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Rother Regulation 18 Local Plan Representation

On behalf of Rurban Estates Limited

In respect of Land East of Watermill Lane (North)

July 2024 - DHA/33941



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1. Design Vision Land East of Watermill Lane
2. Heritage Note
3. Transport Technical Note
4. Landscape Visual Appraisal

1 INTRODUCTION

1.1 PURPOSE OF THIS REPRESENTATION

- 1.1.1 This representation has been prepared on behalf of Rurban Estates Ltd ('Rurban') in response to the Rother Draft Local Plan (Regulation 18) Consultation, which runs until 23rd July 2024.
- 1.1.2 Rother District Council (RDC) is in the process of preparing a new Local Plan to set out a strategy for development across the district for the period to 2040 and is seeking views on the overall spatial strategy, the vision and objectives, its supporting evidence base documents and any of the Plan's draft policies.
- 1.1.3 Rurban control 6.66 hectares of land (within a single ownership) at Watermill Lane (North), situated on the northern edge of Bexhill ('the site'), which is identified as a potential allocation in the Housing and Economic Land Availability Assessment (HELAA) under reference BEX0164.
- 1.1.4 This report therefore considers the draft policies of the Plan, whilst assessing the planning case for the land at 'Watermill Lane' as a potential housing allocation.
- 1.1.5 For the avoidance of doubt, this representation document is intended to be read alongside the online form which has been completed separately and refers to this document.
- 1.1.6 Additionally, these representations are supported by a Vision Document which comprises a Constraints & Opportunities Plan and an Illustrative Masterplan, attached to these representations at Annex 1, supported by a suite of technical reports comprising:
- Annex 2 - Heritage Note (Pegasus Group);
 - Annex 3 - Transport Technical Note (DHA Transport);
 - Annex 4 - Landscape Visual Appraisal (LDA Design).

Plan Context

- 1.1.7 Whilst this consultation falls under the scope of Regulation 18 and remains 'informal', the next pre-submission (Regulation 19) draft will need to demonstrate that it has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is 'sound'. In line with the current requirements of the NPPF, to be sound the final draft plan must be:
- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements

with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework.

1.1.8 Having considered the content of the consultation documents, and the evidence and assumptions that underpin them, we consider that the draft Local Plan provides an excellent opportunity for RDC to plan for growth over the plan period in a positive and sustainable manner. Early thoughts in respect of potential growth locations are encouraging, however it is also clear that there are several issues that need to be addressed prior to the finalisation of the draft Local Plan if the Council is to ensure that the plan meets the tests of soundness.

1.1.9 To provide constructive feedback and assist the process, this submission provides comments on a topic basis, highlighting where we believe any areas of concern lie and where modifications are required.

2 RESPONSE TO THE DRAFT LOCAL PLAN

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

- 2.1.1 The consultation document asks respondents to comment on the extent to which they agree with the overall vision and objectives of the Local Plan.
- 2.1.2 According to the Vision, by 2040, "bold solutions will have successfully addressed the climate and biodiversity emergencies and the housing crisis." These are translated into two Overall Priorities: "Green to the Core" which means considering the impact of all planning decisions on the climate emergency, the biodiversity crisis and the High Weald National Landscape, and "Live Well Locally." The latter means considering the goal of creating healthy, sustainable communities, supporting residents in terms of access to jobs, services and facilities, connected and compact neighbourhoods and new places that foster a sense of belonging, identity and shared experience. While we agree with these the overall thrust of these priorities, neither adequately go to the heart of the urgent need for housing, including specifically addressing the current housing crisis.
- 2.1.3 The housing crisis is acute in Rother and getting a Local Plan in place is the first step to ensure proper, planned delivery of housing in a consistent and sustainable manner to ensure the Council can realise its two overall priorities. However, the Local Plan needs to honestly address the scale of the housing shortfall and the importance of meeting the local housing need in full. Accordingly, we recommend that "Live Well Locally" is expanded to specifically confirm that it will be the aim of the Council to address the housing crisis, meeting local housing need in full and maximising housing delivery.

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

- 2.2.1 The draft Local Plan seeks to address ten key planning issues, which are stated to stem directly from the Vision for the Plan and link to the Council's two 'Overall Priorities'. In summary these are:
- Delivering carbon reduction, climate change adaptation, and responding to the 'Climate Emergency';
 - Meeting the overall local demand and need for housing (including affordable and specialist need);
 - Securing economic improvement;

- Improving access to jobs, services, and facilities, and supporting sustainable rural economies and communities;
- Conserving and enhancing the landscape and environmental quality, alongside delivering biodiversity gains and improvements to green infrastructure;
- Delivering infrastructure to support growth and strengthen sustainability;
- Promoting physical and mental health and wellbeing, healthier lifestyles, and reducing inequality and deprivation;
- Planning for an ageing population with adaptable homes and a range of accommodation options;
- Providing better sports, leisure, culture, and tourism facilities for residents and visitors; and
- Managing uncertainties and contingency planning for long-term climate resilience.

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

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

- 2.3.1 The draft Local Plan sets out ten strategic spatial objectives, which will be used to support and deliver sustainable development.
- 2.3.2 Spatial Objective 4 recognises the need to respond to the housing crisis and help facilitate the delivery of housing to meet the needs to different groups. This will be achieved by maximising the potential opportunities for residential development in sustainable and deliverable locations. We strongly support this objective, and it is encouraging that the Council specifically acknowledged the housing situation as a crisis. We do question the validity of inferring that there is a matter of choice about the delivery of housing and economic needs.
- 2.3.3 As outlined within the consultation document, there is a need to identify enough sites to deliver a minimum of 737 homes per year. This target is not an arbitrary Government top-down target, and instead is based on the Government's standard methodology and directly corresponds to the district's established population, affordability, and future needs. Accordingly, creating a place where the range of housing needs are being met in full, and improved, should be clearly explained to

be a minimum requirement – it is the way it is achieved that should be subject to more open questions to the public.

