

Planning Policy
Rother District Council
Town Hall
London Road
Bexhill on Sea
East Sussex
TN39 3JX

23 July 2024

BY EMAIL ONLY

Dear Sir/Madam

Consultation response to Regulation 18 Rother Local Plan Review

- 1.1 We are writing in response to the publication of the Rother Local Plan Draft Regulation 18 Version and wish to provide the following comments.
- 1.2 These representations are also made on behalf of Mr David Blowey, the landowner of Land to the north of Brede Lane, Sedlescombe (HELAA SED0032). We have entered into an agreement with the landowner to promote this land for housing through the Council's Local Plan Review.

Q2. What are your views on proposed twin Overall Priorities to be 'Green to the Core' and 'Live Well Locally'?

- 1.3 The consultation document asks respondents to comment on the extent to which they agree with the overall vision and objectives of the Local Plan.
- 1.4 According to the Vision, by 2040, "bold solutions will have successfully addressed the climate and biodiversity emergencies and the housing crisis." These are 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 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.
- 1.5 The housing crisis is 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, meeting local housing need in full and maximising housing delivery.

Q3: What are your views on the key issues that have been identified and is there anything significant missing?

- 1.6 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 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.
- 1.7 We support the Council's recognition that the Plan needs to provide support to rural economies and communities, however this should include reference to the provision of new housing.

Q4. What are your views on the Council's objectives for the Local Plan?

- 1.8 The draft Local Plan sets out ten strategic spatial objectives, which will be used to support and deliver sustainable development. 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 acknowledge the housing situation as a crisis. We do question the validity of inferring that there is a matter of choice about the delivery of housing and economic needs.
- 1.9 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.
- 1.10 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 [...]"

- 1.11 We are supportive of Spatial Objectives 4 and 7 which seek to maximise opportunities for growth in sustainable locations, or places that can be made sustainable through supporting infrastructure and community facilities. As a largely rural district it is vital that the Council continue to explore opportunities for development in its rural communities to ensure these settlements can continue to thrive and prosper.
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Q6. What are your views on the Council's Proposed Policy GTC1: Net Zero Building Standards?

1.12 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.

1.13 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).”*

1.14 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.

1.15 Moreover, this needs to be justified by viability testing at the plan making stage and sufficiently flexible to ensure that it does not threaten the ability of individual sites to be developed viably, nor the Council's ability to achieve its other identified Main Priorities. Alternatively, we recommend that the Local Plan supports low-carbon and gas-free development more generally, rather than necessitating explicit net-zero compliance.

Q22. What are your views on the Council's proposed policy for Biodiversity Net Gain?

1.16 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.

- 1.17 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).
- 1.18 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.
- 1.19 If implemented this policy is likely to particularly impact the viability and deliverability of smaller sites where the opportunity to deliver the necessary BNG onsite is more limited resulting in the need to pay for offsite credits.
- 1.20 Consequently, at this stage we are concerned that policy GTC8 is not underpinned by appropriate evidence, including that the approach taken will be viable, and is therefore not “justified” (NPPF, paragraph 35).

Q25. What is your views on the Council’s proposed policy for the High Weald National Landscape?

- 1.21 Whilst we recognise the importance of the National Landscape and the protection given to it, 83% of the district is located within the High Weald National Landscape, therefore it should be recognised that in order to meet the Council’s housing need, there will need for development to be located within these areas.

Q30. What are your views on the Council’s proposed policy on facilities and services?

- 1.22 Whilst it is admirable, and correct, that the draft Local Plan seeks new development to be well serviced, flexibility must be provided so as not to preclude sustainable developments which do not meet the stringent test set out at policy LWL2. This is particularly important in the context of the current acute housing need in Rother.
- 1.23 We consider that the principles of local living should be embedded more broadly in the Local Plan, to reflect a longer-term aspiration and healthy and sustainable living, rather than being imposed as a restrictive policy requirement.

Q33. What are your views on the Council's proposed policy on walking, wheeling, cycling and public transport?

1.24 The policy refers to 'all major development' however it is not clearly defined what this means. The degree by which new developments should be able to access services by foot or cycle needs to be proportionate to both the size of the settlement and the scale of the proposals. The space to provide 2m footpaths can be more challenging on minor rural roads, policy should therefore allow some flexibility to consider individual circumstances. To apply a prescriptive policy to all sites could disproportionately impact smaller sites within the villages.

Q44. Specifically what are your views on prioritising solar orientation and form factor when designing new development?

1.25 We do not object to both solar orientation and form factor being considered as part of proposals, however we do object to these factors being prioritised. This fails to consider the individual site, its topography, character or landscape setting. Small sites within more sensitive locations may have more limited opportunities to meet this policy. Meeting this policy could conflict with other policies within the Local Plan such as the conservation and enhancement of the National Landscape.

Q51. What are your views on the Council's preferred spatial development options?

1.26 We are supportive of the proposed strategy which seeks to prioritise growth within the most sustainable locations and recognises small scale growth to Battle and the surrounding settlements including Sedlescombe.

1.27 Sedlescombe has been identified in the Settlement Study (April 2024) as scoring 4 out of 5 for essential services and being a sustainable village with potential for some growth. Consequently, opportunities must be taken to investigate all possible sites which could deliver homes which should include land north of Brede Lane, Seddlescombe.

Q54. What are your views on the Council's proposed spatial development strategy and proposed minimum targets for housing and employment growth?

1.28 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.

