



Land at Breadsell Farm Hastings

Rother Local Plan Regulation 18 Consultation



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Prepared on behalf of Wates Developments | July 24

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1. INTRODUCTION

Background

- 1.1 These representations have been prepared by Boyer in response to the current 'Draft Local Plan 2020-2040 Regulation 18' consultation, which runs until 23 July 2024. The representations are submitted on behalf of Wates, which has appointed Boyer to promote Land at Breadsell Farm, St Leonards, Hastings.
- 1.2 The land lies predominantly within the administrative boundaries of Hastings Borough Council (HBC). However, a small area (1.96 ha) falls within Rother District. The land falling within the Hastings Borough is being promoted for the development of approximately 300 homes. However, the envisaged location of the primary access (to the A2100) falls within Rother District. A Site Location Plan is provided in **Appendix 1** and a plan showing the distribution of the site across the two Local Authority areas is provided at **Appendix 2**.
- 1.3 As is explained overleaf, Hastings Borough Council had previously proposed the site as part of a strategic 'growth option' (for approximately 1,000 homes) in an emerging version¹ of the now-adopted 'Hastings Planning Strategy 2011–2028'. However, the proposed growth option was not ultimately pursued, and the site was subsequently omitted from the adopted version of the Plan. The reasons behind this are explained in Section 2 of this document.
- 1.4 Despite the historic omission of the site, Land at Breadsell Farm remains one of the few options available for future large-scale residential development within HBC's restricted administrative boundaries. The land also offers scope for a wider cross-boundary strategy to help meet needs across the shared Housing Market Area (HMA). As such, Wates has entered into a legal agreement with the landowner to promote the site for allocation and development.
- 1.5 As a leading national land promoter, Wates has experience bringing forward sites ranging in scale from hundreds to thousands of new homes, in addition to strategic employment sites and commercial developments. Drawing on this experience, specialist consultants acting for Wates are now undertaking those surveys and assessments that were not available previously when HBC and RDC historically considered it a candidate for allocation.
- 1.6 The intention is to confirm that environmental constraints, which were never judged to be insurmountable, can indeed be overcome with appropriate avoidance and mitigation strategies that are both embedded into the scheme design and implemented within the wider locale.

Scope of these Representations

- 1.7 In view of the above, these representations seek to ensure that the policies of the Rother Local Plan 2020 – 2040 (the Draft Local Plan) do not unnecessarily inhibit the future allocation of the site, including in relation to the formation of a main vehicular access which falls within the Rother District. This matter mainly relates to the (re)proposed Strategic Gap

¹ Specifically, the 'Core Strategy Preferred Approaches' consultation document (2008).

policy (Policy DEV6), the purpose and boundaries of which do not appear to have been reviewed through the emerging Local Plan.

- 1.8 In responding to pertinent consultation questions, these representations also argue that RDC and HBC, whose administrative areas are agreed to form a functional economic geography and single HMA, should both seek to fully meet their housing needs and do so in a manner that contributes to sustainable patterns of development. This is noting that RDC's current Draft Local Plan and HBC's most recent Regulation 18 consultation document (March 2021) collectively suggest that **less than half** of the identified housing needs within the HMA are planned to be met.
- 1.9 As the Draft Local Plan and the evidence base acknowledge, constraints to the supply of new housing are contributing to worsening levels of affordability and resultant socioeconomic consequences. The emerging strategy must, therefore, be revisited. This necessarily means re-examining the potential for development at the edge of Hastings, which is the largest and most sustainable settlement in the HMA, yet where only a small number of new homes are proposed in Rother's Draft Local Plan.
- 1.10 At present, it is far from clear that the two councils have fully explored the scope for achieving significant growth at the edge of Hastings. This is relevant both in respect of the duty to cooperate (NPPF paragraphs 24 to 27 refer) and the tests of soundness (set out in NPPF paragraph 35).

Structure of These Representations

- 1.11 As indicated, Wates' response to the current consultation relates to its land interests at Breadsell Farm. Accordingly, the remainder of this document is structured as follows:
- Section 2 – Describes Breadsell Farm and summarises the relevant background.
 - Section 3 – Sets out Wates' response to relevant consultation questions, namely;
 - *Q.27: What are your views on the Council's proposed policy on compact development?*
 - *Q.28: What are your views on the area types and densities proposed as a key driver to Live Well Locally?*
 - *Q.32: Specifically, what are your views on the proposed mix of local amenities and the requirement, within certain area types, for new development to be located within an 800m walk of these amenities?*
 - *Q. 51: What are your views on the Council's preferred spatial development options?*
 - *Q. 52: Do you have any comments on the merits of the alternative Spatial Development Options, that do not form part of the preferred development options – as explained in the background paper?*
 - *Q. 54: What are your views on the Council's proposed spatial development strategy and proposed minimum targets for housing and employment growth?*
 - *Q.55: Are there any alternatives or additional points the Council should be considering?*

- *Q. 60: What are your views on the distribution and opportunities for growth in settlements within the sub-area in figures 17, 18 & 19?*
 - *Q. 61: What are your views on the potential sites identified in the draft HELAA that could accommodate more growth in Hastings Fringes and surrounding settlements?*
 - *Q.77: 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?*
 - *Q.90: What are your views on the Council's approach to strategic gaps and those that are identified?*
- Section 4 – Provides a summary and conclusion.

2. BREADSELL FARM, ST LEONARDS, HASTINGS

Site Description

- 2.1 Land at Breadsell Farm extends to approximately 26.1 hectares and lies to the northeast of St Leonards/Hastings/Baldlow. The northern part of the site (1.96 ha) is located within the administrative area of Rother District, whilst the main body of the site (24.1 ha) falls within Hastings Borough.
- 2.2 To the west, the site abuts Breadsell Lane, and to the north/northeast, the site adjoins Hastings Road (A2100), which is a principal road connecting the site to the main urban area to the southeast. Consequently, the proposed primary vehicular access (taken from the A2100) is envisaged to be located within RDC's administrative boundary, with housing development envisaged within Hastings Borough.
- 2.3 The site currently comprises three agricultural parcels. To the east is a dense area of woodland (Coneybarrow Wood, Birchen Wood and Marline Wood), beyond which lies the main urban area of Hastings. Other physical features on-site include agricultural drainage ditches, overhead electricity lines and a gas main.
- 2.4 As noted below, the adjoining woodland includes areas of Ancient Woodland and a Site of Special Scientific Interest (SSSI) associated with a watercourse, the Marline Stream.