- 2.3.4 We would suggest some minor modification to clarify that the plan is positively prepared and fully aligned with the provisions of the NPPF to make it clear that the plan as a minimum, seeks to meet the area’s objectively assessed needs:

“Respond to the housing crisis and help facilitate the delivery of housing to meet the needs of different groups in the community in full [...]”

- 2.3.5 Spatial Objective 5 states that the Council will deliver sustainable growth and regeneration in Bexhill and its edges along with the Hastings Fringes. The objective seeks to locate development in the most sustainable and least environmentally constrained areas of the district. We strongly support this Spatial Objective, which recognises the strategic role that Bexhill plays and the opportunities that it presents for sustainable growth.

- 2.3.6 Similarly, we are supportive of Spatial Objective 7 which seeks to focus growth in sustainable locations, or places that can be made sustainable through supporting infrastructure and community facilities.

- 2.3.7 It is vital that these commendable objectives are carried forward into specific policies and site allocations in subsequent versions of this emerging Local Plan, ensuring that the potential of Bexhill to grow is maximised by using all available and suitable potential housing sites. We would urge the Council to engage with site promoters to ensure that the delivery of development on these sites can be positively planned.

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

- 2.4.1 We support the general principle of ensuring that new development contributes to climate change mitigation by reducing emissions through energy efficiency and the way that fossil fuels are used, as well as addressing the ways in which developments are designed, constructed and operate over their lifetime. However, draft policy GTC1 seeks to set ambitious net-zero carbon standards for new development that go beyond the minimum standards provided by the Building Regulations.

- 2.4.2 On 13 December 2023, a Written Ministerial Statement advised that while some local authorities’ plans exceed national efficiency standards, the Government aims to balance improving home efficiency with ensuring sufficient housing is built. The Statement also notes that multiple local standards can increase costs and complexity, undermining economies of scale. Thus, the Government does not expect plan-makers to set local energy efficiency standards beyond current or planned building regulations. It advises that:

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

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

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

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

2.5 Q15. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY FOR HEAT NETWORKS?

2.5.1 According to draft policy GTC5, all proposals of 10 dwellings or more, or 1,000 sqm or more of non-residential floorspace in Bexhill-on-Sea will be required to make developer contributions towards the establishment of district heat networks. Supporting text refers to existing building heat density and the presence of large, non-residential buildings with sufficient head demand to act as anchor loads. Accordingly, it would appear that this policy is intended to be directed at projects within central Bexhill rather than new developments on the edge of Bexhill.

2.5.2 The Climate Change Study (July 2023) produced by Ove Arup & Partners sets out the opportunities and implications for renewable energy and district heat networks within Rother, however this requirement must also be subject to viability testing to ensure that the sites and scale of development identified in the Plan is not subject to such a scale of obligations that their ability to be developed viably is threatened. Indeed, the Study recognises that more detailed techno-economic

feasibility and grid constraint analyses are required to confirm the viability of potential district heat network locations across Rother.

- 2.5.3 To avoid ambiguity, if the Council progresses with the proposed policy on heat networks, it is crucial that the policy specifically confirms a geographical area that it will apply to. At this stage, we have concerns that the draft policy is not based on proportionate evidence and is therefore not “justified” (NPPF, paragraph 35).

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

- 2.6.1 The draft Local Plan requires all development to meet the objectives of the East Sussex (including Brighton & Hove) Local Nature Recovery Strategy (LRNS), taking opportunities to deliver ecological networks and green infrastructure.
- 2.6.2 The Responsible Authorities were appointed in the 2023 when they began setting up the process and building the baseline evidence that supports the LRNS strategies. At the time of writing, it is anticipated that the draft strategies will be shared for public consultation in early 2025, before being published later in the year. It is therefore critical that the Draft Local Plan provides enough flexibility to respond to an evolving strategic context to satisfy the test of soundness required for Local Plans to be made.

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

- 2.7.1 We note that under policy GTC8, all qualifying development proposals must deliver at least a 20% measurable biodiversity net gain. Whilst we support the principle of achieving net gain, there is no apparent evidence of the Council understanding the implications of what a 20% uplift would require, nor any justification as to why provision above the mandatory 10% requirement is sought.
- 2.7.2 In February 2024, Planning Practice Guidance (PPG) was updated to advise plan-makers that they should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies, they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration is also needed to be given as to how the policy will be implemented (Paragraph: 006 Reference ID: 74-006-20240214).
- 2.7.3 Comparatively, the Draft Plan states that a higher level is justified because “opportunities to deliver this off-site, if necessary, are available locally” and because “the viability of development is unlikely to be unduly impacted in most cases”. The Plan is accompanied by an Environmental Management Background Paper (2024), which refers to a justification for a 20% net gain (dated September

2020) and a viability assessment (dated June 2022) prepared by the Kent Nature Partnership. Neither of these documents relate to Rother District, nor meet the requirements of the PPG.

