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Project/File: 333101343

BY EMAIL: draftlocalplan@rother.gov.uk

The Planning Policy Team
Rother District Council
Town Hall
Bexhill-on-Sea
TN39 3JX

Dear Sir/ Madam

ROTHER LOCAL PLAN 2020-2040 – REGULATION 18 REPRESENTATIONS
TAYLOR WIMPEY STRATEGIC LAND

These representations are prepared by Stantec UK Limited on behalf of Taylor Wimpey Strategic Land ('TW').

TW is one the UK's largest housebuilders with a clear strategy to deliver new homes and thriving communities with a focus on sustainability. As a housebuilder, TW delivered over 14,000 new homes in 2022 across the UK.

TW is active across Kent and the wider South East, delivering a significant number of new homes annually across the region.

With its high housing needs relative to past delivery (737 dwellings per annum as per the Standard Method (2022 base date) compared to average delivery since 2011/12 of 204 dwellings per annum¹), Rother needs a positive and aspirational Local Plan that recognises and seeks to meet the needs of the community to secure its sustainable future.

It is acknowledged that the Local Plan is at an early stage in its preparation. Moreover, that Rother has a range of factors to balance including national landscape, ecological designations and areas at risk from flooding. However, housing and employment growth are necessary to ensure the sustainability of the community and to allow it to adapt/ evolve (as recognised at paragraph 5.5 of the draft Local Plan). Failing to plan for identified needs for new homes and employment risks, inter alia, worsening affordability and further out-migration of certain sectors of the community/ age groups, which could exacerbate the already imbalanced demographics of the District to its future detriment.

Further work is required on the opportunities for Rother to meet its identified needs and to ensure that the Local Plan provides a positive and effective framework to guide growth and development in the District over the next 20 years.

¹ See Housing and Economic Development Needs Assessment Update, February 2024 paragraph xxvi ('HEDNA Update')

Vision

The stated vision for the Local Plan is for Rother, by 2040, to be *'an attractive, desirable and affordable place to live, work and visit'* where the *'needs of all the local community will be met, with an emphasis on enhanced health and wellbeing for now and into the future'* (page 19). It continues that, by 2040, *'bold solutions will have successfully addressed the climate and biodiversity emergencies and the housing crisis'* (page 19).

This provides a positive and aspirational vision for the District. To realise that vision, the strategy and policies within the Local Plan will need to be equally positive and aspirational. At present there is a disconnect between the vision and strategy/ policies of the emerging Plan, particularly in respect of housing growth where the emerging Plan is seeking to meet only a small portion of identified need. The emerging Plan does not seek to meet the 'needs of all the local community' nor does it contain 'bold solutions' to address the housing crisis.

The focus on net zero carbon, nature recovery and high-quality design (see Chapter 2, Figure 6 and corresponding draft policies) are commendable. However, in the absence of a clear and compelling strategy for growth and evolution of the District, the opportunities to engage these policies, and the benefits they seek to deliver, will be limited.

As the Local Plan progresses, the disconnect between the vision and strategy/ policies to realise that vision will need to be addressed to provide a sound Plan that delivers sustainable development for the community.

Development Strategy

Housing Need

Paragraph 5.3 of the draft Rother Local Plan states that *'it is the role of the Local Plan to identify the number [of homes] that can appropriately be accommodated'*.

The Standard Method provides a starting point for determining the housing need of an area, with the Planning Practice Guidance ('PPG') clear that the Standard Method *'identifies a minimum annual housing need figure'* not a housing requirement or target (paragraph 002 reference ID: 2a-002-20190220).

The draft Plan acknowledges that the Standard Method calculation of housing need in Rother is 733 dwellings per annum (paragraph 5.3; 2023 base date). However, the Proposed Strategy (page 112) includes a range from 258 to 364 dwellings per annum.

This is stated as representing the total capacity of 'identified sites' (i.e. current allocations and sites with planning permission) at the lower end, and 'potential additional sites' (i.e. sites assessed in the Housing and Economic Land Availability Assessment, April 2024 ('HELAA') as potentially suitable, available and achievable) at the upper limit of the range (page 113).