The Previous 'Preferred Option' Core Strategy Proposal

- 2.5 HBC historically identified 'Land at Breadsell' as a potential area for a strategic residential-led development comprising approximately 1,000 homes. The potential allocation was presented in association with a 'high-growth preferred approach'. This was one of the spatial options put forward by HBC in the (then-emerging) 'Hastings Core Strategy'.
- 2.6 A later iteration of the Core Strategy was finally adopted in 2014 as the 'Hastings Planning Strategy 2011–2028'. This adopted Local Plan omitted the proposed Land at Breadsell strategic allocation. There were several reasons why the potential allocation was discounted.
- 2.7 Firstly (and including at the time of the Local Plan Examination in 2012/13), there was ambiguity as to the suitability of the site's access strategy. This included uncertainty regarding the position Rother District Council (RDC) might take were cross-boundary access arrangements proposed in a planning application.
- 2.8 This was compounded by the fact that the envisaged allocation (and the developer's promotion) included homes within both Hastings Borough and Rother District, which RDC did not endorse at the time. Indeed, RDC's own Local Plan (at Policy DS6) identified that the required land for residential development in Rother included land within a Strategic Countryside Gap.
- 2.9 A further concern was that the previously proposed allocation included and adjoined areas of important biodiversity interest, namely the Marline Valley Woods (SSSI) and associated Ancient Woodland, alongside other areas of mature woodland. These were judged to

represent a particular constraint because of uncertainties concerning the woodland's interaction with a complex hydrological regime and subsequent impacts on bryophytes associated with the Marline Stream within the SSSI.

- 2.10 The specific issue was that (at the time) there was a lack of clarity concerning how a surface water drainage strategy associated with strategic residential development would impact the aforementioned environmental receptors. This was noting the direction of water flows into the woodland and the Marline Stream. Therefore, Natural England objected to the proposals in the absence of “*at least 3 years of monitoring*”, which it argued was required “*to develop a detailed hydrological understanding.*”
- 2.11 In this context, HBC opted to pursue a strategy of ‘medium growth’, which would not require (and thus omit) an allocation at Breadsell. Consequently, the adopted Local Plan did not fully address the level of housing need identified at the time².
- 2.12 As noted in the Local Plan Inspector’s Final Report, both RDC and HBC (through duty to cooperate engagement) concluded that an allocation at Breadsell Farm was not merited at that stage. The Inspector further concluded that this was a sound approach when considering the NPPF and relevant legislation at the time.

Breadsell Farm – Suitability for Allocation in Future

- 2.13 Whilst the Inspector agreed with HBC that the site need not be included in the (now adopted) Hastings Planning Strategy 2011–2028, they were nonetheless keen to emphasise that the site was of merit and could potentially come forward for development in future. In paragraph 8 of their Report, the Inspector stated that;

*“Crucially, **neither Council precludes at present the possibility of a scheme of suitable scale, design and composition taking place at some time in the future.**”*

- 2.14 Adding in paragraph 72 that;

*“As the Masterplan shows, the scheme [at Breadsell] would be close to the existing mainly built-up area. **These are good points in favour of its potential for housing at some stage in the plan period.**”*

- 2.15 With it being further explained in paragraph 73 that,

*“...whilst the Report prepared by Rigare Limited for the Council primarily highlights the negative aspects of the development, it does state that **it should be possible to maintain SSSI bryophyte interest alongside development off Breadsell Lane provided the quantity and quality of existing surface water and groundwater discharges from the site are maintained and any increase in recreational pressure on the SSSI is managed properly.** The methods proposed may be sufficient to ensure that the site replicates the green field situation and increase the amount of rainfall that infiltrates into the ground and the*

² The adopted Planning Strategy identifies a housing requirement of 200 dpa, compared to a 2010 household projection-based need of 441 dpa.

augmentation feed may maintain minimum flows and ensure that the habitat is safeguarded for the bryophytes, but more certainty is required.” (Boyer Emphasis)

- 2.16 In other words, the risk of harm to identified ecological receptors was sufficient to prevent the allocation of the site some years ago. However, this was mainly due to a lack of suitable technical information and the consequential inability to satisfy Natural England that sensitive habitats would be protected.
- 2.17 However, it is also evident that the Inspector and HBC did not regard these ecological constraints as insurmountable. Rather, they could likely be overcome through an appropriately designed surface water drainage strategy reinforced by detailed technical assessment and a robust evidential baseline of the local hydrological system.

The Current Promotion of Land at Breadsell Farm

- 2.18 Although remaining available for development, Land at Breadsell Farm was not extensively promoted for a number of years following the Hastings Local Plan Examination. However, Wates now benefits from an agreement with the landowner to promote the site for residential development and to do so based on a strategy that addresses environmental constraints robustly.
- 2.19 In contrast with the previous promotion, Wates does not currently envisage any residential development within the Rother District. This position would only change if RDC were supportive of residential development in this location as part of a cross-boundary strategy. Accordingly, only the main vehicular and pedestrian/cycle access to the A2100 would pass through land within Rother.
- 2.20 Wates also envisages the development of around 300 homes, provided across a smaller area of land, rather than the strategic scale proposition (1,000 homes) presented in the 2008 Preferred Approaches Document. This scale of development allows for a contained response to key constraints, notably the woodland, and makes available more land for green and blue infrastructure, as would now be expected in the context of the NPPF (2023) and the Environment Act (2022).
- 2.21 Nonetheless, Wates remains open to working in collaboration with stakeholders to bring forward a wider proposition, should this emerge. As set out in these representations (in Section 3 below), there is a strong case for RDC and HBC to revisit the potential to achieve substantive growth around the Rother / Hastings administrative boundaries. This would assist in meeting housing needs in the HMA at a sustainable location.
- 2.22 The intrinsic logic of development at Breadsell remains unaltered. Indeed, it is the only realistic option for achieving strategic housing growth at the edge of the town. As such, Wates is seeking to refine its approach to site constraints, technical assessments, and the overall scheme design. The intention is to provide a level of certainty that was absent in 2012/13 when proposals at this location were last subject to detailed scrutiny.
- 2.23 In this respect, Wates has instructed a transport consultant to revisit the proposed access to the A2100 and the package of sustainability/accessibility measures included both on-site and

across the wider transport network. Likewise, the hydrological monitoring sought by Natural England is now underway, and specialist drainage and ecological consultants (with a background in addressing hydrology-related environmental constraints) have also been instructed to reappraise the overall approach to avoidance and mitigation as relevant to the SSSI and related habitats.