- 2.7.4 If this policy is implemented, development assumptions must factor this in, and ultimately, more sites will be needed to deliver the Local Plan housing requirement as 20% Biodiversity Net Gain will inevitably reduce developable areas resulting in lower yield of dwellings from allocated sites.
- 2.7.5 Consequently, at this stage we are concerned that policy GTC8 is not underpinned by appropriate evidence, including that the approach taken will be viable, and is therefore not “justified” (NPPF, paragraph 35). Alternatively, the Draft Plan can complement the statutory framework for biodiversity net gain by, for instance, including policies which support appropriate local offsite biodiversity sites, including whether specific allocated sites for development should include biodiversity enhancements to support other developments meet their net gain objectives in line with Local Nature Recovery Strategies.

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

- 2.8.1 Proposed Policy LWL1 sets out minimum densities for different areas, as defined by Rother’s Density Study:
- Urban areas in Bexhill, Battle and Rye: 60-90+ dph;
 - Suburban areas in Bexhill, Battle, Hasting Fringes and Rye: 45-75 dph;
 - Live well locally areas: 45-60 dph;
 - Village areas (with development boundaries): 25-45 dph.
- 2.8.2 It is not clear from the Density Study (April 2024) whether these figures are measured in terms of gross or net density. Moreover, these area types have not yet been confirmed, so it is difficult to comment on the proposed density ranges. Notwithstanding this, Figure 2.1 (extract below) in the Draft Plan provides an indicative map of how the area types proposed by Policy LWL1 could be spatially defined. ‘Live Well Locally’ area types are likely to relate to the proposed growth areas in West and North Bexhill, including our client’s site at Watermill Lane.
- 2.8.3 Whilst we support the efficient use of land and where appropriate higher densities, the policy should not be overly prescriptive to ensure that individual site characteristics are appropriately considered.

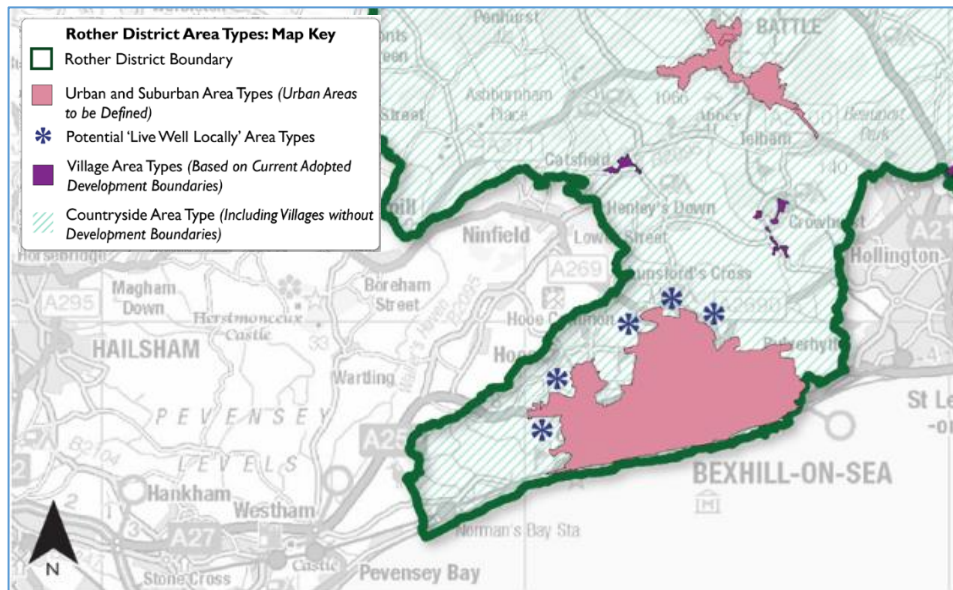


FIGURE 2.1: PROPOSED DENSITY AREAS

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

- 2.9.1 According to proposed policy LWL2 (Facilities & Services) all development proposals for one or more new dwellings in Urban, Suburban and 'Live Well Locally' Area types, must be located within "an 800m safe, usable walking distance of a mix of local amenities". They must provide, or contribute to, a network of safe, attractive, varied public squares and open spaces, play, sports and food growing opportunities. Additionally, proposals of 150 dwellings or more must upgrade or contribute to new indoor meeting places.
- 2.9.2 This policy seeks to ensure people of all ages and abilities should be able to reach their daily needs within a "20-minute walk or bike ride", with Rother adopting the position that an 800 metre walk and back again represents a 20-minute journey (10 minutes each way). Though we agree that people of all ages and abilities should be able to reach their daily needs without having to use a car, no evidence has been put forward to justify this figure.
- 2.9.3 Whilst it is admirable, and correct, that the draft Local Plan seeks to direct sustainable growth to Bexhill, it is wholly unrealistic to expect that all new development can be located with 800m of "a mix" of local amenities. Cited examples include a food shop, park, primary school, post office and a GP surgery. The 'Live Well Locally' area is a suburban edge location, and as such, it is inappropriate to expect the same level of services and facilities as those available in the centre of Bexhill. Flexibility must be provided so as not to preclude

sustainable developments which do not meet the stringent test set out at policy LWL2. This is particularly important in the context of the current acute housing need in Rother.

- 2.9.4 Moreover, the policy does not take into account access to public transport and the role this plays in providing access to services. The NPPF recognises that opportunities for sustainable travel will differ for sites in urban and rural locations; therefore, the site accessibility should be assessed reasonably in this context.
- 2.9.5 We consider that the principles of local living should be embedded more broadly in the Local Plan, to reflect a longer-term aspiration and healthy and sustainable living, rather than being imposed as a restrictive policy requirement.