At best, the emerging strategy at the upper end of range is seeking to provide for only ~50% of the District's identified housing needs per annum. The lower end of the range provides for only ~35% of the District's identified needs.

Whilst it is acknowledged that the District has a number of constraints to factor into its ability to accommodate its housing need, it is considered that the range the draft Local Plan seeks to plan for is particularly low, even at the upper end.

TW is concerned at the extent of shortfall between the housing need identified through the application of the Standard Method and the Proposed Strategy for the following reasons:

1. It will fail to address affordability:

- The HEDNA Update sets out how the Standard Method housing need figure was calculated. This includes an affordability adjustment for Rother of 13.82 based on median house prices being 13.82 times higher than median earnings in this area (paragraph 5.6). This results in an uncapped need for 850 homes per annum in Rother. This figure is then capped at 40% above projected household growth to limit the increase an individual local authority can face. In short, the Standard Method already seeks to cap the housing need figure.
- Affordability in Rother (presented as a ratio of median house prices to median gross workplace-based earnings) has worsened since 2002 (see HEDNA Update Appendix D; paragraph A.62). At 13.82 in 2021, this is significantly above the national ratio of 9.1.
- Issues of affordability will suppress household formation rates and migration thus the affordability adjustment of the Standard Method is an important element of the calculation of housing need to account for suppression of published population/ demographic data. In an area such as Rother, where house prices are high and affordability low, household formation and migration will likely be significantly suppressed indicating that more homes, not less, are required to meet the needs of the community.

It is, therefore, imperative that the Local Plan recognises and prioritises the housing needs of the community to ensure sufficient homes are provided for current and future generations.

2. It will fail to address unmet need from Hastings:

- It is noted that Hastings Council consulted on its Regulation 18 Local Plan in 2021. At that time, Hasting Council's Standard Method calculation of housing need was 8,600 homes or 430 homes per annum (see paragraph 3.14). The Hastings draft Local Plan proposed to plan for 4,275 homes, less than 50% of identified needs. The HEDNA Update increases the Standard Method figure for Hastings to 481 dwellings per annum. If Hastings continues to plan to accommodate 4,275 homes over the Plan period, this equates to only 44% of identified need.
- Hasting has a constrained administrative boundary drawn relatively tightly around the existing urban area with the peripheral, undeveloped areas generally falling within the AONB and/ or subject to ecological/ habitat designations.
- The joint Housing and Economic Development Needs Assessment (2020: 'HEDNA') for Rother and Hasting confirms that a combined housing market area across the two areas remains appropriate. This is reaffirmed by the 2024 HEDNA Update (see paragraph iv). The draft Rother Local Plan further emphasises this conclusion (paragraph 1.25; also see Joint Statement on page 16 and paragraphs 1.37 and 1.38):

'Rother and Hastings are one functional economic and housing market area, showing, in many ways, that those who live, work and visit here are part of the same community.'

- In this context, it is particularly concerning that neither Authority is seeking to meet more than 50% of identified housing needs. In addition to its own needs, pursuant to NPPF paragraph 11, Rother ought to be considering whether any of the unmet needs from Hastings can be accommodated.

3. It will fail to address historic under delivery of housing:

- For the five-year period from 2018/19 to 2022/23, Rother has delivered an average of 261 dwellings per annum, ranging from a low of 175 in 2020/21 to a high of 390 in 2022/23 (see Annual Monitoring Report 2023; page 24). Only 2022/23 saw the Council exceed its Core

Strategy target of 335 dwellings per annum. All preceding years fall notably short of the Core Strategy figure.

