

The Rother District Local Plan

Planning and Compulsory Purchase Act 2004 s 19 and The Town and Country Planning (Local Planning) (England) Regulations 2012 2012/767 Regs 2, 5-6, 8-10 and 17

Submission from the Northern Parishes Group July 2024

Part 1 The General Submission

Introduction

- 1) The Northern Parishes Group (known in this document as the group) consider the more people who help with the Rother District Council Local Plan the better. This is because of the impact that plan will have on local communities and the expected shelf life of this plan. In making these comments the group is well aware of the important work the authors of the plan (known in this document as the authors) have put in to make this plan so much better than the previous one. The authors deserve congratulations and support. The suggestions that are put forward are suggestions and not criticism.
- 2) The points made in this document are not in order of importance or in order of significance. Clearly, housing allocation is the most important. The order of the comments is based purely on its numerical order in the document. The policy areas that the group considers need special attention are highlighted in **yellow**. For the other sections the group hopes the information is helpful.
- 3) The group considers perhaps the most important policy that needs adding is a policy on the internationally important Bewl Water. The group considers Bewl Water is so important that it has drafted a separate and accompanying document about it.
- 4) The group has decided it would not be helpful if it answered the questions, because if it did, the answers would only refer to the comments in this document. This is not a criticism of the principle of asking the community questions, which the group considers a helpful exercise.

Statutory basis for the plan and this submission

- 5) The group bases their submission on the statutory framework laid down by Planning and Compulsory Purchase Act 2004 s 19 and The Town and Country Planning (Local Planning) (England) Regulations 2012 2012/767 Regs 2, 5-6, 12-13 and 17 (as amended). For the submission about Bewl Water, the group additionally considered The Town and Country Planning (Local Planning) (England) Regulations 2012 2012/767 Regs 32 and 32A.

General points

Pruning the document

- 6) The group considers the draft Local Plan is an amalgamation of a planning document, the background to a particular issue and an explanation of the intentions of the authors. The result is that the document is too long which makes it difficult to find the relevant entries. Knowing how so many people prefer hard copy to just online material, Green to the Core must mean reducing paper. It is suggested the document should be restricted to a planning document. This would bring its size down to perhaps 220 pages. It looks as if the authors were keen to

include as much as possible, but they would find it a valuable exercise to see what could be taken out. An example of how the document can be pruned without damaging it in any way is the section about the High Weald National Landscape at page 56.

Para 3.50 Add the NPPF reference to the second last sentence. Delete the last sentence.

Para 3.51 This para states the obvious and should be deleted.

Para 3.52 This can be deleted. If the date of the change is thought to be important, it can be added to para 3.50.

Para 3.52-3.55 This detail is for another document. There could be a cross-reference to the High Weald documents.

Para 35.56 and 35.60 This could be deleted as once the Local Plan is confirmed it is the detail of the plan that matters and not the history of the document.

Para 35.57-59 A brief cross-reference is all is required.

- 7) It is noted that all policies, have at the beginning the words 'Policy wording'. Maybe this was to distinguish it from the Explanatory text that follows. In fact the Explanatory text is treated by the Planning Inspectorate as part of the policy. The removal of the word 'Policy wording' would save at least two pages. If the footer was removed, leaving only the page number, about 40 pages would be saved.
- 8) The removal of extraneous material not only shortens the Local Plan, but it also gives greater prominence to the policies.

Cross-referencing

- 9) One of the many welcome features of this document is the cross-referencing to other policies. An example can be found in the Live Well Locally section at page 63. There other policies are helpfully laid out. However, the description for each policy can probably be reduced by 40%, but their inclusion is significant. It would be helpful to all readers if other policies were listed as cross-references. The obvious ones to add would be the NPPF 2023 entries, which is part cross-referenced within the document. An example of this can be found at page 186, para 5.1. It would be helpful if each of the five NPPF 2023 requirements in the paragraph of the document were identified. If all relevant policies were given a two line entry, the document would be much more helpful.

The Glossary page 440

- 10) One of the most helpful sections in the draft Local Plan is the glossary at page 440. Regretfully, it is anticipated that most people will not know about it. It is suggested that where terms like affordable homes, ancient woodland, and gypsy and traveller are referred to, a cross-reference to their definition would be helpful.
- 11) The authors may wish to give consistency to the capitalization of the entries in the glossary and make all the sentences start with a capital letter. The authors may also wish to change the title from Glossary to Definitions. Where the NPPF or Act of Parliament gives a definition (which would be binding on this document) it would be helpful to add that or give it a cross-reference. The group notices that 'Spatial development' is not listed and the authors might consider that would be very helpful. Neither is 'Spatial' listed. It may be that it would be better to delete

the word spatial in the whole document but unfortunately the word appears in statute. The group also noticed there is not a list of abbreviations. As there are many sections where an abbreviation is given without specifying what it is, a one page list of abbreviations would be helpful.

Paragraph numbering

- 12) As local plans are referred to during public inquiries and in the Courts, paragraph numbering speeds up those hearings. It is noted that some policies that stretch to a page, have no paragraph numbers, see page 215. It is also noted that a variety of different ways are used to give numbers and letters to the paragraphs. It is thought that this undermines the presentation of this document. The authors are invited to consider that all policies should have the same numbering style. The suggestion the group makes is as follows. Sections should be A, B, C etc. Paragraphs should be 1, 2, 3 etc. Sub-paragraphs should be a) b) c) etc. Divisions within sub-paragraphs should be i), ii), iii) etc.

Digital links

- 13) As so many people now use digital copies of documents, the authors are invited to consider that all documents referred to in the Local Plan should have a digital link to the document.

Need for an index

- 14) Many topics are dealt with in more than one policy. It would help people who are seeing the document for the first time and those who use it use it regularly, for the document to have an index.

The individual sections

Waste page 41

Proposed Policy GTC3: Construction Materials and Waste

Policy Status:	Strategic
New Policy?	Yes
Overall Priorities:	Green to the Core

Policy Wording:

Development proposals will be required to demonstrate how they have implemented the principles and requirements set out below.

- (i) Reuse land and buildings wherever feasible and consistent with maintaining and enhancing local character and distinctiveness.
- (ii) Reuse and recycle materials that arise through demolition and refurbishment, including the reuse of excavated soil and hardcore within the site. When appropriate, undertake a BRE pre-demolition audit, or similar, to determine products and materials for re-use prior to demolition or major retrofit.
- (iii) Implement the Design for Disassembly approach on all schemes over ten dwellings or 1,000 sqm of non-residential floorspace, understanding the life-span of every building from the design stage and making provision for the re-use of its parts.
- (iv) Space is provided and appropriately designed to foster greater levels of recycling of domestic and commercial waste.

- 15) The dumping of construction waste on farmland for profit is a very significant problem in the northern parishes. Profits which can be made are great. Licences are easy to obtain and there is no inquiry before or after the grant of a licence. It is thought this policy will have no impact on the illegal dumping of waste.
- 16) What is required is that planning grants should have conditions about the disposal of construction waste. The enforcement conditions should contain a provision that the building, subject to a grant of permission, cannot be occupied until Rother District Council is satisfied that the waste disposal condition has been complied with. At the moment, the planners at Rother District Council say they have no power to add a condition. It doubtful whether the High Court would agree with them, but in any event if this was put in this policy everybody would agree there is such a power.
- 17) If it is suggested that Rother District Council has no power to put such a condition The Town and Country Planning (Local Planning) (England) Regulations 2012 2012/767 Reg 5 (1)(a)(iv) provides matters of 'development management' to be subject to policy.