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

- 2.10.1 The Council has considered a series of potential spatial development options (SDOs), and these have been individually assessed through the Sustainability Appraisal process. Rother's proposed development strategy is a combination of the following options:
- Bexhill Greenfield Growth (without new multi-modal transport corridor); (SDO3A)
 - Radial settlement network connected to Bexhill and Hastings (SDO2)
 - Village Clusters centred around Rye and Battle; (SDO1)
 - Sustainable settlement growth, with focus along the A21 Corridor; (SDO4, SDO10)
 - Hastings fringes urban growth (SDO5)
 - Brownfield Intensification and Redevelopment. (SDO6)
- 2.10.2 For the avoidance of doubt, we are supportive of the proposed strategy which seeks to locate development on the northern and western edges of the built-up area of Bexhill to create new compact, connected communities (SDO3A). As demonstrated by Figure 2.2, Rother is a highly constrained district given its significant environmental and other constraints, including the extent of the High Weald National Landscape, areas of flood risk, designated wildlife sites, ancient woodland, heritage designations and a widespread rural population.

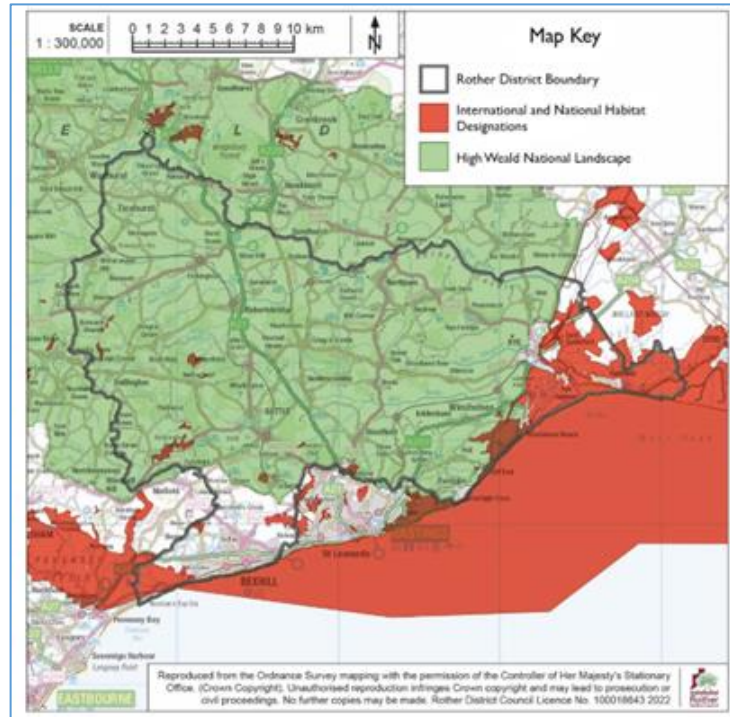


FIGURE 2.2: PROTECTED LANDSCAPE AND ENVIRONMENTAL DESIGNATIONS

2.10.3 In this regard, Bexhill has been identified in the Settlement Study (April 2024) as the most sustainable settlement for growth. Consequently, opportunity must be taken to utilise every suitable site for housing. This is reflected in paragraph 5.40 of the Draft Plan, which states that development on greenfield land will be necessary to meet local needs due to the lack of available brownfield sites. It is therefore vitally important that RDC seeks to maximise each and every available and suitable site on the edge of Bexhill in order to deliver the local housing need in the most sustainable manner.

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

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

2.11.2 The draft Local Plan is evidenced by a Housing and Economic Development Needs Assessment Update (HEDNA) (February 2024) jointly prepared with Hastings Borough Council to assess future development needs up to 2040. This states that

the Standard Method calculation results in a minimum Local Housing Need (LHN) figure of 737 dpa for Rother, which is in sharp contrast to the proposed target of 258–364 dpa and the statement within the Overall Spatial Development Strategy is disingenuous.

- 2.11.3 As evidenced in Table 2.1, the Council has consistently failed to deliver against its housing requirement. This has no doubt led to the current acute shortage of housing in Rother and its current identified need. During this time, the need for affordable housing has also become even more acute, with 238 dpa required for affordable rented housing tenure and 87 dpa required to be affordable home ownership tenure. Therefore, the total net annual affordable housing need for the period 2021 to 2044 is 325 dpa (equivalent to 44% of the local housing need figure based on 737 dpa, which is high).
- 2.11.4 It is clear therefore, that the proposed minimum targets for housing growth do not meet the local need for all forms of housing.

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

TABLE 2.1: SUMMARY OF HISTORIC HOUSING DELIVERY IN WEALDEN

- 2.11.5 The growing need for both market and affordable housing lends emphasis to the requirement for the Council to plan to meet its full assessed need, as required by the NPPF (paragraph 11b and paragraph 23), supporting the Government’s objectives to significant boost the supply of homes (NPPF, paragraph 60). The new Labour Government’s recent announcements about the restoration of mandatory housing targets only go to emphasise the importance of RDC planning to meet the need in full through the plan making process.

Duty to Co-operate

- 2.11.6 It is also important that the Council has regard to any needs that cannot be met within neighbouring areas when establishing the amount of housing to be planned for, to ensure the Plan is “positively prepared” (NPPF, paragraph 35).
- 2.11.7 According to the Engagement and Duty to Cooperate Statement, Rother has prepared a Joint Statement with Hastings Borough Council in order to develop and action matters of cross-boundary importance and most importantly, explore joint

opportunities to maximise housing delivery. However, other LPAs that neighbour Rother District who may not be able to meet their local housing need include Wealden, Tunbridge Wells, and Ashford, whilst Eastbourne Borough Council has recently declared a Housing Emergency, falling a similar declaration by Crawley Borough Council.