- This is now further exacerbated by the Standard Method requirement for Rother to provide 733 dwellings per annum.
- The persistent under-delivery of new homes in Rother is reflected in the 2022 Housing Delivery Test score of 41%², being one of the lowest in England. Added to this, the Council's published five-year housing land supply figure is only 3.09 years based on the Standard Method (Housing Land Supply, April 2023 Position Statement: see Figure 16). Based on the Core Strategy figure, the Council acknowledges that it would still only be able to provide 3.69 years' supply.
- The Council has failed to plan for and deliver sufficient homes for its residents for a prolonged period of time which will have led to worsening affordability and is unsustainable.
- In addition, many of the sites now relied upon in Rother's housing land supply are unallocated, sit outside of the development boundary and were allowed on appeal (see as examples RR/2020/2260/P Clavering Walk, Bexhill; and RR/2021/1656/P Land west of Fryatts Way, Bexhill). This indicates a failure of the previous development plan for the District to be sufficiently positive and aspirational in the identification and allocation of land for development (as required by NPPF paragraphs 15 and 16).
- The new Local Plan provides the opportunity to address these historic failures and learn from them in developing a sustainable Local Plan for Rother so that development moving forward is genuinely plan-led (NPPF paragraph 15).

Housing Supply

The Council states that it has taken a 'no stone unturned' approach to identifying land available for development (draft Local Plan paragraph 5.6). This includes currently allocated sites, those with planning permission, those submitted through Call-for-Sites and resulting from the Council's own searches (see HELAA Section 4).

The Council is consulting on a range for the number of homes the emerging Local Plan seeks to deliver. The lower end is based on the supply of sites that are either allocated or already have planning permission. The upper end includes sites identified as having 'potential' for development through the HELAA. These two 'constrained' figures equate to 35% and 50% of identified housing needs respectively.

Whilst it is acknowledged that Rother has a number of factors to balance, the range the draft Local Plan seeks to plan for is particularly low, even at the upper end.

It is therefore essential that the Council explores all options for increasing the supply of land to accommodate new homes.

To this extent, the PPG (paragraph 025 Reference ID: 3-025-20190722) is clear that, where insufficient land has been identified to meet needs, the LPA will need to revisit its land availability assessment by, for example, undertaking a further call-for-sites or changing assumptions about the development potential of previously assessed sites.

² <https://www.gov.uk/government/publications/housing-delivery-test-2022-measurement> [accessed 16/07/2024]

TW welcomes assurance in the draft Local Plan that the HELAA will be reviewed and completed in accordance with the PPG following the Regulation 18 consultation (paragraph 7.9). However, we are concerned that no commitment is included on the scope/ scale of such a review at this stage – we would expect this to be a wholesale review of all sites previously assessed to optimise the number of homes on sites identified as having ‘potential’, balancing this against employment aspirations, as well as those ‘rejected’ in the current HELAA.

This includes further work to confirm the availability and deliverability of the ‘potential’ site allocations in the HELAA to facilitate the inclusion of the majority, if not all, of these sites in the next iteration of the Local Plan. Even in this circumstance, there will remain insufficient land to accommodate Rother’s housing needs, nor any unmet need from Hastings. Further sites are required.

Spatial Distribution of Growth

Whilst TW does not consider the level of housing the emerging Plan seeks to provide for to be sufficient, the spatial distribution of growth, focussing on Bexhill, the fringes of Hastings and existing settlements/ villages (page 110) has merit.

The focus on Bexhill as the major settlement in the District is supported, as is expansion around Hastings given the unmet needs arising from this neighbouring area.

Other Policies

The following are comments on specific detailed policies within the draft Local Plan:

- GTC1: Net Zero Building Standards:

This draft Policy requires very specific energy use intensity targets to be met and a Home Quality Mark post-construction assessment score to confirm compliance. This would add a further layer of requirements around building efficiency, putting further burden on developers who are already working to enhanced building regulations.

The supporting text to draft Policy GTC1 acknowledges that the draft Policy would require energy efficiency standards above current building regulations and that this conflicts with the December 2023 Written Ministerial Statement (‘WMS’)³, but the Council is consulting upon it nonetheless (paragraph 3.18). Since the publication of the draft Local Plan, the High Court dismissed a legal challenge to the WMS (July 2024)⁴. The WMS therefore remains in place and the Council should have due regard to its recommendations by deleting the elements of the draft Policy that exceed current/ planned building regulations.