Solar panels and Wind Turbines page 47-8

- 18) Solar panels and wind turbines have and no doubt will continue to create passionate supporters and passionate opponents. What is required is a balance of all the factors to ensure that the decisions made are correct.

Solar Pages 47, 48 and 91

Solar

(B) Proposals for roof-mounted solar energy supply infrastructure will be supported and encouraged wherever possible, subject to other policies and Policy HER1 (Heritage Management) in particular. Stand-alone ground mounted installations will be supported, subject to other policies, on

previously developed land or where evidence of community support can be demonstrated.

3.35 Roof-top solar is strongly supported. Stand-alone ground mounted solar installation opportunities are limited within the district, however a policy that supports suitable schemes in appropriate sustainable locations, with community support is necessary.

4.53 The following generic principles for optimum solar orientation and form should be followed:

- Wide fronted units facing north or south should have a primary aspect within 30° of due south.
- East and west facing units should be within 30° of the north/south axis such that gabled roof profiles can present a major roof pitch to the south.
- Anticipating the need for electric vehicle charging, parking structures with roofs of 5° - 7° pitches can be used if aligned on the north/south axis and 30° pitch if aligned to face south.
- Use plot disposition and building placement to support solar gain from the South, and to minimise left over space.
- For optimising intelligent solar design, use of wide fronted dwelling typologies are appropriate when aligned to east-west oriented roads whereas narrower and deeper plans may be appropriate to line north-south oriented roads.
- For optimising intelligent solar design, primary roof pitches to face within 30° of due south and special care is needed to avoid overshadowing from other buildings and vegetation (bear in mind growth over time).
- Simple roof forms allow for maximising energy collection whereas use of hips, valleys and dormers tend to limit this potential.

19) These are the proposed policies. There are also mentions of solar power on page 36 paras 3.11 and 3.12, page 89 Policy LWL6, page 91 para 4.52, page 412 para 12.18 and page 430. None of these references provide any guidance about the

suitability of solar powers or the policies of where they should be sited. The plan should state the policy for solar power. In para (B) above solar panels would be permitted on historic buildings. No specific policy about siting solar panels in sections of the High Weald National Landscape is included. The group considered clear policy needs to be in the plan.

Wind turbines page 48

Wind

(C) Proposals for wind energy supply infrastructure will be supported, subject to other policies, where they are in a 'broad location' identified on the Policies Map, or in a made Neighbourhood Plan, and where evidence of community support can be demonstrated.

Energy Storage

(D) Proposals for energy storage will be supported. Subject to other policies, where it is co-located with an existing or proposed renewable energy development or can be shown to alleviate grid constraints.

3.36 The opportunity for the development of wind turbines within the district, is extremely limited and is not appropriate in, or within the setting of, the High Weald National Landscape. Broad locations, identified on the proposals map, or in a made neighbourhood plan, will at as 'areas of search'; where the Council will consider granting planning permission in line with national policy and this local plan policy.

20) These are the proposed policies. There are also mentions of wind power on page 49 para 3.37 and page 412 para 12.18. None of these references provide any guidance about the suitability of wind power or the policies of where they should be sited. Again, the group considers that these policies should be in the Local Plan.

Both solar and wind power

21) Group considers that the following policies should be added:

- a) All applications and all consideration of solar power and wind turbines should be after it has been determined whether the solar power or wind power is domestic or commercial. The generating device is domestic where it is attached to a house and commercial is where it is ground mounted and its primary purpose is to generate electricity for the National Grid.
- b) There should be no solar panels or wind turbines on historic buildings or within their curtilage. Historic buildings are those listed by Historic England and those listed by East Sussex HER records.

- c) There should be no commercial solar panels or commercial wind turbines in the High Weald National Landscape, unless it is shown but there is no significant damage to the national landscape.
- d) No solar panels or wind turbine may generate any light pollution. All applicants for solar panels must specifically address this issue with the issue of avoidable glare.
- e) Applicants for solar panels should provide evidence that the panels create no danger to wildlife particularly migrating birds.
- f) Applicants are expected to provide 'all black' solar panels.

The High Weald National landscape page 56

22) -

Proposed Policy GTC9: High Weald National Landscape (AONB)

Policy Status:	Strategic
New Policy?	Yes, incorporating elements of DaSA Policies DEN1 – Maintaining Landscape Character and DEN2 – The High Weald AONB
Overall Priorities:	Green to the Core

Policy Wording:

All development within or affecting the setting of the High Weald National Landscape (AONB) shall conserve and enhance its distinctive landscape character, ecological features, settlement pattern and scenic beauty, having particular regard to the impacts on its character components, as set out in the latest version of the High Weald AONB Management Plan.

Development within the High Weald National Landscape should be small-scale, in keeping with the landscape and settlement pattern, and designed in a way that reflects its nationally-designated status as landscape of the highest quality, following the guidance in the High Weald AONB Housing Design Guide and Colour Study. Major development should not take place in the AONB save in exceptional circumstances as outlined at paragraph 183 of the NPPF.

- 23) The area of concern here is that the failure to define 'small-scale' and 'major development', leads developers to always put in applications and say Rother District Council needs houses, so let me provide the houses. A development near a settlement, may be more appropriate than one well away from the settlement. The failure to define the terms also leads to inconsistency. The use of these

words also causes a problem because the number of houses may not be the true issue. The word 'should' near the beginning of the second paragraph needs clarifying, and is open to developers to argue that 'as it does not say 'must' an application for their houses is appropriate'.

- 24) An alternative wording would be as follows.
- 25) 'All development within the High Weald National Landscape will be refused unless:
 - a) The development complies with one of the specific exceptions in the NPPF 2023 (or its successor) where development in the High Weald National Landscape is permitted.
 - b) The development is near a settlement. A settlement is a distinct group of houses within the landscape.
 - c) The development is in planning harmony with its surroundings.
 - d) The harm to the High Weald National Landscape is not significant.
 - e) Policy LWLS: Distinctive Places must be meticulously applied.'
- 26) This definition will provide Rother District Council planners, developers and the community and understanding of what will be and will not be permitted.

Design concept page 83-88

ii) **Design Concept.** Be visually attractive and be informed by a clear rationale and strong design concept developed in response to an understanding of the context and landscape character (including townscape). The design concept must also inform a consistent choice of high-quality materials, finishes, detailing and landscape design. Generally, unprepossessing late twentieth century and twenty-first century development in the area should not be used as precedents for material and finishes choices in new development.

- 27) The group considers this leaves out perhaps the most important part of good design. The group suggests that the first sentence should read, 'Those that design developments must determine the local design signature, also known as the local design palette. It is possible on rare occasions to depart from the local design signature, but that must only be when the design is wholly exceptional and the reasons for the departure are clearly stated.' The first sentence of the design concept above has so much leeway that it is unlikely to be understood. The sentence could be replaced by, 'All development must be visually attractive both from the outside but also from the inside. It must be in proportion to the development and the landscape nearby and must be in proportion inside.'
- 28) Para iii) is repetitive of Policy GCT9 High Weald National landscape at page 56. Repetition is not needed. A cross-reference to policy GCT9, would be more appropriate.
- 29) The design guide for the High Weald National Landscape is an incomplete document but does not provide the assistance to developers and others that it

should. The design guide does not in fact apply to the areas where the majority of people live in Rother, which is Bexhill.

- 30) It would be helpful if Rother District Council introduced their own design guide, incorporating the good parts of the High Weald National Landscape guide and other good guides.