- 2.11.8 RDC will be required to demonstrate how they have sought to engage with these authorities to establish whether they should be accommodating any unmet need. Demonstrably failing to consider this issue will place the Local Plan at risk of not being found sound. It is therefore even more pressing that the Council plans to meet its housing objective in full, since this could contribute to a worsening housing supply and affordability if there is consistent under delivery of housing in this part of East Sussex and Kent.

2.12 Q57. WHAT ARE YOUR VIEWS ON THE TWO BROAD LOCATIONS FOR GROWTH (WEST BEXHILL AND NORTH BEXHILL) AND THEIR GROWTH POTENTIAL IN THE BEXHILL STRATEGY AREA IN FIGURES 13, 14 & 15?

- 2.12.1 Rother's proposed development strategy has been split into five spatial sub-areas, each with their own vision statement and identified distribution of development.
- 2.12.2 Bexhill is identified as the key focus for sustainable growth, within the urban area on brownfield sites and at its edges through 'live well locally' urban extensions on greenfield sites. As aforementioned, we are strongly supportive of the proposed strategy which seek to locate development on the northern and western edges of the built-up area of Bexhill to create new compact, connected communities. Our client's site at Land East of Watermill Lane (BEX0164) is located within the broad location of the North Bexhill Potential Development Growth Area, as shown in Figure 2.3 and it is encouraging that the draft Local Plan recognises the inherent sustainability of this location and its suitability for housing growth.



FIGURE 2.3: BEXHILL SUB-AREA

2.12.3 The Draft Plan additionally illustrates the potential development strategy for Bexhill, in terms of the numbers of dwellings that could be delivered over the Plan period (Table 2.2). This includes potential sites which may be suitable, available and achievable for development (as listed in the draft HELAA), subject to further assessment work and the result of the Regulation 18 consultation.

Settlement		Identified Level of Housing Growth	Potential Additional Level of Housing Growth	Total Potential Housing Growth (Identified + Additional)
Bexhill	North	1,557	540	2,097
Bexhill	West	308	640	948
Bexhill	Urban	298	55	353
Total Growth		2,163	1,235	3,398

TABLE 2.2: BEXHILL DEVELOPMENT STRATEGY - HOUSING SUMMARY

2.12.4 In the context of the current housing crisis, the requirement must be met by utilising each and every suitable site for housing. We consider that RDC should seek to achieve the Potential Additional Level of Housing Growth, including our client's site at Land East of Watermill Lane (north), as a minimum.

2.13 Q58. WHAT ARE YOUR VIEWS ON THE POTENTIAL SITES IDENTIFIED IN THE DRAFT HELAA THAT COULD ACCOMMODATE MORE GROWTH IN BEXHILL?

2.13.1 Our client's site at Land east of Watermill Lane (north), is assessed in the Housing and Economic Land Availability Assessment (HELAA) (April 2024) under reference BEX0164. In summary it is identified as a 'potential allocation' for an estimated 30 dwellings. However, as it has not previously been promoted in a Call for Sites exercise, its availability and anticipated timescales for development are noted as 'unknown'.

2.13.2 Whilst we are supportive of the HELAA's review of the site, these representations are informed by a considered masterplanning process which has demonstrated that the site could accommodate well in excess of 30 dwellings, and that based on a detailed opportunities and constraints exercise, and informed by technical studies into landscape, heritage and transport matters, the true capacity of the site is considered to be in the region of 130 dwellings based on a net density of 35 dwellings per hectare.

- 2.13.3 Ultimately it is important that when sites are allocated that best and most efficient use is made of land, as promoted by the NPPF at paragraph 128. For this reason, it is important that the site capacity is revisited through a revised HELAA and that the masterplan derived figure of 130 dwellings is reflected within a draft site allocation.
- 2.13.4 The following sections therefore address the comments in the HELAA and provide justification for this site as a suitable location for growth on the edge of Bexhill.

Proposed Development

- 2.13.5 As set out within the Vision Document at Annex 1, the site provides an opportunity to deliver approximately 130 new homes set within a strong and mature landscape framework.
- 2.13.6 A well-connected network of routes for pedestrians, cyclists and vehicles will link the site to the existing network of footpaths and streets, to create a highly legible and accessible extension to the neighbourhood. Routes will be designed to promote walking and cycling above the car, with connections to public transport encouraging healthy lifestyles and sustainable travel. All homes will be within easy reach of a variety of open spaces on their doorstep.
- 2.13.7 Landscape corridors through the site will accommodate new planting and drainage as a defining natural feature supporting the existing habitats as well as protecting views from within and outside of the site.
- 2.13.8 A primary street meanders through the site to provide access to new homes as part of a network of safe and pedestrian friendly streets and routes. Areas for play and recreation are incorporated within the landscape, with a variety of leisure routes connecting homes to the play space and landscaped areas.
- 2.13.9 The proposals will deliver a variety of new homes in a range of sizes and tenures with a character that respects the local vernacular. The density proposed varies across the site, respecting the topography and settlement pattern. A range of homes would be delivered with a balance of tenures and sizes in accordance with local policy to meet local needs.

Location and Surroundings

- 2.13.10 The site occupies approximately 6.66 ha and is situated within the broad location of the proposed 'Live Well Locally' area on the northern side of Bexhill. The site sits amongst a number of other committed and planned development sites centred around Haven Brook Avenue and as demonstrated within a 'plan of plans' prepared by edge Urban Design (figure 2.4) and which has helped inform the masterplanning process to ensure that the site is appropriately integrated into the surrounding planned development with Active Travel as a core focus.

