA does not identify nearly enough potentially developable housing land to meet the objectively assessed need for the District. RAL will be submitting a revised red line area identifying the eastern parcel only. However, your Authority should be aware that the western parcel would be available to assist with the delivery of Biodiversity Net Gain, with the potential that a far greater level than 10% can be achieved across the whole.
- 5.20 Supplementing the existing north-south field boundary with planting would certainly mitigate against the visibility of development on the eastern parcel in long distance views.
- 5.21 The Site Assessment for TIC0039 also references it forming “*part of a probable mediaeval assart*”<sup>11</sup>. We are aware of the High Weald AONB Unit’s work on field systems dating from 2017<sup>12</sup> and have seen the plan of Flimwell Field Systems<sup>13</sup>, which indicates a Cohesive Assart in this location.
- 5.22 The same study reports that cohesive assart field systems are far from uncommon. The image overleaf, taken from the 2017 Assessment, shows that they are equally as common as modern field amalgamations, covering 21% by area of all field systems in the High Weald.

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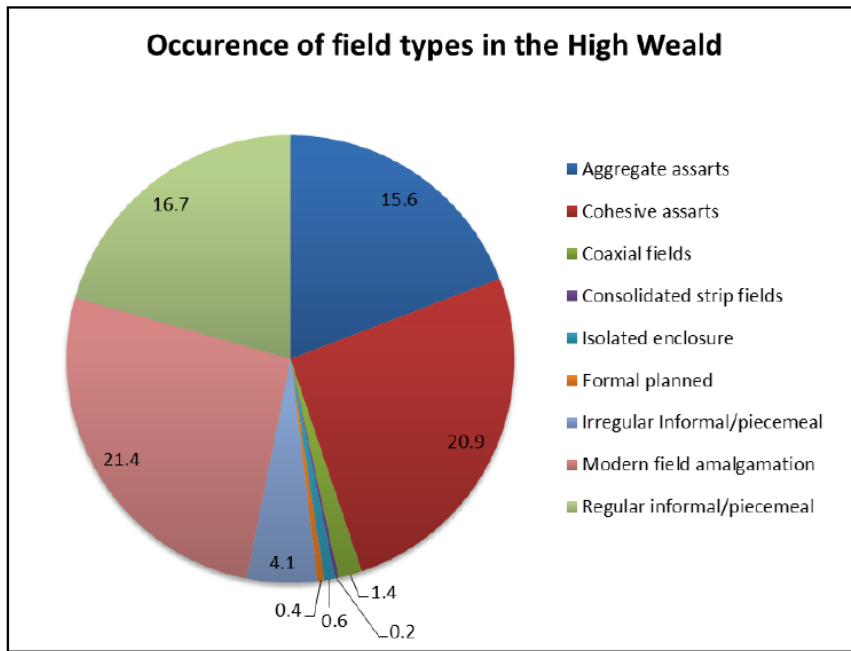
<sup>9</sup> Landscape Character Assessment Sheet, Flimwell - Core Strategy: Market Towns and Villages Landscape Assessment August 2009

<sup>10</sup> Page 70 HELAA Part 2 Site Assessments – Northern Rother

<sup>11</sup> It is notable that of all the references to assarts in the HELAA Site Assessment, this is the only one described as “probable”.

<sup>12</sup> Field Systems Character Statement, High Weald AONB Unit, March 2017