- GTC5: Heat Networks:

Major developments in Bexhill are required, through this draft Policy, to contribute to the establishment of a heat network through developer contributions. This recommendation comes from the Climate Change Study (July 2023; page 89) which provides this as a potential mechanism for establishing a heat network in Bexhill but is clear that further work is required on this approach, not least in respect of viability/ costings (see paragraph 9.5.1 and 10.3.3). No further evidence on the feasibility or viability of this approach appears to have been published alongside the draft Local plan.

Developer contributions are secured through planning obligations within a legal agreement. The Community Infrastructure Levy Regulations 2010 (as amended) only allows planning obligations where (regulation 122(2)):

³ <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hlws120> [accessed 16/07/2024]

⁴ <https://www.bailii.org/ew/cases/EWHC/Admin/2024/1693.html> [accessed 16/07/2024]

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Where a development has demonstrated energy efficiency in accordance with relevant building regulations, it will be acceptable. It is not for a local plan to predetermine the means by which energy is supplied or energy efficiency confirmed. In these circumstances, a development could be acceptable without needing to contribute financially to the establishment of a heat network. This Policy approach therefore fails the tests of regulation 122. The Policy should be amended to encourage developers to explore the potential of establishing and/ or connecting to a heat network. However, it cannot expressly require developers to contribute to this in all circumstances.

- GTC8: Biodiversity Net Gain:

The draft Policy requires at least 20% BNG on all qualifying development. Seeking higher than the mandatory 10% BNG can be sought through local plan policies but needs to be justified and considered in light of the emerging policy framework as a whole and the implications on development viability. There is no evidence published alongside the draft Local Plan that either have been considered.

Increasing BNG to at least 20% will have implications on development viability and on site capacity. Has consideration been given to the relationship between the minimum residential densities in draft Policy LWL1 Compact Development and the requirement for 20% BNG? What is the impact of 20% BNG on the capacity of current and potential allocations? As set out above, the Council is facing significant challenges in identifying land to accommodate just 50% of its identified housing needs. A requirement for 20% BNG could reduce the capacity of the sites it has identified so that additional sites are needed or even less homes are provided.

- LWL1: Compact Development:

TW supports the inclusion of aspirational density targets but there needs to be a distinction between urban and suburban areas, and flexibility for urban extensions/ greenfield growth areas to define own character/ density.

- HOU2: Affordable Housing:

The draft Policy does not yet include the target percentage of affordable homes to be provided. Once confirmed, TW may wish to comment further on the viability of the approach.

- HOU12: Self-Build and Custom Housebuilding:

This Policy seeks a minimum of 5% of homes on developments of 20 or more to be self/ custom build. TW accepts that developments should provide a mix of housing opportunities, this should be sufficiently flexible to account for fluctuations in demand for homes of certain types to ensure efficient use of land. Including the words 'unless evidence of market demand indicates a lower proportion is appropriate'.

Summary

Housing needs in Rother are significant. Historic delivery of homes has been low and reliant on several large sites and developments allowed on appeal. The draft Local Plan sets out a positive and aspirational vision, referencing both the needs of the community and the housing crisis, but does not then include a framework of equally positive and aspirational policies to deliver that vision. The number of homes the draft Local Plan seeks to provide for is particularly low, even at the upper end of the range. Further work is required to identify additional land to accommodate more of the District's identified housing needs over the Plan period.

That work should focus on sustainable locations as set out in the spatial development strategy, starting with Bexhill and the fringes of Hasting, as well as smaller settlements/ villages across the District, to secure their future sustainability.

If the Local Plan proceeds on the current strategy, it risks being found not to be 'sound' at Examination on the basis that it has not been 'positively prepared' and is not 'justified', 'effective' nor 'consistent with national policy' (NPPF paragraph 35).

We would be pleased to discuss the content of these representations with Officers and look forward to engaging in the next stages of the Local Plan as it progresses.

We would be grateful if you could confirm receipt and that these representations have been duly made by the deadline of 23 July 2024.

Should you require further information or have any further queries, please do not hesitate to contact me.

Yours faithfully



ALEX JONES
Planning Associate Director