Removal of building waste see page 84 para iv)

iv) **Material Banks for Future Development.** Building materials are valuable resources to be conserved and reused. All development must incorporate design for disassembly principles, allowing for the efficient removal and recovery of materials when a building is no longer needed.

- 31) This is dealt with in the comment for building waste at page 41 above.

Speed limits page 94

(A) All development proposals must meet the following criteria:

- i) **Design Speed of New Streets.** New or improved streets designed (no centre line, horizontal deflection, narrow width) and signed for vehicles to travel at a max speed of 20mph.

- 32) A vocal minority have demanded maximum speed limits of 20 mph everywhere they can. A silent majority routinely ignore them. The policy is extremely divisive. The silent majority has recently become a vocal majority. This document may not be the proper place for a mandatory 20 mph limit. If a new development has a mile long access road with no houses, a 20 mph limit would be required. The sentence should be prefaced with 'Where appropriate'.

- 33) Perhaps the authors may consider that as speed limits are determined by the East Sussex County Council, Rother District should not have a policy in a plan with a long shelf life, which may later be in conflict with the determining authority.

- 34) **Street clutter page 96**

x) **Reducing Street Clutter.** Streamline the placement of signage, street furniture, and other elements in public spaces to reduce street clutter. Benches and bins must be consistent with the design concept for the site/development.

- 35) The phrase 'Streamline the placement' lacks clarity. It is suggested policy could be replaced with, 'Wherever possible, planners, developers and the community should reduce street clutter. This applies to new and existing clutter and public and privately owned articles. This policy particularly applies to highway and other signage, bin areas and street furniture. All articles in the street should be considered individually and collectively with the neighbouring surroundings.'

Parking page 100

Proposed Policy LWL8: Multimodal Parking

Policy Status:	Strategic
New Policy?	Yes
Overall Priorities:	Live Well Locally

- 36) This section is very well drafted. However, the problem is that in rural areas many of the requirements would be hard to comply with. Yet, the group does not seek to take any of them out. The section on Rural Car Parking is as follows.

xi) **Rural Car Parking.**

- a. The design of car parks in the countryside or on the settlement edge must ensure they integrate into the surrounding landscape and avoid unwelcome visual impacts and suburban character.
- b. The layout, scale, materials, and mitigation measures using green infrastructure must be landscape-led and aim to enhance local character.
- c. Over-large car parks should be avoided where possible as they will conflict with local character and their visual impacts are more difficult to mitigate.
- d. Simple materials, based on what is locally characteristic, an absence of highway elements such as kerbs and clutter and locally appropriate planting represent the best approach in most locations.

- 37) The group suggests that the requirement should include emphasis on protecting the High Weald National Landscape, by ensuring at the car park it is hidden as possible. Further the importance of screening should be stressed.
- 38) The group further suggests there should be a new paragraph, namely,
'xii) **Light Pollution** Those designing and managing car parks must make sure light pollution is kept to the minimum. Applications for new parking areas must include a statement about how light pollution has been addressed.'

Housing allocations pages 157-161 and 175 and HELAA Part 2 Chapter 5 page 11-21

- 39) The group anticipates that this is the section that the authors had the most difficulty with. It is certainly the area that the group found taxing. The group would prefer a different system for allocation, but that is not an option. The group worked with the current system, although what will happen to the system is hard to predict.
- 40) The group's basic position is they 'want the right houses in the right places.' This is what the group told central government in one of their consultation exercises,

and were rather surprised when the government adopted the phrase as their policy.

- 41) The need for new housing is clear. The fact that 84% of Rother district is in the High Weald National Landscape and 92% of the district has some protection or other, makes grave difficulties for the authors. Much of the 8% of the district is already built on. Under the new definition of sustainability, finding sites becomes even more difficult. Everyone should give mental well-being a high priority but putting urban people in an isolated position in the countryside often goes wrong. The group's ultimate position was that what is needed is a good balancing exercise of all the factors.
- 42) An additional problem with this is that with the cost of housing, new houses bring in an influx of people from elsewhere wanting the village life and not providing affordable houses for local people. The way to deal with that was considered to be Exception sites and the use of affordable homes.

HELAA assessment

- 43) Like allocation generally, the group appreciates that the structure of HELAA has been laid down by others and the framework cannot at this stage be disturbed. However, the impact of it will feed through to bad planning grants in the decades to follow. One problem that the group cannot deal with is that Rother District Council does not have the resources to carefully analyse every site put forward. It is noted that the neighbourhood plans that make housing allocation are mentioned, but the Burwash neighbourhood plan, which with an inspector's approval, made no housing allocation. This decision was not only approved by Rother District Council, but it was also approved by the planning court after a three-day hearing.
- 44) The group was very unhappy about the prominence that was given to potential sites. Many of those listed as a potential sites are in fact on examination wholly unsuitable. However, listing them as potential sites gives the developer the impression that if he or she waits long enough it will become a suitable place for development. This introduces planning blight which is wholly contrary to most of the principles that Rother District Council stands for.

1.7 It is important to note that the HELAA does not pre-empt or prejudice any future Council decisions about any site. It is not a statement of Council policy. It does not determine whether a site should be allocated for future development, as that is the role of a Local Plan or a Neighbourhood Plan. It does not determine whether or not a site will be granted planning permission.

- 45) The above para 1.7 tries to minimise the impact on planning decisions of this document. Unfortunately, whatever the authors of this document say, developers will use this document to promote their individual sites because the site is a potential site. One way of dealing with this problem is to amalgamate this section and the rejected section.
- 46) The allocation submissions for the individual parishes will be sent after there has been further consultation with the Parish Councils.
- 47) **Development principles page 179**

Proposed Policy DEV1: General Development Considerations

Policy Status:	Strategic
New Policy?	No. Review of Policy OSS4 of the Core Strategy
Overall Priorities:	Green to the Core & Live Well Locally

ii) It does not unreasonably harm the amenities of adjoining properties;

48) The group particularly welcomes this sentence.

Comprehensive Development and Master planning page 181

Proposed Policy DEV2: Comprehensive Development and Masterplanning

Policy Status:	Strategic
New Policy?	No. Review of Policy DIM1 of the DaSA
Overall Priorities:	Green to the Core & Live Well Locally

Policy Wording:

Planning applications (whether in outline or full format) must relate to an entire development site to ensure a comprehensive approach, including where sites are in multiple ownerships.

When an outline application is submitted, a masterplan defining key parameters for the entire site must be submitted by the applicant to indicate how the overall development of the site can be achieved.

In circumstances, where it would speed up delivery, a planning application for part of a larger site may be permitted, but only where it demonstrably has regard to, and facilitates, an integrated scheme for development of the entire site through, a masterplan defining key parameters for the entire site as above.

In applying this policy, regard will be had to all relevant policies in this Local Plan to ensure appropriate provision, across the entire development site, of land uses, affordable housing, sustainable transport and access, green infrastructure (including biodiversity net gain and sustainable drainage) and other infrastructure (secured directly or through funding contributions).

- 49) It is noted that this policy is in conflict with itself and the authors are invited to consider carefully whether the policy adds anything at all. It is perhaps likely to confuse and there are clear advantages to planning applications in stages for some sites. It is suggested that this policy will be ignored and the planners at Rother are in a good position to make the decisions on a case by case basis. The authors are suggested to consider whether this whole policy is better deleted.