- 2.24 In due course, Wates will re-engage with Natural England, RDC, HBC and East Sussex County Council to discuss the technical and masterplanning work that is being undertaken. The intent will be to satisfy these respective parties that a credible and developable proposition exists. This will confirm that the land represents a viable and serious option for allocation and development.

3. RESPONSE TO DRAFT LOCAL PLAN POLICIES AND QUESTIONS

3.1 Wates provides below its responses to those consultation questions that are pertinent to its interests at Breadsell Farm. For ease of review, these follow the sequence of the questions presented in the consultation document.

Live Well Locally

Q27. What are your views on the Council's proposed policy on compact development?

- 3.2 The NPPF, particularly paragraphs 128 to 130, clearly set out the requirement for land to be used efficiently, including through appropriate levels of density. However, this does need to be balanced against wider design principles, consistent with NPPF Section 12.
- 3.3 Draft Policy LWL1, as presently worded, seeks minimum density levels of 45-75 dph in suburban areas (including within the Hastings Fringe) and 45-60 dph in the 'live well locally areas' (i.e., around Bexhill). This suggests that levels of density at the fringe of settlements will be expected to be higher (potentially markedly so) than adjoining existing established residential areas.
- 3.4 This approach requires careful consideration, as high levels of density sought at the Plan-making stage may not be found to be acceptable or viable at the decision-taking stage. Because of this, there is a risk that allocations designated through the Plan are unable to deliver the number of homes that the Council expects them to. This casts doubt on the effectiveness of the Plan's policies and overall objectives.
- 3.5 In addition, whilst the proposed Policy LWL1 seeks higher levels of density, it is not clear how this approach will interact with increasing the 'land take' required for other uses. This includes requirements (for example) for land for blue and green infrastructure, biodiversity net gain, buffers to woodland, public open space, etc., which the other policies of the Plan greatly emphasise. The cumulative effect is likely to be a reduction in the overall development footprint and quantum of development that can be achieved on a given site.
- 3.6 With cross-reference to Policy LHN1: 'Achieving Mixed and Balanced Communities', it is also clear that RDC seeks (quite reasonably) to ensure that residential developments deliver a range of house types and sizes. However, draft Policy LWL1 (in setting proscribed density levels) effectively incentivises the development of apartments and smaller homes. Whilst there is clearly a requirement for such, the HEDA also identifies a much wider cross-section of housing needs, which the Plan's policies should help to secure.
- 3.7 Overall, to be both justified and effective, the Plan must avoid setting unrealistic expectations of development densities, including at the fringe of larger settlements. It is similarly important that the Plan, which does not seek to fully meet identified housing needs, does not use minimum density assumptions to overstate the cumulative development potential of proposed allocations. The Plan should simply allocate sufficient land based on assumed densities that might reasonably be expected to be delivered.

Q28. What are your views on the area types and densities proposed as a key driver to Live Well Locally?

- 3.8 With reference to our response to Question 32, Wates is concerned that the Plan, in Figure 8, only identifies potential 'Live Well Locally Area Types' at the fringe of Bexhill. However, this conspicuously ignores the potential for such areas to be identified around the fringe of Hastings. This is a significant shortcoming, given that the Plan and its evidence base (notably the Housing and Economic Development Needs Assessment (HEDNA) Update) recognise the central role of Hastings within a shared HMA and functional economic area.

Q32. Specifically, what are your views on the proposed mix of local amenities and the requirement, within certain area types, for new development to be located within an 800m walk of these amenities?

- 3.9 Wates recognises the 20-minute neighbourhood concept, which sits behind draft Policy LW12: Facilities and Services, as well as the localised expression of this through the 'Live Well Locally' concept (and hence the corresponding reference to certain existing or proposed amenities being within 800m of a site). The policy, as worded, also offers reasonable flexibility in that it does not require *all* the services listed to fall within 800m of a given site (which would be unrealistic), and this is welcomed.
- 3.10 However, Wates would remark that, in Figure 8, the Draft Local Plan only identifies Live Well Locally Areas (i.e., where the 800m requirement might be expected to be applied most judiciously) around Bexhill. Consequently, the Plan fails to acknowledge the full potential for 20-minute neighbourhoods to be established around Hastings. This is the largest settlement within the joint HMA, and development adjoining Hastings would benefit from enhanced accessibility to walkable services and amenities.
- 3.11 This matter should be more fully explored, as per our response to Q.51, Q.52 and Q.59. This is necessary to ensure that the Plan is both justified and effective.

Spatial Development Options

Q.51 - What are your views on the Council's preferred spatial development options?

- 3.12 The preferred spatial development options presented on pages 109 to 110 of the Draft Local Plan indicate that RDC intends to base its strategy on a combination of options presented in the 'Development Strategy Background Paper' and tested in the 'Sustainability Appraisal' (SA).
- 3.13 Wates agrees that the Plan should plan for growth at different locations within the Borough to help achieve a balanced portfolio of allocations. This will assist in maintaining a consistent housing supply during the Plan-period. Nonetheless, growth does still need to be weighted towards the most sustainable locations in the HMA, including at the fringes of Hastings.
- 3.14 As detailed more fully in our response to Q.52 and Q.59, Wates is of the view that growth option SDO5 (as tested in the Background Paper and SA) fails to fully reflect the potential of land around Hastings to accommodate new homes. Accordingly, the opportunity to direct growth towards the largest and most sustainable settlement in the HMA has been under-

reported in the SA. In turn, the Plan's preferred spatial development approach fails to provide sufficient housing to the Hastings Fringe. Indeed, only 146 new homes are proposed within the Hastings Fringe Area.