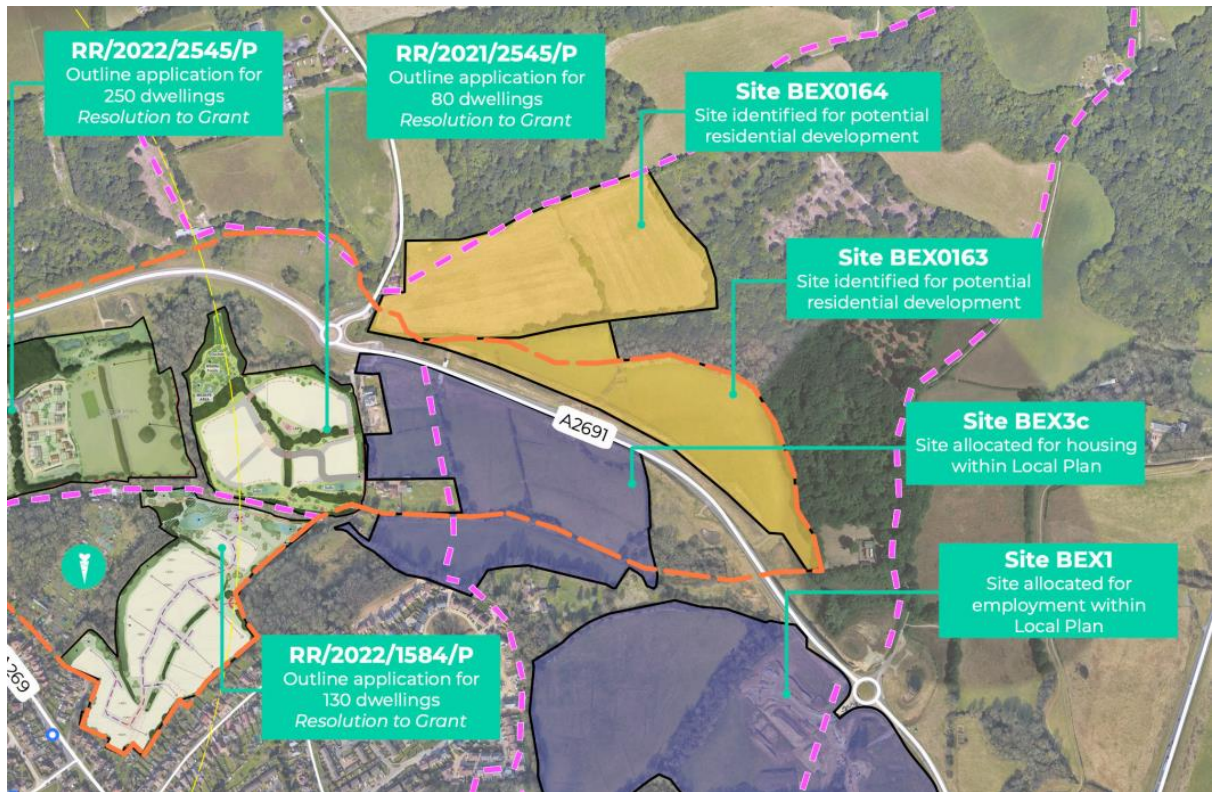


FIGURE 2.4: PLAN OF PLANS PREPARED BY EDGE URBAN DESIGN

- 2.13.11 Importantly, the land to the south of Haven Brook Avenue is already allocated within the DaSA with some parcels also benefiting from resolution to grant planning permission. The site will enjoy a close functional and geographical relationship with BEX0163, which also sits to the north of Haven Brook Avenue and which has already been identified in the HELAA as a potential allocation.
- 2.13.12 The site itself comprises an undeveloped field located to the east of Watermill Lane and just north of the A2691 Haven Brook Avenue. This is screened by an existing tree and hedge belt that runs along the southern boundary, with further existing allocations and approved applications for residential development extending beyond. To the north and east, it is bounded by ancient woodland which encloses it from wider views.
- 2.13.13 The site does not lie within a National Landscape (formerly known as an Area of Outstanding Natural Beauty), a Conservation Area or within the Green Belt, and is not subject to any landscape or ecological designations. To the west, the site adjoins a Grade II listed building, Cockerels Farmhouse. There are no further designated heritage assets within or adjacent to the site boundary. Moreover, the site is located entirely within Flood Zone 1, which has the lowest probability of flooding.

Wider Strategic Justification

- 2.13.14 According to the HELAA, the site could potentially form part of a strategic, mixed-use development of this wider area, for an estimated 30 dwellings. It is not understood how the proposed HELAA capacity of 30 dwellings has been calculated and this is considerably below the proposed 'Live Well Locally' density range in the draft Plan, and is out of kilter with the site coverage and densities of other planned and committed developments in the locality including the Land East of Watermill Lane, which is allocated in the DaSA for 150 dwellings with development focused on the northern two-thirds of the site, and Land off Watermill Lane which has resolution to grant under reference RR/2021/2545 and a planned site capacity of 80 dwellings achieved at an average density of 37dph. These emerging sites will set the character of the area and will shape and inform emerging proposals on future sites in the area. As such it is important that future sites are appropriately planned to achieve a similar proportion of site coverage and density.
- 2.13.15 The site is situated near other allocated and approved residential development applications and proposed 'Live Well Locally' areas on the northern side of Bexhill. According to the Draft Plan, growth will be focused here to consolidate it as the most sustainable town. In this regard, the development will be well connected to the main urban areas, with suitable routes for pedestrians and cyclists, and bus stops on Haven Brook Avenue secured as part of recent planning applications on land to south.
- 2.13.16 It is also relevant to note and understand that site capacity will have a significant impact on viability, and that a scheme with a capacity as low of 30 dwellings will not be able to afford the site's likely abnormal costs including the formation of the new access way and the provision of mains drainage infrastructure. We support the Local Plan's commendable Live Well Locally aspirations but in order to achieve this, sites must be able to achieve optimum site coverage and dwelling numbers, whilst respecting identified constraints.
- 2.13.1 In light of the significant local need for housing (including affordable), as well as the evidence of significant unmet housing needs in nearby and neighbouring authorities, necessary for the Draft Plan to meet its housing objective in full, as consistent under delivery could exacerbate the current housing and affordability crisis. Therefore, given the current planned shortfall and the uncertainty surrounding the robustness of the Council's sources of supply, it is essential that opportunities on appropriately located sites, such as the Land east of Watermill Lane (north), are brought forward. The proposal would result in a meaningful addition to the supply of housing within the district through the provision of much needed dwellings.
- 2.13.2 As demonstrated in Figure 2.2, Rother is a highly constrained district and as a result, Bexhill is identified in the Settlement Study (2024) as the most suitable area for growth. Opportunity must be taken to utilise every suitable site for housing and inevitably this will require the release of some less sensitive sites for