Development boundaries page 194

Proposed Policy DEV3: Development Boundaries

Policy Status:	Strategic
New Policy?	Yes.
Overall Priorities:	Green to the Core & Live Well Locally

Policy Wording:

Development boundaries define the area within sustainable settlements where development will be permitted, provided it is consistent with this Local Plan.

Priority shall be given to reuse of brownfield sites, in order to make efficient use of previously developed land in sustainable settlements. Some greenfield development will be necessary in order to deliver housing and employment need, but this will be limited to inside development boundaries.

In the countryside (that is, outside of defined development boundaries), development shall be limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary. Brownfield development will be prioritised, in order to make efficient and sustainable use of previously developed land.

- 50) The problem with this policy is that the various sentences contain principles that should be separated out. It therefore lacks clarity. An alternative wording would be as follows.

‘Areas within the development boundaries are where the principle of development is accepted. Areas outside the development is where the principle of development is presumed not acceptable.

Development in both areas, must be consistent with national and local planning rules. Planning decisions will be made after a careful evaluation of all the factors giving proper weight to each one.’

Infilling, redevelopment and change of use page 185 para 5.116

- 51) Para 5.116 of the Draft Local Plan reads as follows.

5.116 Within development boundaries, development will principally be on allocated and identified sites, together with other sites where proposals accord with relevant Local Plan policies. There is a presumption that infilling, redevelopment and changes of use will be acceptable subject to other policies of the Local Plan. This process of 'gentle densification' will help to support sustainable communities and Live Well Locally. Proposals within development boundaries are still subject to other policies to ensure that development does not adversely impact on other interests of acknowledged importance.

- 52) The suggestion that there is a presumption that infilling, redevelopment and changes of use will be acceptable subject to other policies of the Local Plan, creates considerable problems and goes further than appropriate. It would be far better to have no presumptions and allow the specific facts of the individual application to be determined under normal principles.
- 53) Making change of use acceptable within a development boundary cuts across very strong public policy. This would mean anybody could turn anything into a group of flats. If there is only one pub in a large settlement, it should not be removed simply because the landlord could make more money by selling it to a developer. Also Rother District Council and the Inspectorate have been careful about preserving village hospitality and employment places. To discard that would be wrong.
- 54) A similar problem arises in relation to infilling being generally acceptable. Planning inspectors have pointed out that on occasions when there is a continuous line of housing, a gap creates a feeling of well-being.
- 55) The group points out paragraphs 5.114- 5.118 are in part in conflict with the overall policy and are in conflict with each other. This means they lack clarity and consistency. Many of the policies referred to are best dealt with in the lead policy for that area. The paragraphs generally weaken this Local Plan. The plan would be better if they're all removed.

Ribbon development

- 56) The Core strategy instructs developers and plans to avoid ribbon development.

Policy OSS2: Use of Development Boundaries

Development Boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not.

Existing development boundaries will be reviewed by the Development and Site Allocations DPD, having regard to the:

- (i) Existing pattern, form and function of settlements, including of closely 'linked' settlements and important 'gaps' of countryside between them;**

(ii)-(v) Not listed.

(vi) Accessibility to facilities and services, and avoiding scattered and ribbon development;

(vii)-(viii) Not listed.

57) The draft local plan has no similar instruction.

58) There is however instruction for infilling. At page 185 para 5.116 of the Draft Local Plan which says the follows.

5.116 Within development boundaries, development will principally be on allocated and identified sites, together with other sites where proposals accord with relevant Local Plan policies. There is a presumption that infilling, redevelopment and changes of use will be acceptable subject to other policies of the Local Plan. This process of 'gentle densification' will help to support sustainable communities and Live Well Locally. Proposals within development boundaries are still subject to other policies to ensure that development does not adversely impact on other interests of acknowledged importance.

59) There is a clear distinction between ribbon development and infilling. Around a village core infilling is not only acceptable, it is often desirable. On roads leaving out of the settlement, filling in the gaps between houses is ribbon development, because the development is outside the settlement. Ribbon development has traditionally been unacceptable, because it blights the countryside and stretches the provision of services, like sewage disposal and electricity supply.

60) The group suggests the proposed policy DEV 3 should be widened to include restrictions for ribbon development.

Green gaps pages 195-197

Proposed Policy DEV6: Strategic Green Gaps

Policy Status:	Strategic
New Policy?	Revision to Policy DEN3 of the DaSA
Overall Priorities:	Green to the Core & Live Well Locally

Policy Wording:

Within Strategic Green Gaps, development will be carefully controlled. Developments will only be permitted where they are unobtrusive and do not detract from the openness of the area having regard to the specific objectives of the gaps, as follows:

- i) to maintain the separate identity and distinctiveness between settlements;
- ii) to maintain the strategic settlement pattern; and
- iii) to prevent the coalescence of settlements.

Enhancement of the gaps through effective landscape management which strengthens and reinforces their significance as protected landscape areas will be supported.

The extent of each of the five strategic gap areas is described below:

- 61) There then follows five examples of green gaps.
- 62) In para i) 'between' should read 'of'. The overall problem of this policy is that it doesn't make clear what makes a green gap. There are hundreds of settlements within the Rother district but it is only in a few cases that the green gap principle applies. Adding the words 'strategic' only confuses the matter. An alternative wording would be as follows.

'Rother District Council will protect green gaps between settlements where development in adjoining settlements threatens to damage or remove in part the boundary between the settlements.

The policy seeks to:

- Protect the separate identity of settlements.
- Prevent the amalgamation of settlements.
- Contribute to well-being.'

- 63) It is suggested it is wrong in principle for examples to be in a policy. Examples should be in the text. It is suggested that the Burwash Weald and Burwash green gap, the Flimwell and Ticehurst green gap, and the Etchingham and Hurst Green green gap should be included in the examples.

Bewl Water

64)Bewl Water page 212 para 6.34 and page 368 para 11.5 This is dealt with separately.

Health and Wellbeing

65)The group welcomes this new policy and considers it is well drafted. The group reminds the authors, that rural mental health and poor physical health is frequently overlooked. This is because it is often hidden and because rural poverty is also hidden. Further there is often a distinct lack of facilities and understanding of the problem in rural areas.

Impact assessments page 201

Proposed Policy HWB2: Health Impact Assessments

Policy Status:	Strategic
New Policy?	Yes
Overall Priorities:	Live Well Locally

Policy Wording:

A Health Impact Assessment must be submitted with applications for development (including change of use) equal to or exceeding:

- i) 100 dwellings;
- ii) 2,000sqm of non-residential floorspace; or
- iii) A site of 5 hectares.

A Health Impact Assessment screening will be required for all applications related to major development in wards of the district that are within the 20% most deprived nationally in the Index of Multiple Deprivation³⁷. Major development is defined as that classed under the Development Management Procedure Order (and any subsequent amendments). This screening process will ensure that localised health and wellbeing issues are addressed.

A Health Impact Assessment will need to demonstrate both the individual and cumulative impacts of the proposal as set out in the supporting text to this policy.

66)It is suggested that this policy would be improved if instead of 'Health', there was substituted 'Physical and Mental Health'. As the cost of these assessments will not fall on the local council and because the figures are too high, it is suggested 100 dwellings should read 50 dwellings, 2,000 square metres should read 1,000 square metres and five hectares should read 3 hectares. There needs to be an 'or' at the end of para i). That should also be a requirement for pre-application consultation when this policy applies.