- 3.15 As a separate point, Wates would further note that in pursuing a wide range of growth options (i.e., SDO1, SDO2, SDO3A, SDO5, SDO6, and SDO10), and thereby anticipating a strategy of reasonably broad distribution, the strategy appears to run contrary to the proposed stepped trajectory (as per our response to Q.77). This is to say that the Plan's spatial strategy does not include (for example) a new settlement or very large strategic urban extensions, which are typically associated with protracted lead-in times, and which may therefore justify a stepped trajectory in some limited instances.

Q.52 - Do you have any comments on the merits of the alternative Spatial Development Options, that do not form part of the preferred development options – as explained in the background paper?

- 3.16 The Development Strategy Background Paper indicates that the Council has considered 12 Spatial Development Options (SDOs). One such option is SDO5 'Hastings Fringes Urban Growth. In this regard, it is noted on page 58 of the Background Paper that;

“Development on the edge of Hastings in sustainable locations, which may provide opportunity for joint delivery of sites by Hastings BC and Rother DC”

- 3.17 Wates agrees with the sentiment of SDO5, as set above. However, Wates does not agree with the findings of the SA, namely;

“Land availability around Hastings Fringes is finite based on environmental and topographic constraints. It is unsuitable for continuous extension into the countryside however, there are opportunities for growth, which could deliver connected communities with supporting infrastructure.”

- 3.18 Wates' underlying concern is that RDC (for the purposes of SDO5) has defined the 'Hastings Fringes' search area very narrowly. Specifically, the Draft Local Plan in paragraph 5.49 states that Hastings Fringes are those areas;

“...contiguous with the built-up area boundary of Hastings. This encompasses areas along Westfield Lane, Beany's Lane, Woodlands Way, Parkwood Road, Sandhurst Gardens, Stonestile Lane, Chowns Hill, Ivyhouse Lane, Rock Lane and Batchelor's Bump.” (Boyer emphasis)

- 3.19 The effect of the reference to contiguity with the built-up area, is that areas of land located just inside the administrative boundaries of Hastings Borough, but which are not already fully developed up to the existing built-up area, are excluded from consideration by default. This is the case even when there may otherwise be logical scope for cross-boundary growth, as applies to Land at Breadsell Farm.

- 3.20 While RDC evidently cannot allocate land within Hastings Borough for development, there are obvious areas of search/potential that could extend across the local authority boundary.

Indeed, Land at Breadsell Farm could evidently be brought forward on a cross-boundary basis (including in conjunction with adjoining land parcels if appropriate) to meet needs within the shared HMA and in a coordinated way.

- 3.21 Following from the above, Wates raises a further concern regarding the extent to which it can be said that RBC and HBC (through duty to cooperate discussions) have compressively evaluated the potential for cross-boundary growth around Hastings. It is noted that the councils have produced a joint HEDNA and are in agreement that Hastings and Rother form both a single HMA and a functional economic area. This points to the sustainability benefits of concentrating growth around Hastings, the largest and most economically significant settlement in the HMA.
- 3.22 Despite this, Rother's Draft Local Plan is effectively prepared based on the notion that Bexhill is the top-tier settlement and only comparatively limited growth is envisaged around Hastings (as per the proposed Growth Area Approach). Conversely, HBC's most recent Regulation 18 consultation (2021) asserts that it is impossible to identify sufficient land within the Borough's boundaries to address housing needs. It is surprising and concerning then that the Engagement and Duty to Cooperate Statement makes only a passing reference to discussions around cross-boundary strategies that might assist in meeting housing needs more fully.
- 3.23 A further related concern is that the SA awards Growth Option SDO5 a lower score than appears merited. In part, this is a result of the aforementioned issues with the definition used to define the study area. However, the comparatively low score also appears to arise because RDC and HBC have mutually agreed³ that the Bexhill and Hastings Strategic Gap necessarily inhibits a strategy based on meeting a greater share of housing needs around Hastings.
- 3.24 To put this plainly, it appears to Wates that the Bexhill and Hastings Strategic Gap has been treated as a hard, prima facie constraint, effectively equivalent to a National Landscape. Whereas, in fact, the Strategic Gap is merely a local 'policy on' and non-statutory designation. Because the Gap has been treated as immutable, its boundaries have not been properly tested for their continued suitability, either in the preparation of Rother's emerging Plan or through duty to cooperate engagement with HBC.
- 3.25 The area encompassed by the Gap (as proposed and as per the adopted Local Plan) is far more expansive than is required to maintain meaningful separation between Hastings and Bexhill. Therefore, if the Gap were objectively reviewed, its boundaries would likely be concluded to require revision. It follows that if the extent of the Strategic Gap were reduced, the potential for sustainable growth around Hastings would likely be higher than the current assessment suggests.
- 3.26 Overall, it has not been demonstrated that a greater level of growth could not be accommodated around the fringe of Hastings. This is not acceptable, given that neither RDC nor Hastings currently expects to fully meet their respective housing needs (and to a very

³ As evidenced in the 'Engagement and Duty to Cooperate Statement'.

considerable degree, as detailed in our response to Q.54). The Strategic Gap must be properly reviewed, and the SDO5 Growth Option must then be revisited. This is necessary in order that the Local Plan may be regarded as justified, effective and positively prepared, as matters of soundness.