development which in most cases, are likely to be situated at the edge of the settlement. This is reflected in paragraph 5.40 of the Draft Plan, which states that development on greenfield land will be necessary to meet local needs. Further justification is detailed below:

Landscape

- 2.13.3 According to the HELAA, compared to other sites north of Haven Brook Avenue, this site is more closely associated with the wider countryside than the urban area, with the northern section most elevated and widely visible. Notwithstanding this, the HELAA recognises that the character of nearby land to the south will change significantly with the development of the allocated housing sites. Therefore, further assessment of suitable locations for growth around the edges of Bexhill is needed.
- 2.13.4 The site is located outside of the National Landscape and the only policy constraint comprises the adjoining ancient woodland and the requirement for a buffer strip which can be comfortably accommodated within a proposed development scheme.
- 2.13.5 Although the proposals will alter the character of the site itself through the loss of green fields, it is considered that the proposed development will not be out of scale or context with the nature of the landscape within which is proposed to be located; within an area which is relatively well-contained and subject to influences from neighbouring development.
- 2.13.6 The Landscape Visual Appraisal (Annex 4) states that a sensitively designed scheme for approximately 130 dwellings and supporting uses would (assuming the design recommendation are broadly adhered to) relate well to the existing settlement pattern; would be well integrated into the landscape and existing built-up area of Bexhill through careful consideration of site layout, building heights and green infrastructure; and would not become a prominent feature in views.

Highways and Access

- 2.13.7 According to the HELAA, a high-quality design, including pedestrian and cycle linkages towards Sidley to create a sustainable community would be necessary. Access is cited as a potentially significant constraint as it is unclear if the site could be accessed via the roundabout.
- 2.13.8 These representations are supported by a Transport Technical Note prepared by DHA. The Technical Note confirms that vehicular access can be achieved by way of a new priority junction off Watermill Lane, which can achieve adequate visibility splays.

- 2.13.9 The site is positioned to benefit from excellent new local transport infrastructure including Haven Brook Avenue which features a new shared footway/ cycle way including a new crossing point within the site's immediate vicinity.
- 2.13.10 A review of the existing local pedestrian, cycle and public transport infrastructure has demonstrated that the site is afforded the opportunity for many everyday journeys to take place by active and sustainable travel modes, with a range of local services and facilities located within a reasonable walking and cycling distance in Sidley and Bexhill-on-Sea. There are also opportunities to enhance this infrastructure as part of the implementation of the proposed development.

Heritage

- 2.13.11 There is a Grade II listed house, Cockerels Farmhouse, adjacent to the existing access.
- 2.13.12 The emerging masterplan has responded sensitively to the setting of the Listed building, with a set back of built form in the western area of the site, and the intervening space used as orchard or meadow. This will perpetuate the agricultural character of the immediate setting of the asset.
- 2.13.13 As set out within the Heritage Note prepared by Pegasus Group, the residential development of the site and provision of the access could be delivered with only less than substantial harm at the lower end of the spectrum to Cockerell's Farmhouse and, as such, matters relating to built heritage are not considered to represent a constraint to the deliverability of the site.

Deliverability

- 2.13.14 The site is considered to comprise a logical residential allocation which can form an important part of the proposed 'Live Well Locally' and North Bexhill Potential Development Growth Area, served well by the new road and active travel infrastructure in this part of the town. The site is within a single landownership and there are no known viability issues, legal or third-party constraints present and there are no impediments to the site being allocated for development commencing early within the Plan period.
- 2.13.15 The site's overall viability and ability to contribute to wider strategic aims is contingent on an appropriate site capacity being identified. For reasons set out within these representations, the indicative site capacity set out within the HELAA must be superseded by the masterplan and constraints derived capacity of 130 dwellings in order to avoid undermining the viability of delivering the new access way and identified infrastructure requirements.

Summary

- 2.13.16 Given the clear consistency of our client’s site with the proposed growth strategy and the established nature of north Bexhill as a suitable location for housing, we submit that the Land east of Watermill Lane (north), is suitable to accommodate a proportionate level of growth to assist in meeting the housing need within the emerging Plan period. Moreover, it is clear the proposal would not form an isolated standalone development, and that it would form part of a well-connected and sustainable community.
- 2.13.17 In light of the above, it is clear that potential site BEX0164 identified in the draft HELAA can accommodate more growth in Bexhill.