Infrastructure requirements page 223

Proposed Policy INF1: Strategic Infrastructure Requirements

Policy Status:	Strategic
New Policy?	No
Overall Priorities:	Live Well Locally

Policy Wording:

Where new or improved infrastructure, including community facilities, is needed to support development, appropriate provision or contributions will be required. This will be established in consultation with relevant infrastructure providers, and as set out in the Council's Infrastructure Delivery Plan.

The delivery of infrastructure will be secured by planning obligation or by condition attached to the planning permission, or by any other appropriate mechanism such as the Community Infrastructure Levy.

Timing and Delivery of Infrastructure

- (A) Planning permission will only be granted where it can be demonstrated, through the submission of appropriate evidence, that there is, or will be, sufficient infrastructure capacity to meet all the necessary requirements arising from the development. Where new infrastructure capacity is required, it must be demonstrated that it can be delivered upfront or early in the development phasing.

Applications must set out all the infrastructure implications of a proposal and how they have engaged and worked with infrastructure providers. This includes infrastructure that is required to be delivered both on or off-site. If infrastructure cannot be delivered upfront or early in the development timescale, an agreed timetable, secured through planning condition or legal agreement will need to be in place so that the infrastructure can be delivered as soon as practically possible. Larger developments may need to be phased to ensure that infrastructure can be provided in a timely manner.

The design and layout of a development must ensure future access to utility infrastructure for maintenance and upgrading.

Where a proposal would be made unviable in light on infrastructure requirements, open book calculations verified by an independent consultant approved by the Council must be provided. All viability appraisals will be made publicly available and will be assessed with the assistance of an external

consultant at the developers cost to ensure the value of planning obligations has been maximised, having regard to development viability.

Safeguarding of Infrastructure

(B) It is important that existing infrastructure services, facilities and utilities are protected where they contribute to the needs of local communities. This is unless an equivalent replacement/improvement is provided or there is sufficient alternative provision of the same type in the local area, subject to requirements set out elsewhere in the Plan. Replacement facilities must be provided to at least the same standard which includes floorspace, volume, functionality and purpose.

67)The problem with this policy is that it is unlikely to be referred to because all it does is state the obvious and principles that are dealt with in other places. However, it does have one additional problem. It is not being followed by the planners for good reason. In the first paragraph of (A) it says the planning for developments will be refused where the infrastructure is not present. Currently, if there are insufficient doctors, school places and sewage capacity, planning permission is still granted. This is on the principle while the development is being built the local NHS Trust, East Sussex County Council and Southern Water will be invited to provide the capacity. If this policy was not in place, large developments would never be given planning permission, because the three bodies listed above would not provide the capacity until permission was granted.

68)The office are invited to conclude that INF1 policy is unnecessary, wrong in principle and adds nothing of significance.

Wi-Fi connections page 226

Proposed Policy INF2: Digital Connectivity

Policy Status:	Strategic
New Policy?	Yes, building on Policy EC1 (vii) of the Core Strategy
Overall Priorities:	Live Well Locally

Policy Wording:

Major residential and non-residential development will be required to provide a Fibre to the Premise (FTTP) connection.

Where the applicant deems this to not be feasible, evidence will need to be provided to demonstrate this for the consideration of the Council. In circumstances where it is agreed that FTTP cannot be delivered, the next most feasible fastest broadband speed will be provided.

69)This new policy is most welcome.

Affordable homes pages 229 and 237

Policy HOU1 and HOU3-4 are not replicated.

Proposed Policy HOU2: Affordable Housing

Policy Status:	Strategic
New Policy?	No – update to DaSA Policy DHG1
Overall Priorities:	Live Well Locally

Policy Wording:

Affordable housing will be sought on all qualifying housing development sites.

On housing sites or mixed-use developments delivering a net increase of six or more dwellings within the High Weald National Landscape and ten or more dwellings outside the High Weald National Landscape, or where the site has an area of 0.5 hectares or more outside the High Weald National Landscape, a minimum of **X percent** of the gross number of residential units must be provided⁵¹ as on-site affordable housing provision, unless off-site provision or an equivalent financial contribution in lieu can be robustly justified.

Developments providing a level of affordable housing in excess of these minimum proportions will be considered favourably in accordance with other Local Plan policies.

Where a site-specific viability assessment demonstrates the minimum requirements set out above cannot viably be met as part of an otherwise suitable development, the proportion of affordable housing must be the most that does not undermine viability. The Council will secure a review mechanism through a planning obligation requiring viability to be reassessed, at the developer's expense, over the lifetime of the development, to ensure that the maximum affordable housing contribution viable, up to the policy requirements, is provided.

Of the affordable dwellings provided, the exact tenure mix shall be identified through discussions with the local authority and informed by the latest Government guidance and any relevant local Housing Need Assessment. The starting point for discussions will be based on the following mix:

- 25% First Homes (where required in accordance with national policy)⁵².
- 58% Social/ Affordable Rented (with priority given to maximising social rent).
- 17% Other Affordable Home Ownership.

Local eligibility criteria for First Homes, such as a lower income cap than that set out in national policy, a local connection test or criteria based on employment status may be applied on a case-by-case basis where this is justified by a local need, in accordance with national policy.

The different housing tenures to be provided on site (market housing, affordable housing for rent and affordable housing for sale) should be well-integrated and designed to the same high quality to create tenure-neutral⁵³ and socially inclusive homes and spaces. The affordable housing should be apportioned individually or in small clusters and where this is not proposed it should be robustly justified.

In all cases, planning permission will be subject to a planning obligation to clarify definitions, tenure split and nomination rights and to ensure the affordable housing remains as such in perpetuity (allowing for staircasing provisions for shared ownership homes as appropriate).

- 70) This provision has been much misused in the past. Developers, who have no intention of offering affordable housing, obtain planning permission for homes with the promise of affordable housing and then produce a viability report saying that affordable homes are no longer possible. The policy should contain a statement that where affordable housing is offered the applicant must provide a viability statement with his or her application. If there is no such viability statement the application will be rejected as an application without the required information.
- 71) The first full paragraph of the policy box is hard to understand. The group wonders whether the **X** is to be filled in later or is one that is left open because it varies from site to site. Either way the group considers that 40% is the appropriate figure which can be reduced when viability is challenged.
- 72) Looking at all the pages on affordable homes the group think this is a good example where what needs to be said should be said and everything else excluded. This would make this section (pages 229-248) 1/3 or 1/4 of the size that it is now.

Exception sites page 249

- 73) The group considers exception sites to be very important and much under used.

Gypsy and travellers page 274

Policy Status:	Non-Strategic
New Policy?	No – Update to Core Strategy Policy LHN6
Overall Priorities:	Live Well Locally

Policy Wording:

Planning permission will be granted for Gypsy, Traveller and Travelling Showpeople sites, when all of the following criteria are met as relevant:

- i) The site is not located in a designated site of importance for biodiversity⁸⁹ or an area of Priority Habitat.
- ii) The site is not in an area at risk of flooding, unless a site-specific flood risk assessment has demonstrated that the development will be safe and will not increase flood risk elsewhere.
- iii) The proposal accords with policies in the Landscape Character chapter. Development should safeguard intrinsic and distinctive landscape character and scenic beauty, paying particular regard to the conservation of the High Weald National Landscape and undeveloped coastline, and be supported by landscaping proposals appropriate to the local landscape character.
- iv) Other than for transit sites, the site is located within or close to an existing settlement and is accessible to local services by foot, by cycle or by public transport.
- v) The site can be safely accessed by vehicles towing caravans and provides adequate and safe provision for on-site parking, turning, and access for emergency vehicles.
- vi) The site is of a small scale (maximum ten pitches/ plots) and is not disproportionate in scale to the existing settlement.