<sup>13</sup> Dated 15/11/2017



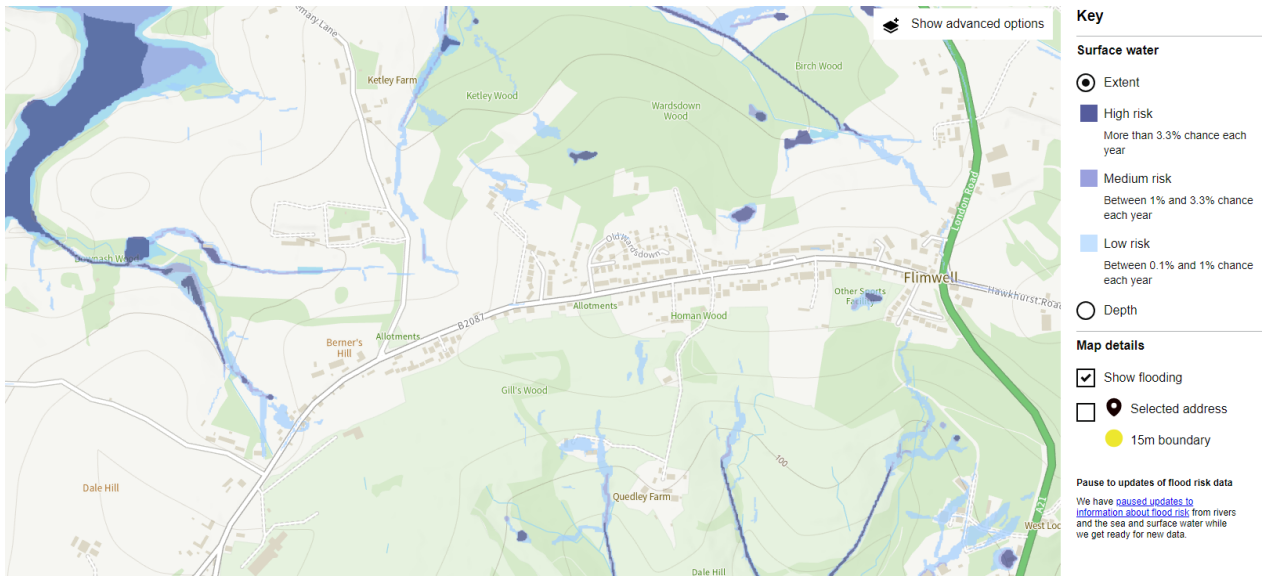
Source: Field Systems Character Assessments, March 2017

- 5.23 Secondly, we note that Site EWH0010 at Staplecross is assessed as a mediaeval assart with historic field boundaries, yet is included as a potential site for 16 dwellings<sup>14</sup>. It would be wrong to reject the site on the evidence of the 2017 assessment.
- 5.24 The summary of environmental constraints<sup>15</sup> indicates that the site is adjacent to areas at risk of surface water flooding. The extract below from the Environment Agency's Surface Water Risk Assessment Mapping which shows that to be barely the case (and certainly not in respect of the eastern parcel). It also shows a greater potential for flood risk affecting potential site TIC0027.

<sup>14</sup> Page 31, Northern Rother HELAA Site Assessments

<sup>15</sup> Ibid.

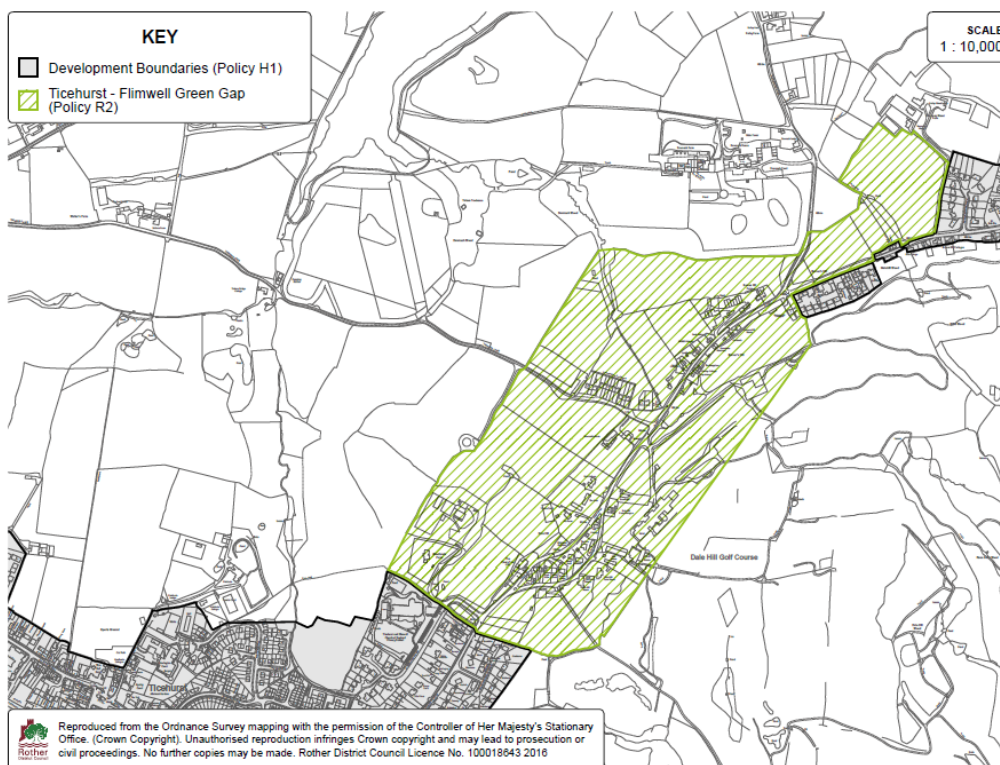
Draft Rother Local Plan Reg 18 – 2020-2040 – July 2024: Representations on behalf of Rubicon Associates Ltd