Housing Requirement / Target

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

- 3.27 The Standard Method Local Housing Need (LHN) figure for Rother is 773 dpa (2023 base date) or 727 dpa (2024 base date). The Hastings & Rother Housing and Economic Development Needs Assessment (HEDNA) Update (2024) identifies an affordable housing need (net) of 325 dpa, and some 2,054 households are on the Rother Housing Register.
- 3.28 ONS datasets indicate that the latest median housing affordability ratio (2023) for Rother is 11.44, having risen from 8.83 in 2013, and 7.77 in 2003. The lower-quartile affordability ratio is now 12.84, rising from 10.53 in 2013 and 7.03 in 2003. Paragraph 8.21 of the Draft Local Plan cites the HEDNA's analysis regarding housing affordability. This notes that 44% of newly forming households earn less than the amount needed to rent a lower-quartile property on the open market. Likewise, 94% earn less than the amount needed to buy a lower-quartile open market dwelling.
- 3.29 The level of housing need is then significant, and affordability pressures are, therefore, serious and widespread. Whilst Rother's position is not unique, the current LHN for the district is also far higher than the adopted (out-of-date) Core Strategy requirement (averaged at 335 dpa). Moreover, the adopted Core Strategy requirement did not, in any case, fully address the scale of housing needs identified in the (now defunct) South East Plan. Notwithstanding the HEDNA's commentary on the efficacy of the Standard Method, there can be no dispute that Rother (and the Rother-Hastings HMA) represents an area of high housing need.
- 3.30 Despite the above, the proposed Spatial Strategy (as presented on pages 112 and 113 of the consultation document) proposes only;
- "a minimum of [5,158 to 7,287] dwellings, at an average rate of [258 to 364] per year."*
- 3.31 In other words, the Plan seeks to deliver between a third and just below half of the level of housing need identified through the Standard Method calculation. Moreover, the net annual need for affordable housing of 325 dpa (as identified in the HEDNA Update) is also likely to exceed the total (i.e., market and affordable) annual housing target envisaged in the Draft Local Plan.
- 3.32 Draft Policy HOU2 'Affordable Housing' does not yet specify the percentage of affordable housing sought from market-led residential developments. However, depending on the conclusions of a future Plan-wide viability assessment, the tariff is likely to be between 30% and 50%. As such, it is self-evident that only a fraction of overall affordable housing needs will be addressed through the Plan's current proposals.

- 3.33 As a separate point, and despite the analysis in the HEDNA Update (in particular, in paragraphs 6.32 to 6.49), RDC does not appear to argue that exceptional circumstances exist to justify a deviation from the Standard Method (as per NPPF paragraph 61) and the minimum Local Housing Need figure arrived through it. It is the Standard Method LHN figure that should, therefore, be taken to represent the Objective Assessment of Need.
- 3.34 Rather than seeking to make the case that there are exceptional circumstances justifying a departure from the Standard Method, the Council instead contends that it is constraints found within the Plan-area that prevent identified needs from being met. Indeed, in paragraphs 5.1 to 5.8, the Plan suggests that the prevalence of areas at high risk of flooding, designated habitat sites and areas of high-landscape value, means that housing needs cannot be met in full, without resulting in unacceptable impacts.
- 3.35 Wates recognises that parts of the Plan-area are subject to environmental constraints. However, it is not accepted that there are no further opportunities to meet housing needs either in full or at least to a much greater extent.
- 3.36 For example, within the HELAA (2024), the availability of a significant number of sites is listed as 'unknown', with these, therefore, being discounted when they might otherwise be suitable for meeting needs. Many sites are also judged to be 'unsuitable' when it is clear from the Site Assessment commentary (in the HELAA) that their suitability or unsuitability is finely balanced. Likewise, many sites that are judged to be potentially suitable have had their estimated capacity and/or developable area reduced when compared to the promoter's / landowner's estimate.
- 3.37 A more specific concern is that the HELAA (and, by extension, the Draft Local Plan) has taken a 'policy-on' approach to the evaluation of site constraints. Whilst that may be appropriate for statutory designations (e.g., National Landscape), local, non-statutory designations should be treated differently. This includes the Bexhill and Hastings Strategic Gap and other Strategic Gaps, which derive from the Core Strategy and its out-of-date housing requirement.
- 3.38 As per our response to Q.90, the boundaries and necessity of the Bexhill and Hastings Strategic Gap do not appear to have been reviewed through the emerging Local Plan. Instead, RDC and HDC appear to have concluded, as a fait accompli through their duty to cooperate discussions, that the relevance and extent of the Strategic Gaps around Hastings need not be revisited. This is apparent from paragraph 6.12 of the Engagement and Duty to Cooperate Statement (April 2024).
- 3.39 The above suggests that there is scope to refresh the HELAA evaluation to bring forward additional sites. In this context, it must be recognised that the socioeconomic consequences of not fully meeting housing needs (and to the degree currently envisaged) will have real-world consequences. Housing affordability will worsen, and issues such as overcrowding and the suppression of household formation will fail to be addressed. Broader consequences will arise in relation to intergenerational inequality, declining social mobility and hindered economic productivity.

- 3.40 Moreover, as the Engagement and Duty to Cooperate Statement indicates (in paragraph 6.11), HBC also does not expect to fully address identified housing needs in its emerging Local Plan⁴. Indeed, both councils have mutually agreed that neither can assist in meeting the other's anticipated shortfall. This will result in less than half of the overall (LHN) housing need being met across the joint HMA.
- 3.41 Overall, Wates believes that RDC has not yet reached a point where it can credibly claim that an appropriate balance has been reached between meeting housing needs and respecting the district's environmental characteristics and constraints. As such, the proposed approach is not currently regarded as justified or positively prepared, nor does it appropriately contribute to the achieving of sustainable development.

Hastings Fringe Sub-Area

Q59. What are your views on the vision for Hastings Fringes and surrounding settlements?

- 3.42 As indicated in our response to Q. 52, Wates does not believe that the 'Hastings Fringes Sub-Area' has been properly defined and, therefore, assessed in Growth Option SDO5. Wates considers that the area of assessment needs to include land that could be brought forward on a cross-boundary basis. This notably includes Land at Breadsell Farm.
- 3.43 It is also essential that RDC (in conjunction with HBC) properly reviews the extent of the Bexhill and Hastings Strategic Gap. The existing boundaries of the Strategic Gap are simply proposed to be carried forward and have been treated as a prima facie constraint. The effect is that the potential for development at the boundary of Hastings (and/or cross-boundary development) has not been fully explored.
- 3.44 Wates does not consider the approach to the Hastings Fringes Sub-Area, as currently framed, to be justified. The approach also directs development to less accessible locations and misses opportunities to fully meet identified housing needs. Accordingly, it does not contribute to the furtherance of sustainable development.

Q60. What are your views on the distribution and opportunities for growth in settlements within the sub-area in figures 17, 18 & 19?