⁸⁹ As defined in Annex 1 to the national Planning Policy for Traveller Sites (updated December 2023).

- vii) Mixed use sites should not unreasonably harm the amenity of adjoining properties.
- viii) In the case of sites for Travelling Showpeople, the site must also be suitable for the storage of large items of mobile equipment.
- ix) In the case of transit sites, the site should be located close to or within easy access of the strategic road network.
- x) In the case of transit sites, the proposal must be accompanied by a management plan which demonstrates how the site will be appropriately managed in perpetuity to ensure the amenity of its occupants and the local community is protected.

Where planning permission is granted, appropriate conditions or planning obligations will be imposed to ensure occupation of the site is restricted to those persons genuinely falling into the definitions of Gypsies, Travellers and Travelling Showpeople⁸⁹.

⁸⁹ As defined in Annex 1 to the national Planning Policy for Traveller Sites (updated December 2023).

- 74) The group invites two changes to this important policy, which has been misused recently. The phrase, 'playing particular regard to the High Weald National Landscape' fails to give sufficient protection to it. The group suggests there should be a requirement as follows. 'New development will only be granted where there is no significant harm to the High Weald National Landscape.' Further it should be made clear that gypsy sites must be for those with travelling vehicles and not just for housing.
- 75) The group also suggests there should be a new sub paragraph, stating:
'vii) Light pollution is kept to the minimum.'

New dwelling in the countryside page 286 and 341

Proposed Policy HOU13: New Dwellings in the Countryside

Policy Status:	Strategic
New Policy?	No – update to Core Strategy Policy RA3 (iii)
Overall Priorities:	Live Well Locally

Policy Wording:

New dwellings in the countryside will be allowed, in accordance with other Local Plan policies, in very limited circumstances, including:

- i) Dwellings to support farming and other land-based industries. Normally, accommodation will initially be provided on a temporary basis for a period of three years. Both temporary and permanent dwellings will be subject to appropriate occupancy conditions, and all applications should comply with the following criteria:
 - a. Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses.
 - b. Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area.
 - c. Demonstrate the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so.
 - d. Dwellings are of appropriate size, siting and design.
- ii) The conversion of traditional historic farm buildings or other heritage asset in accordance with Policy HER2 and paragraph 84 of the NPPF;
- iii) The one-to-one replacement of an existing dwelling of similar landscape impact;
- iv) As a 'rural exception site' to meet an identified local affordable housing need in accordance with Policy HOU5;
- v) As a site for specialist housing for older people, to meet an identified need in accordance with Policy HOU9; and
- vi) Single or pairs of dwellings, either within a settlement without a development boundary or adjacent to an existing development boundary

where the site is either a small gap in an otherwise built-up frontage or is adjacent to the edge of an otherwise built-up frontage and where the site accords with policies within the Live Well Locally chapter and is close to local services including public transport connections and accessible to them by wheeling, walking or cycling. In all cases the proposal must accord with policies in the Landscape Character and Heritage chapters, safeguarding intrinsic and distinctive landscape character and scenic beauty and paying particular regard to the conservation of the High Weald National Landscape and historic environment. To prevent the inappropriate extension of settlements, proposals adjacent to a site which has previously been developed under this provision will not usually be permitted.

To provide for local rural housing need, all new dwellings in the countryside which are permitted under this policy, other than replacement dwellings under part (iii), shall be subject to a restriction, secured by a planning condition or obligation, which limits their occupation to that of a primary residence and prevents their future use as a second home or holiday accommodation. Proposals to change the use of existing lawful holiday accommodation in the countryside to a dwelling will be considered under Policies DEV4 and ECO5.

- 76) With respect, this policy needs some verbal tidying up. It needs to be a prohibitive policy and not a permissive policy. This policy is in significant conflict with the NPPF 2023 para 84 policy. May the group suggest the following?
- 1 'Applications for new dwellings in the countryside will be refused unless one of the following applies.
 - a) One of the exceptions listed in the NPPF 2023 para 84 policy applies (the essential need of rural workers, appropriate use of heritage assets, redundant farm buildings, the subdivision of an existing residential unit and designs of exceptional quality).
 - b) The dwelling is a rural exception site as determined by Policy HOU5.
 - c) The housing is for old people in line with Policy HOU9.
 - d) The housing is for a single or a pair of dwellings within a settlement outside the development boundary. Sustainability, landscape character, impact on the neighbouring properties and the scenic beauty of the area will be critical in determining its suitability.
 - 2 A settlement in this policy is a distinct group of houses within the landscape.
 - 3 Normally, where permission is granted there will be a condition that the unit must be for primary residency.'
- 77) The authors will note the following changes in the policy.
- a) The word 'including' has been removed. This is because there have been attempts for applicants to write in exceptions because it is claimed the list is not closed. This is not good policy. There is however need for some flexibility in the policy and *Tesco Stores Ltd. v Dundee City Council* [2012] UKSC 13 paras 19-22 provides the necessary flexibility.

- b) The provision about holiday lets has been removed. This is because the policy causes real injustice in the countryside. With the cost of housing in rural areas higher than in urban areas, the need for affordable accommodation is acute. There have been many instances where young people would like to be able to rent a holiday let but are prohibited from doing so because the accommodation is hoped to be long term. Rother District Council should not have policies which prevent the homeless being housed.

Residential gardens p 298

Proposed Policy HOU15: Extensions to Residential Gardens

Policy Status:	Non-Strategic
New Policy?	No – Update to DaSA Policy DHG8
Overall Priorities:	Live Well Locally

Policy Wording:

Extensions to the gardens of existing dwellings in the countryside will not be permitted unless the extension:

- i) Is modest in area and the change of use and associated domestic paraphernalia does not harm the rural character of the area; and
- ii) Is to a natural boundary or is a logical rounding off.

- 78) This policy lacks flexibility. If this policy had been in force in the past, not one of our important and historic gardens and parks could have been created. That is not a good policy. To overcome this problem, the authors should insert the word 'normally' after 'will not' or add the following.

'iii) is exceptional in horticultural, landscape or other ways.'

Landscape character

Proposed Policy LAN1: Rural Environments and Landscape Character

Policy Status:	Strategic
New Policy?	No – revised CS Policy EN1
Overall Priorities:	Green to the Core

Policy Wording:

The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it will be located, based on a clear understanding of the distinctive local landscape characteristics.

Priority must be given to the conservation and enhancement of the district's national designated and locally distinctive landscapes and landscape features, including but not limited to:

- (i) The High Weald National Landscape (which is also subject to Policy GTC9).
- (ii) The Romney Marshes, comprising of the distinctive low-lying levels to the east of the district with particular regard to the landscape setting of Rye and Winchelsea.
- (iii) The Pevensey Levels, comprising of the low-lying area of wetland meadows between Bexhill-on-Sea and Hailsham in Wealden District.
- (iv) Nationally designated historic sites including listed Parks and Gardens, Scheduled Ancient Monuments and the Registered Historic Battlefield at Battle.
- (v) The undeveloped coast.
- (vi) Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.
- (vii) Ancient Woodlands.
- (viii) Tranquil and remote areas, including the dark night sky.

- 79) In para (viii) the group suggests 'and ancient hedgerows' should be inserted.
Equestrian activities page 351

Proposed Policy ECO10: Equestrian Developments

Policy Status:	Strategic
New Policy?	Yes
Overall Priorities:	Green to the Core

Policy Wording:

Proposals for equestrian developments must, individually and cumulatively, safeguard the intrinsic and locally distinctive character and amenities of the countryside, with particular regard to the conservation of the High Weald National Landscape.