Environment Agency - Surface Water Risk Assessment Mapping

## 6. Green Gap

- 6.1 The final issue flagged in the HELAA Assessment is in relation to the Ticehurst/Flimwell Green Gap, designated through the Ticehurst Neighbourhood Plan 2019. This policy is distinct from the proposed Strategic Green Gaps policy presented in the draft plan as a revision to policy DEN3 of the DaSA<sup>16</sup> (which does not include a gap in this location).
- 6.2 Neighbourhood Plan Policy R2 seeks to maintain green gaps between the two settlements in Ticehurst Parish. It applies to the area shown in the map reproduced below:



Map 9, Ticehurst Neighbourhood Plan – Green Gap between Ticehurst and Flimwell

- 6.3 The Policy states that development in this area will “*only be allowed where the development is unobtrusive and does not detract from the openness of the area*”.<sup>17</sup>
- 6.4 It is apparent from the supporting text of the Neighbourhood Plan at that the Parish Council wish “*to avoid ribbon development, especially between Flimwell and Ticehurst*”<sup>18</sup>.

<sup>16</sup> Development and Site Allocations DPD 2019

<sup>17</sup> Policy R2, Ticehurst Neighbourhood Plan

<sup>18</sup> Ibid, Paragraph 4.12

Additionally, they wish to “resist development between Ticehurst and Flimwell which would tend to encourage their coalescence”<sup>19</sup>.

- 6.5 The Neighbourhood Plan acknowledges “the almost continuous development between them on the south side of the road”<sup>20</sup>. The development boundary is defined in the Neighbourhood Plan. The dwellings in Berners Courtyard/Clarks Yard are included within the Flimwell settlement boundary. The Berners Courtyard/Clarks Yard development lies - in its entirety - to the west of site TIC0039 and therefore closer to the built up area of Ticehurst. This means that development on the site cannot reduce the physical gap between the settlements and lead it to coalescence.
- 6.6 It is also worth noting that the form of development contemplated in the draft Site Layout (oriented north south along the existing access road) cannot be regarded as ribbon development.
- 6.7 For the above reasons, it is wrong for the Council to reject site TIC0039 on the basis of conflict with Neighbourhood Plan Policy R2. That site can be distinguished from TIC0072, TIC0041, TIC0053, TIC0016 and TIC0048, all of which are firmly within the area that sits between the built-up area of Ticehurst in the southwest, and the housing at Berners Courtyard/Clarks Yard at Flimwell to the northeast.
- 6.8 It is also noteworthy that sites TIC0043 and TIC0044, both assessed as potentially developable sites at Ticehurst, also fall squarely within the area between the two built up area boundaries. In the Site Assessment for site TIC0043<sup>21</sup>, it is noted that:

*“the local topography means that development here would be on a higher ground level than existing development to the south and could appear prominent from this direction. However, given its location, it could represent a logical small extension to the existing village”.*

A similar conclusion is reached in relation to site TIC0044<sup>22</sup>.