- 3.45 As detailed in our response to Q.51, Q.52 and Q.59, Wates considers that the distributional approach to the Hastings Fringes area does not adequately reflect the opportunity presented. Just 266 homes are proposed in this area and only 146 of these dwellings arise from new allocations (the balance being from existing commitments). This level of apportionment is not reflective of the sustainability of Hastings as the major settlement within the HMA. Further opportunities for growth may also have been identified if growth option SDO5 had been defined differently and if the Bexhill and Hastings Strategic Gap had been reviewed.

⁴ Hastings most recent Regulation 18 consultation suggesting that it could only identify land for 4,275 homes, against an identified need of approximately 8,600.

Housing trajectory – Stepped delivery

Q77. Do you agree with the principle identified by the Council of achieving a stepped housing delivery with greater levels of delivery planned for later in the plan period?

3.46 The Planning Practice Guidance (PPG) (ID: 68-021-20190722) sets out that;

*“A stepped housing requirement may be appropriate where there is to be a **significant change in the level of housing requirement** between emerging and previous policies and / or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period.”* (Boyer emphasis)

3.47 The Guidance goes on to state that;

*“Strategic policy-makers will need to identify the stepped requirement in strategic housing policy, **and to set out evidence to support this approach, and not seek to unnecessarily delay meeting identified development needs.**”* (Boyer emphasis)

3.48 Wates maintains that there is no justification for applying a stepped trajectory in the emerging Local Plan. The proposed housing requirement (258 to 364 dpa) is comparable to that set out in the Core Strategy (an average of 335 dpa). Likewise, the rise in projected completions from an average of 219 dpa (actual completions, 2011 to 2024) to the levels now envisaged cannot credibly be described as a “significant change”.

3.49 RDC has provided no evidence to suggest that the market cannot sustain higher levels of housing growth than have been achieved in recent years. Housing delivery might, in fact, have been higher had the Core Strategy been reviewed earlier, such that additional sites could have been allocated and brought forward.

3.50 Similarly, RDC has not provided any analysis explaining why the identified growth opportunities / potential allocations (as shown in Figure 33 of the Plan) necessitate a stepped trajectory. Certainly, the emerging Local Plan does not envisage a new settlement or a very large urban extension, whose infrastructure requirements might necessitate extended implementation timeframes and hence potentially justify a stepped trajectory.

3.51 NPPF paragraph 60 clearly shows that the Government’s objective to significantly boost the supply of homes remains unaltered. Therefore, the Local Plan should not inhibit this through an unnecessary stepped trajectory.

Strategic Gaps

Q90. What are your views on the Council’s approach to strategic gaps and those that are identified?

3.52 Neither the Draft Local Plan nor the accompanying evidence base suggests that the Bexhill and Hastings Strategic Gap has been reviewed in any detail. The land encompassed by the Strategic Gap appears far larger than is necessary to maintain the physical and perceived separation of the two towns.

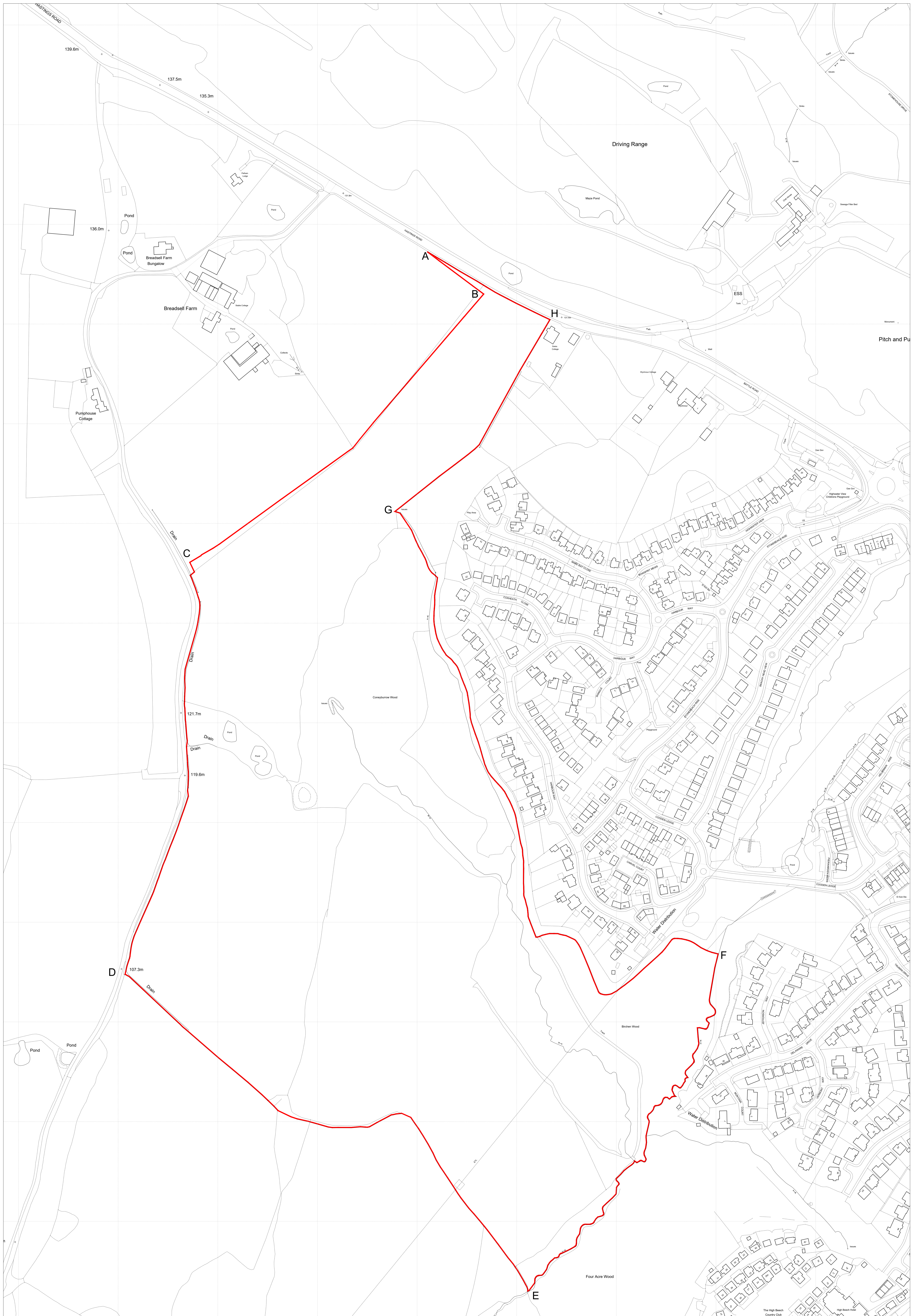
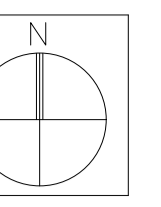
- 3.53 Wates does not regard this omission as acceptable, particularly as the Engagement and Duty to Cooperate Statement indicates that neither council expects to fully address identified housing needs. Likewise, both councils have also agreed that neither can assist in meeting the other's shortfall.
- 3.54 Given that Rother District is already subject to prevailing statutory designations (notably the High Wealds National Landscape), the emerging Local Plan should not seek to apply further local designations (and thereby reduce the potential for housing needs to be fully met) unless this can be properly justified.