In addition, proposals should accord with the following criteria, as applicable:

- (i) The siting, scale and design, including materials and boundary treatment, of any new buildings or facilities should be appropriate to their rural setting;
- (ii) Proposals should not be sited in particularly prominent or isolated locations where new development would not be appropriate;
- (iii) Where proposals are sited on agricultural land, areas of poorer quality land should be preferred to higher quality land. Similarly, the siting of proposals should have regard to the hierarchy of international, national, and locally designated sites, by prioritising sites on land with the least environmental or amenity value;
- (iv) Commercial riding schools, livery stables and related facilities should be satisfactorily integrated with existing buildings;
- (v) Any associated floodlighting, earthworks, new access routes or ancillary structures, including storage facilities, manure bays, hard-standings, fencing and jumps, should not have an adverse impact on the surrounding countryside, biodiversity or local residential amenities, having regard to other relevant policies in the Plan; and
- (vi) Adequate provision should be made for the safety and comfort of horses in terms of the land for grazing and exercising, notably in the consideration of stabling proposals. Where possible, commercial riding

schools, livery stables and other commercial facilities should have satisfactory access to the public bridleway network without the use of unsuitable roads and in all cases not adversely impact on road safety.

In some circumstances, conditions (such as the removal of permitted development rights for fencing and external storage) may be applied where it is considered that there is the need to control potential adverse landscape impacts which can arise from the poor management of sites. Permission may also be subject to the removal of excessive or inappropriate fencing which has already taken place.

- 9.91 Ideally, new development should be sited close to existing built development and close to the bridleway system. Mobile field shelters can often be an appropriate way of catering for equestrian uses, although this is not always practicable.
- 9.92 Where applications come forward in more remote locations and permanent buildings are required, new development will be expected to meet a number of criteria aimed at protecting the character of the countryside and the amenities of both local residents and users of the countryside.
- 9.93 Particular control is necessary over the location of any new equestrian development and the size, siting and design of all new buildings and associated facilities. Floodlighting will rarely be acceptable for private/ domestic stables in the countryside, particularly in the High Weald NL and in those areas identified as having "dark skies". Any lighting necessary for commercial uses will need to be carefully designed in accordance with Policy LAN3. Extensive access roads or excavations other than of a minor nature to enable the formation of a sand school (or manège) are not appropriate in the countryside.
- 9.94 In assessing applications, adequate provision should be made for the safety and comfort of horses in terms of land for grazing and exercising. Such provision will help to address the issue of the excessive sub-division of fields and over grazing/loss of soil structure.
- 80) Many in urban communities consider equestrian activities in the same way as they consider agriculture. Those people see the activities as using the land properly and causing little or no damage to the environment. A large number of people who live in rural areas have a completely contrary view. Many people have a horse in a field near their house which causes no problem. Many others see equestrian facilities as the way to achieve backdoor development. It is known in the High Weald area as 'equestrian creep.' Hobby farmers buy prime agricultural land and then claim they need more and more buildings. These buildings are either erected on the claim they are needed for the horses, or claiming permitted development rights, or without permission. Buildings are erected so that later on other buildings can be erected between them. The claim that the buildings are needed for equestrian activities is often not examined. Claims that houses are needed for grooms and agricultural workers are common, but looking at the plans and the size of the houses it is clear that soon they will

be used for their market value. All this activity causes serious damage to the High Weald National Landscape.

- 81) Many of the facilities that are claimed to be needed for an equestrian centre, like sand schools significantly harm the High Weald National Landscape.
- 82) Policy ECO 10 is mostly aspirational and does not use directive language. Phrases like 'Should be appropriate', 'Should not be sited' will provide little protection for the countryside. At paragraph 9.91 the word, 'ideally' will again not prevent unsuitable development. The group looked at the individual policies for light pollution, the High Weald National Landscape and development outside where development boundary and considered if the equestrian development section was not clarified, developers would use the equestrian policy to say that the other policy need not be complied with in full. To ensure that no one can say that there is a conflict between various policies and the equestrian policy, it is better to make that clear in the equestrian policy. The group has done that. To ensure that the authors' aims are achieved in a policy, the group suggests the following wording.

'All applications for equestrian development will be examined with the greatest care to determine whether they are a genuine application or an attempt to avoid normal planning restrictions for development in the countryside.

Applications for equestrian developments will be considered using the following criteria.

- a) Whether the appellant has shown that the equestrian development is a bona fide application needed for equestrian activities.
- b) Whether the applicant has shown that there will be no significant harm to the High Weald National Landscape.
- c) Whether the applicant for a countryside development has shown that the equestrian facilities, like sand schools, will not be significantly visible to neighbours or the general public.
- d) Where the applicant seeks to install a feeding centre for horses, the application will only be granted where it is shown that a mobile feeding centre is not suitable.
- e) Whether the applicant has shown that light pollution will be kept to a minimum.
- f) Equestrian development must be near development and must not be an isolated development.

Where the applicant has failed to show any of the above requirements the application must be refused.

All application for development through lawful development certificates will be referred to the councillors in the same way as planning applications are referred to councillors.'

Trees, Woodlands and Hedgerows page 359

Proposed Policy LAN2: Trees, Woodlands and Hedgerows

Policy Status:	Non-Strategic
New Policy?	Yes
Overall Priorities:	Green to the Core

Policy Wording:

Development must, where appropriate, enhance and expand the district's tree, hedgerow and woodland resource.

Development that would result in the unacceptable loss of, or damage to, or threaten the continued well-being of, locally valued and/or protected hedgerows, community orchards, veteran trees or woodland will not be permitted. The following criteria must be met:

- (i) A CAVAT¹¹³ assessment submitted with all applications impacting on individual or groups of trees in order to quantify the public amenity value.
- (ii) No net loss of hedgerows, as they form a key component of local ecological networks and ecosystem services.
- (iii) Where the loss of trees and/or hedgerows is considered acceptable, adequate replacement provision must utilise local and native species that are in sympathy with the character of the existing tree or hedge species in the locality and the site.
- (iv) Tree surgery work requiring consent must be undertaken in accordance with arboricultural best practice. All tree work must be undertaken in accordance with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction.
- (v) Details of soft landscaping details, including tree, hedge and wood planting where appropriate, must be provided with planning applications. Landscaping schemes should take into account local landscape character, ecological interests (including green infrastructure networks) and should include the planting of indigenous species where appropriate.

- (vi) Details of long-term maintenance and management plans must be provided to accompany soft landscaping proposals.

- 83) The authors should be congratulated on this new and important policy. It is a very valuable addition. The group would however suggest that after the first sentence the following should be added. 'At all times consideration must be given to the wildlife, the trees, woodlands and hedgerows support.'

Light pollution and Dark Skies page 362

Proposed Policy LAN3: Dark Skies

Policy Status:	Non-Strategic
New Policy?	Yes
Overall Priorities:	Green to the Core & Live Well Locally

Policy wording:

The siting, layout and design of development must maintain and reinforce the sense of tranquillity of remote areas, especially locations within the High Weald National Landscape, through maintaining dark skies and avoiding unnecessary light pollution.

Development types with significant lighting requirements should be located on sites away from intrinsically dark rural skies, and away from wildlife sensitive areas such as ancient woodland.