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

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

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

TABLE 2.2: PROPOSED SOURCES OF HOUSING SUPPLY

- 2.14.2 Neither the Housing Background Paper (April 2024) nor the Development Strategy Background Paper (April 2024) contain any evidence to support these figures, particularly in relation to known completions and sites with Planning Permission. Based on the level of information available, it is therefore difficult to determine with any level of certainty whether the purported supply is reliable and how this relates to the NPPF definition of being deliverable. The Council should make it clear

through its evidence base how these units have been counted towards the overall supply in order to ensure the Plan is “justified” (NPPF, paragraph 35).

- 2.14.3 Furthermore, it cannot be assumed that each one of these sites with Planning Permission will come forward either in part or in full. For instance, consents can lapse or the full development potential of a site may not be achieved, for example, Reserved Matters consent is granted for fewer homes than consented under an Outline permission. Based on previous delivery rates, a non-implementation rate must therefore be applied, allowing for an element of under-implementation.
- 2.14.4 We note that the list of sites relied upon include a number of long-standing allocations from the DaSA (2019) which have not yet delivered. Many of these in multiple ownerships and that have since stumbled in terms of ‘availability’. The legacy of these sites not being brought forward requires a caution approach to be adopted.
- 2.14.5 The suitability of relying on vague developer statements was recently addressed during consideration of appeal Ref: APP/Q3115/W/20/3265861 for Little Sparrows, Sonning Common, Oxfordshire where the Inspector offered clear findings on the benchmark level of evidence required to meet the deliverability tests of the PPG. The Inspector concludes evidence of deliverability requires more than just being informed by landowners, agents or developers that sites will come forward.
- 2.14.6 Accordingly, if the identified sites are to be relied upon in the final plan it will require a substantial and robust extent of evidence in order to ensure the Plan is “justified” (NPPF, paragraph 35).

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

- 2.15.1 The Council acknowledges that a significant step change in housing delivery is required in order to deliver a significant uplift compared to current and historic delivery rates. As a result, it proposes to deliver a stepped increase in housing delivery with a greater amount of development coming forward towards the end of the planning period.
- 2.15.2 Notwithstanding this, the proposed number of dwellings to 2040 is only just sufficient to cover Rother’s current five-year housing land supply (as at 1 April 2023). Therefore, we are concerned that a stepped approach will result in an even greater undersupply of homes in the short to medium term, leaving an overall gap in provision against assessed needs within the district across the entire Plan period.
- 2.15.3 In accordance with paragraph 69(a) of the NPPF, planning policies should identify a supply of specific, deliverable sites for years 1 to 5 of the plan period following the intended date of adoption. In plan-making, the Inspector examining the plan

will test the evidence to ensure that the 5 year housing land supply identified in strategic policies is sound. The housing crisis means that additional housing is required now, and if RDC do want to plan for a stepped trajectory, they will need to be able to present strong evidence to justify why this is necessary.

- 2.15.4 As aforementioned, the site is deliverable in a single land ownership with no known viability issues, legal or third-party constraints present and there are no impediments to the site being allocated for development commencing within years 1-5 of the plan.

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

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

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

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

can upset a site's viability and accordingly it is essential that the viability of the proposed policy is carefully assessed.

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

3 CONCLUSION

3.1 REPRESENTATION SUMMARY

- 3.1.1 This representation has been prepared on behalf of Rurban Estates Ltd in response to the Rother Draft Local Plan (Regulation 18) Consultation, which runs until 23rd July 2024.
- 3.1.2 Rurban are supportive of the encouraging aims and aspirations with regard to growth around Bexhill which reflects the settlement's status at the most sustainable settlement (by some margin) in Rother. Indeed, we support many of the aspirations underpinning the "Live Well Locally" priority, particularly the indication that the Land east of Watermill Lane (north) (BEX0164) is a potential Live Well Locally allocation within the North Bexhill Potential Development Growth Area.
- 3.1.3 For the reasons set out in this Statement, we do have concerns that the overall strategy proposed would not evolve to a sound plan. As the current draft does not provide potential specific site allocations, this is not a major concern at this stage but it is imperative that the next draft Local Plan properly plans to meet the Local Housing Need requirement as a minimum. This will require the allocation of a substantial number of potential housing sites.
- 3.1.4 Given the increasing need for additional housing over the Plan period, we consider that the land east of Watermill Lane should be included as a future housing allocation and continue to form part of the Council's housing evidence base used to inform the emerging Local Plan. Indeed, the supporting material, assessments and reports demonstrate that there are no technical or environmental constraints that would preclude the development of this site. The site falls within a sustainable location, benefiting from excellent new infrastructure comprising Haven Brook Avenue including new pedestrian and cycling links including a Pegasus crossing adjacent to the site providing active travel opportunities into Bexhill.
- 3.1.5 Importantly, these representations are informed by a masterplanning exercise and a suite of technical studies which collectively conclude that the site is able to comfortably accommodate far in excess of the indicative capacity of 30 dwellings set out within the HELAA. It is important that the emerging context will be set by other sites currently in planning which benefit from DaSA allocations and resolutions to grant planning permissions. These achieve greater densities and site coverage than that anticipated for this site by the HELAA. Indeed, allowing for appropriate buffers to the ancient woodland, offset to the nearby Listed Building and protecting the most sensitive landscape areas, the site is able to accommodate 130 dwellings. It is also pertinent to note that the viability of sites which require investment in infrastructure, for example the formation of new access ways and provision of mains drainage, will be dependent on identified site capacity, and too few units could threaten viability. Accordingly, within these representations we

say that the HELAA should be updated and a subsequent draft allocation should reflect the masterplan and technically identified site capacity of 130 dwellings.

- 3.1.6 I trust the contents of this representation are clear and I hope the comments are useful in guiding the forthcoming stage of the plan making process.