- 6.9 **In response to Question 70, RAL believes that the assessment of site TIC0039 does not properly and fairly reflect the relatively unconstrained nature of this site.**

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<sup>19</sup> Ibid, 4.13

<sup>20</sup> Ibid, 4.12

<sup>21</sup> Page 59, HELAA Part 2 Site Assessments – Northern Rother

<sup>22</sup> Ibid, Page 60



**Moreover, the eastern parcel of the site is considered in isolation, then there can be no reasonable objection to the allocation of the site on any of the grounds identified in the HELAA Site Assessment report.**

## 7. Sustainability Appraisal

7.1 It is also important to note that the April 2024 Sustainability Appraisal provides no basis on which to reject TIC0039.

7.2 The only measure of the 20 categories on which the site performs less well than TIC0008 and TIC0027<sup>23</sup> is in respect of natural landscape and the reasons for that have been rehearsed above at length. Rather curiously, potential sites TIC0043 and TIC0044 are not negatively assessed against this criterion despite being located on higher land within the Ticehurst/Flimwell green gap (see comparison table reproduced below).

HELAA Reference	Site Name, Settlement	Parish	1 Air Quality	2 Biodiversity	3 Energy & Water Consumption	4 Energy & Water Consumption	5 Climate Change Adaptation	6 Climate Change Adaptation	7 Population, Health & Wellbeing	8 Population, Health & Wellbeing	9 Population, Health & Wellbeing	10 Population, Health & Wellbeing	11 Heritage	12 Land & Water Quality	13 Land & Water Quality	14 Land & Water Quality	15 Natural Landscape	16 Skills, Employment	17 Skills, Employment	18 Skills, Employment	19 Skills, Employment	20 Transport
TIC0039	Land North of Broom Hill, Ticehurst	Ticehurst	-	o	-	-	o	o	o	o	o	o	o	o	o	o	-	+	+	o	+	-
TIC0008	Flimwell East Broad Location, Flimwell	Ticehurst	-	o	-	-	o	o	o	o	o	o	o	o	o	o	o	+	+	o	+	-
TIC0027	Land rear of Fruitfields, High Street, Flimwell	Ticehurst	-	o	-	-	o	o	o	o	o	o	o	o	o	o	o	+	+	o	+	-
TIC0043	Land at Cherry Tree Field, Ticehurst	Ticehurst	-	o	-	-	o	o	o	o	o	o	o	o	o	o	o	+	+	o	+	-
TIC0044	Land at Seellands Farm, Ticehurst	Ticehurst	-	o	-	-	o	o	o	o	o	o	o	o	o	o	o	+	+	o	+	-

Comparison Table, from Figs. 14 & 15, Sustainability Appraisal Main Document

<sup>23</sup> Fig 14 & 15, Sustainability Appraisal Main Document

## 8. Summary

- 8.1 RAL has instructed Strutt & Parker to respond to the draft Regulation 18 consultation materials issued by Rother District Council.
- 8.2 We consider that the draft Local Plan significantly underprovides housing against the standard method assessment. We are unconvinced that the Council has “*left no stone unturned*” in looking to identify suitable housing sites and note that the Call for Sites exercise is ongoing.
- 8.3 RAL is concerned that about the Planning Authority’s stated intent of introducing a stepped trajectory for housing delivery, with higher planned levels of growth at the end of the Plan period. This approach is not justified by the nature of the potential sites identified in the draft Plan and is a recipe for further under delivery against housing targets.
- 8.4 RAL considers that the proposed Spatial Development Strategy is overly complex and therefore difficult to apply in a consistent manner in practice. While the identification of relatively unconstrained parishes is welcome and provides clear guidance, this is obscured by the number of spatial options that are taken forward, and presentation through the lens of the five district sub-areas. While the identification of sub-areas is not problematic *per se*, at present the Plan suggests that the sub-area selection is a reflection of the Spatial Development Strategy. We do not believe that that is the case, and nor is it necessary to support the approach.
- 8.5 The HELLA Assessment appears to be flawed, at least in part. We have noted inconsistencies in the approach at Ticehurst Parish, in particular in relation to the approach to the Neighbourhood Plan Local Green Gap designation.
- 8.6 The District Council needs to look again at the available resource of potential housing development sites including those previously rejected (such as TIC0039). RAL has therefore responded to Questions 54, 70, 71, 76 and 77.