Large areas of glazing in new building designs, especially wrap-around glazing and floor to ceiling windows, are discouraged, especially in rural areas with intrinsically dark skies.

Artificial lighting proposals must:

- (i) Follow the Institute of Lighting Professionals (ILP) guidance on reducing obtrusive lighting and other relevant guidance to aid protecting dark skies, including ensuring that lighting designers use exterior light control environmental zone E1 to inform any proposed lighting in, or affecting the setting of, the High Weald National Landscape.
- (ii) Seek to protect wildlife-rich sites and habitats such as ancient semi-natural woodland from external lighting, and where lighting is needed, require minimised and ecologically informed lighting schemes regarding location, direction, lux levels, colour temperature and light fitting design.
- (iii) Seek to reduce light pollution, including glare and sky glow, by ensuring that flood-lit facilities such as sports pitches and car parks are turned off when not in use through agreements and planning conditions.
- (iv) Avoid new street lighting where possible and ensure any street lighting required for junctions on adopted roads is kept to the minimum necessary and adheres to best practice in term of location, illuminance

and equipment design and light temperature, to avoid unnecessary skyglow and light spill.

Proposed Policy ENV7: Environmental Pollution

Policy Status:	Non-strategic
New Policy?	No, updated version of DaSA Policy DEN7
Overall Priorities:	Green to the Core & Live Well Locally

(iii) **In relation to lighting**, the proposed scheme is necessary and the minimum required, and is designed to minimise light pollution including light glare and sky glow and to conserve energy, through the use of best available technology, having regard to the lighting levels recommended by the Institution of Lighting Professionals (ILP) for the relevant

environmental zone. Development should also be in accordance, where relevant, with Policy LAN3 (Dark Skies).

- 84) Again the authors of the document should be congratulated for the addition of this important and valuable new policy. The group would make the following suggestions.
- a) Light pollution and dark skies should be in the same policy. A cross reference for Policy LAN3 can be added to Policy ENV7.
 - b) Urban light pollution is important.
 - c) The reason why light pollution and dark skies are important should be set out.
 - d) The use of the words ‘seek’ and ‘follow’ place the emphasis on aspirations rather than on command.
 - e) Policy LAN3 should become Policy ENV7 with the consequent renumbering of the policies.
- 85) The group suggests that the policy should be reworded to help presentation and clarity. The group suggests the following.

Policy ENV8 Light Pollution and Dark Skies

Policy Status	Non-strategic
Overall Priorities	Green to the Core and Live Well Locally

- 1 Light pollution must be considered at all stages of the planning process.
- 2 Light pollution is a problem in urban areas as well as in rural areas and urban light pollution must be addressed.
- 3 The maintaining and improving dark skies is primarily about light pollution.
- 4 Every effort must be made to reduce lighting and therefore reduce light pollution.
- 5 The reason why light pollution is important is as follows.
 - a) The national and local commitment to reducing energy consumption, both for combatting global warming and reducing authorities costs.
 - b) The impact light pollution has on wildlife and plants. This impact is particularly acute for migrating birds.
 - c) The impact light pollution has on neighbourhoods.
 - d) The detrimental effect of lighting and glare.

- e) The intrinsic beauty of night skies.
- 6 Light pollution is about unnecessary lighting and unnecessary lit signs for advertising purposes and information purposes, see also Policy HER3.
- 7 The institute of lighting professionals guidance and similar guidance should be applied.
- 8 Indoor lighting should be designed so that light pollution is minimised. Large windows and glazing that creates light pollution must be avoided. Careful consideration should be given to roof windows.
- 9 Consent for outside lighting will only be given where the type of lighting is wildlife appropriate. The lighting normally needs to be downlit and consideration must be given to timing devices, light meters, which turn the lighting on and off, and motion sensor switches.
- 10 Safety is a consideration, but street lighting should be avoided wherever possible. Where it is proposed, an assessment must be provided about the degree of light pollution it would create and how it has been minimised.
- 11 Recreation facilities and sporting grounds must only be lit where it is necessary and arrangements must be made for the lighting to be turned off when it is not required.
- 12 Car park lighting is normally not required.
- 13 Those considering light pollution must take into account the local damage that lighting will cause. However, this does not mean light pollution is less important in certain areas. Light pollution is important in all areas.
- 14 Parts of Rother District Council enjoy dark skies. These must be monitored, protected and enhanced.
- 15 Although highway lighting is a matter for East Sussex County Council, Rother District Council will work with them to reduce Highway Light pollution .

Heritage Policy HER1 Heritage Management

This policy is not reproduced here.

- 86) The group suggests there should be a new sub paragraph, stating,
'vi) Ensure light pollution is kept to the minimum.'

Shopfronts, signage and advertising page 417

Proposed Policy HER3: Shopfronts, Signage and Advertising

Policy Status:	Non-Strategic
New Policy?	No. Development and Site Allocations Policy DEC1
Overall Priorities:	Live Well Locally

Policy Wording:

- (i) Proposals for a new shopfront, an alteration to existing shopfront (including external blinds), or signage on buildings, will only be permitted where:
 - a. it relates appropriately, in size and design to the architectural and historic character and appearance of the building in which the shopfront is located;
 - b. it relates appropriately, in size and design, to its overall setting in the street scene, and impact on public safety; and
 - c. it has due regard to its proportions, size, design, visual relationship to upper storeys, materials, colour, height and width, and illumination.

Particularly within Conservation Areas, the loss of features or fabric of historic, architectural and/or socio-cultural merit or the installation of external roller shutters will not normally be acceptable.

- (ii) Signage and advertisements on or in the grounds of commercial properties will be permitted where their number, size, shape, materials, location and design (including any lighting and illumination) have an acceptable impact on highway safety and amenity, including on the scenic, architectural and historic character of the locality.

Other than in exceptional circumstances, free-standing signage and advertisements should have a close physical relationship to the premises that they serve.

In rural areas, signage and advertisements should not detract from landscape character or the undeveloped nature of the countryside, including after dark, nor introduce unnecessary "clutter".

87) The group suggests that new sub paragraph (ii) and (iii) should be added.

(ii) New and current shopfronts, signage and advertising must be designed or altered to ensure light pollution is kept to the minimum. To achieve this Policies [list whatever goes into the final edition of the Local Plan] must be strictly applied. If artificially lit, shop fronts, signage and advertising must:

- a) Be no larger than is necessary, and
- b) If attached to a commercial outlet or public facility, must not be lit when the commercial outlet or public facility is not being used.

(iii) Where there is an application involving lit shop fronts, signage or advertising, it must include a statement about how light pollution has been minimised, how

timing devices, motion sensors and light meters turning the sign on and off have been considered.

Appendix 1 page 421

- 88) As all the information in this index is in the individual policies, the appendix could easily be removed without losing anything. It would also save three pages.

Appendix 2 page 424

- 89) The group points out that the few readers would know these maps exist. The group suggests that they should be put into the relevant section for Bexhill, Battle and Rye in Chapter 5.

About the group

- 90) The Northern Parishes Group consists of chairmen of parish councils in the northern part of the Rother District Council, clerks of parish councils and others. The aim of the group is to take issues of common interest and pursue them collectively for greater impact. Six parish councils are involved in the group.
- 91) The group was originally set up to consider enforcement in Rother District Council. Since then it has become involved in a number of policy issues, including the government planning reforms, the dark skies policy and unauthorised depositing of waste in the High Weald Area of Outstanding Natural Beauty (AONB).

Conclusion

- 92) The group hopes that these comments are helpful.

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