4. CONCLUSION

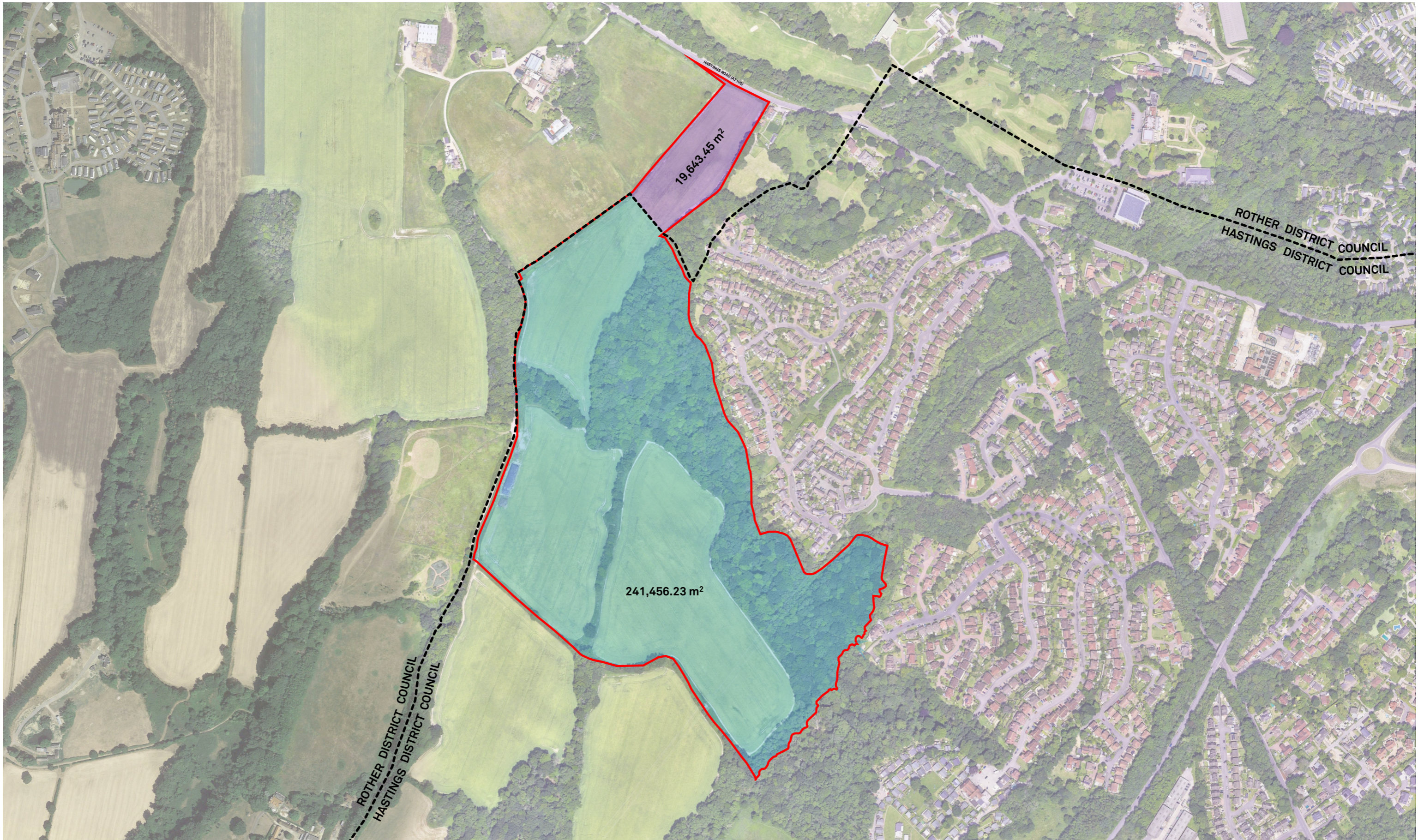
- 4.1 These representations have been prepared by Boyer on behalf of Wates Developments in response to RDC's Draft Local Plan Regulation 18 consultation.
- 4.2 Wates supports the preparation of a new Local Plan for the Rother District, which will contribute to the provision of new housing and future sustainable development. However, as presently drafted, the emerging Local Plan does not satisfy the tests of soundness detailed in legislation and expressed in NPPF paragraph 35.
- 4.3 The Live Well Locally concept and the notion of the 20-minute neighbourhood are said to represent the guiding principles for the proposed spatial and distributional strategy. Whilst there is merit in these principles, the opportunity to create walkable and accessible communities is hindered by the fact that the only Live Well Locally Area to be identified is a Bexhill. This ignores the potential for similarly sustainable patterns of growth at the edge of Hastings, which is the primary settlement in the joint HMA.
- 4.4 Conversely, the Plan also sets out expectations of development density (at some of the identified growth areas), which may be unrealistic and are unlikely to deliver the wide cross-section of housing types, tenures, and sizes that the Plan identifies as needed. The efficient use of land is a priority in the NPPF, and an increase in average development densities is not inconsistent with this. However, The Draft Local Plan's approach to development density appears as more as a strategy to disguise the fact that the Plan simply does not allocate sufficient land for residential development.
- 4.5 Indeed, a key concern is that the proposed housing requirement/target falls well short of the LHN identified through the Standard Method. This is also the case for the neighbouring Hastings Borough, which is intrinsically linked to Rother and agreed to form part of a joint HMA. Based on the approach currently proposed in both emerging Local Plans, there is a risk that less than half of identified housing needs will be addressed across the HMA. The provision of new affordable housing is also likely to be well below what is needed, resulting in negative socio-economic outcomes.
- 4.6 Wates recognises that statutory constraints and designations prevail across parts of the Plan Area. However, there would appear to be scope to identify additional sites, that are suitable for allocation and development, to meet needs either in full or at least more substantively. The Bexhill and Hastings Gap is a non-statutory, local designation. It should also be reviewed objectively to further establish the potential for strategic and, where appropriate, cross-boundary growth at the edge of Hastings.
- 4.7 Linked to this matter, Wates is unconvinced by the evaluation of potential opportunities for growth along the boundary with Hastings. Hastings is the largest settlement in the HMA, yet only 146 new dwellings are proposed within the Hastings Fringes. The approach to the assessment of development opportunities within the Hastings Fringes should be revisited, and the parameters of growth option SDO5 be redefined such that opportunities for growth at Hastings can be explored.