1.29 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 and the statement within the Overall Spatial Development Strategy is disingenuous.

1.30 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).

- 1.31 It is clear therefore, that the proposed minimum targets for housing growth do not meet 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 2.1: SUMMARY OF HISTORIC HOUSING DELIVERY IN WEALDEN

- 1.32 The growing need for both market and affordable housing lends emphasis to the requirement for the Council to plan to meet its 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). The new Labour Government’s recent announcements about the restoration of mandatory housing targets only go to emphasise the importance of RDC planning to meet the need in full through the plan making process. It is evident that the Council needs to identify further land to ensure that the housing need is met.

Duty to Co-operate

- 1.33 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).
- 1.34 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, falling a similar declaration by Crawley Borough Council.
- 1.35 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.

Q62. What are your views on the vision for Battle and surrounding settlements

1.36 We are supportive of the Council's vision for Battle and surrounding settlements and its acknowledgement that small levels of growth are needed to ensure the health and wellbeing of these villages are maintained and improved. However we do not believe that all opportunities for growth have been explored. Especially within Sedlescombe which is identified as a sustainable village with potential for growth.

Q63. What are your views on the distributions and opportunities for growth in settlements within the sub area?

1.37 Sedlescombe is the most sustainable village out of those identified cluster settlements. The settlement study scores the village as having a good level of essential and non essential services and therefore is capable of accommodating more growth than identified. The settlement study identifies that public transport links could be improved and that new development could help deliver a more frequent service. Further opportunities should be sought for a greater level of growth in Sedlescombe.

Q64. What are your views on the potential sites identified in the draft HELAA that could accommodate more growth in Battle and surrounding settlements?

1.38 As stated above we do not consider the Council has identified all possible opportunities within Sedlescombe. Land north of Brede Lane, Sedlescombe is assessed in the Housing and Economic Land Availability Assessment (HELAA) (April 2024) under reference SED0032. In summary it is identified as 'not suitable' on the grounds of landscape impact and accessibility. We do not consider this assessment to be correct and ask the Council to reconsider this site as a housing allocation.

Location and Surroundings

1.39 The site occupies approximately 2.8 hectares and is situated to the east of Sedlescombe with access from Brede Lane. The site is currently an agricultural field bounded by woodland and hedgerow. The site lies to the north of East Terrace View and the settlement edge of Sedlescombe.

Proposed Development

1.40 In response to the HELAA assessment we have undertaken a Landscape and Visual Appraisal of the site and this is attached as a separate document. This assessment has carefully considered the site within its landscape context and its capacity to accommodate development.

1.41 At this stage an indicative masterplan has been prepared in order to illustrate the type and scale of development envisioned on site. A range of homes would be delivered, with a balance of tenures and sizes to meet local needs, whilst respecting the character of the local vernacular. The proposals work with the typography of the site and the surrounding character to provide a sensitive small scale development of between 35 to 40 dwellings.

- 1.42 The proposal would protect the adjacent woodlands by providing a generous offset in excess of 15m. The topography of the site results in a low density scheme allowing for generous areas of open space as well as green and blue infrastructure providing opportunities for onsite biodiversity net gains and landscaping.
- 1.43 A well connected network of routes for pedestrians, cyclists and vehicles will link to the existing network of footpaths to the north. Access onto Brede Lane will provide the necessary connections to the primary school, the village and public transport, encouraging healthy lifestyles and sustainable travel.

Landscape

- 1.44 According to the HELAA, development at the scale considered through the HELAA would be harmful to the landscape and character of the National Landscape and rural setting of the village. LDA Design has considered the ability of the site and its surroundings to accommodate new residential development, identified where opportunities and constraints exist from a landscape/visual perspective, and how potential impacts could be minimised through a sensitive design response. Consequently, the landscape strategy prioritises preserving and enhancing existing vegetation onsite, ensuring the new development integrates within its surroundings. Particular attention would be given to parts of the site that contain key landscape features or are more visible from the site's surroundings, ensuring the development can be well integrated. Longer range views are expected to be limited and where visible, the proposed development will appear as part of the broader settlement.
- 1.45 Therefore, it is considered that the site can readily accommodate a sensitively designed development whilst respecting the wider countryside setting without harm to landscape visual impact.

Highways and Access

- 1.46 The HELAA raises accessibility as a further constraint. It concludes the site is some distance from services within the village and accessed via a narrow part of Brede Lane. We disagree with this conclusion. There is a continuous footpath which runs along Brede Lane providing access to the village, its services and public transport links. The recently consented scheme immediately to the south of this site (RR/2022/2619) for 21 units proposed some improvements to footpath links along Brede Lane and was found to be acceptable by both the LPA and the Highway Authority.
- 1.47 In summary, it has been demonstrated that the site represents a viable and sustainable location for development in transport planning terms.

Ecology & Biodiversity

- 1.48 There are no ecological constraints on site which would prevent the site from being developed. Nevertheless the intention will be to achieve Biodiversity Net Gain including through on-site enhancements. The necessary ecological surveys will be carried out and will inform an ultimate planning application on the site.
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Deliverability

- 1.49 Land north of Brede Lane is considered to be a logical site for a sensitive small scale development on the edge of a sustainable village. Catesby Strategic Land Ltd have a legal interest in the site and this reflects the landowner's willingness to make the land available for development. There are no known viability issues, legal or third-party constraints present and there are no impediments to the site being allocated for development commencing early within the Plan period.

Yours faithfully



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