- 4.8 Accordingly, Wates maintains that the Draft Local Plan needs to be revised substantively before it can progress to the next consultation stage and subsequent Examination. This is necessary for the Plan to address the tests of soundness. Namely, the Plan must demonstrate that it is positively prepared, justified, effective, and consistent with national policy through its contribution to sustainable development.

APPENDIX 1 – SITE LOCATION PLAN

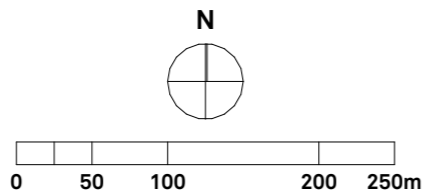


APPENDIX 2 – LOCAL AUTHORITY BOUNDARIES



rev.	date	changes description
P01	22/07/2024	

status	issued by
S2	DM



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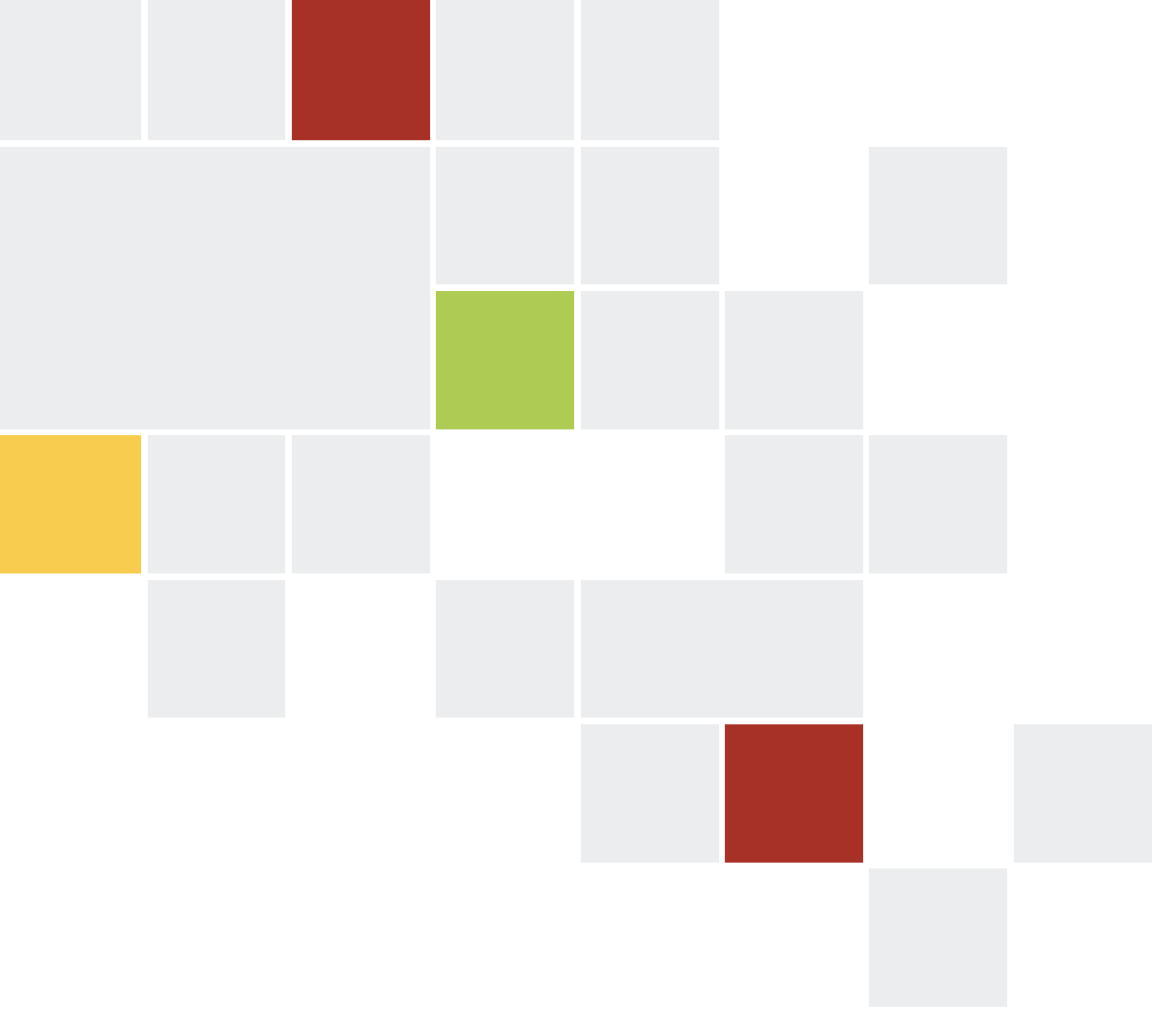
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project title
Land off Hastings Road, Hastings
document title
District Boundaries Map

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F23056	RFT	XX	XX	DR	A	0510
status	suitability description					revision
S2	For Information					P01



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