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Rother Regulation 18 Local Plan Representation

On behalf of Westcott Leach Ltd

In respect of The Brooks, Church Road, Catsfield

July 2024 - DHA/33663



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1 INTRODUCTION

1.1 PURPOSE OF THIS REPRESENTATION

- 1.1.1 This representation has been prepared on behalf of Westcott Leach Ltd 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 Westcott Leach control 3.4 hectares of land at The Brooks, on the south of Church Road, Catsfield, near Battle ('the site'), which has been promoted through the RDC Call for Sites and is assessed in the Housing and Economic Land Availability Assessment (HELAA) under reference CAT0014 and CAT0029.
- 1.1.4 This report therefore considers the draft policies of the Plan, whilst assessing the planning case for the land at The Brooks, Church Road 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.

Plan Context

- 1.1.6 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.

1.1.7 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.

1.1.8 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 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 acknowledge the housing situation as a crisis. We do question the validity of inferring that there is a matter of choice about the delivery of housing and economic needs.
- 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. Conversely, Spatial Objective 7 seeks to focus growth in sustainable locations, or places that can be made sustainable through supporting infrastructure and community facilities. Indeed, the council must acknowledge the role of other settlements, such as Catsfield, in fostering growth within the district.

- 2.3.6 It is therefore vital that this objective is carried forward into specific policies and site allocations in subsequent versions of this emerging Local Plan, ensuring that housing needs are met 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 Q20. WHAT ARE YOUR VIEWS ON THE COUNCIL'S PROPOSED POLICY FOR LOCAL NATURE RECOVERY AREAS?

2.5.1 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.

2.5.2 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.

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

2.6.1 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.

- 2.6.2 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).
- 2.6.3 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.
- 2.6.4 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 a lower yield of dwellings from allocated sites.
- 2.6.5 Whilst the experience varies from one site to another depending on its nature, it is not uncommon for around one third of the site area to need to be undeveloped in order to provide sufficient on-site habitat to meet at 10% Biodiversity Net Gain requirement. This can often be in addition to other areas of non-developable space where those uses are not suitable for Biodiversity Net Gain enhancements (e.g. play areas). On site Biodiversity Net Gain is therefore land hungry, and doubling the Biodiversity Net Gain requirement will only make this even more so, requiring even more land to be allocated in order to provide the required quantum of development.
- 2.6.6 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.

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

2.7.1 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.

2.7.2 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. Village area types are based on current adopted development boundaries, which must be reviewed through the Draft Local Plan.



FIGURE 2.1: PROPOSED DENSITY AREAS

2.7.3 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.

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

- 2.8.1 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". In Village and Countryside Area Types, dwellings must be located within "an acceptable safe, useable walking or cycling distance of a mix of local amenities". Cited examples include a food shop, park, primary school, post office and a GP surgery.
- 2.8.2 The National Planning Policy Framework (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. Moreover, the policy does not take into account access to public transport and the role this plays in providing access to services.
- 2.8.3 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.
- 2.8.4 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.

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

- 2.9.1 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)

2.9.2 For the avoidance of doubt, we are supportive of the proposed strategy which seeks to locate development in the cluster of villages surrounding Rye and Battle (SDO1). According to the Development Strategy Topic Paper (2024), this is a sustainable longer-term strategy for villages in rural locations, but with close proximity to nearby towns, where sustainable transport options and services and facilities are available.

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

2.10.1 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.

2.10.2 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. The suggestion within the Overall Spatial Development Strategy that the Local Plan is meeting identified needs is disingenuous. **It is clear that the Local Plan will not come close to meeting identified needs.**

2.10.3 As evidenced in Table 2.1, **the Council has consistently failed to deliver against its housing requirement.** This has 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).

2.10.4 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
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TABLE 2.1: SUMMARY OF HISTORIC HOUSING DELIVERY IN WEALDEN

- 2.10.5 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

- 2.10.6 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).
- 2.10.7 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, following a similar declaration by Crawley Borough Council.
- 2.10.8 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.

2.11 Q62. WHAT ARE YOUR VIEWS ON THE VISION FOR BATTLE AND SURROUNDING SETTLEMENTS?

- 2.11.1 According to the vision for Battle and surrounding settlements, sensitive small-scale development will be delivered in villages surrounding Battle, at densities consistent with the surrounding area, where it is sustainable and does not negatively impact the setting of the High Weald National Landscape.
- 2.11.2 This small level of growth will help improve the overall sustainability and vitality of the cluster of villages around Battle, through supporting existing services and facilities as well as delivering developer contributions for wider community benefit.

This will ensure that health and wellbeing and community cohesion is maintained and improved.

- 2.11.3 As aforementioned, we are strongly supportive of the proposed strategy which seek to locate development in the cluster of villages surrounding Rye and Battle. It is encouraging that the draft Local Plan recognises the inherent sustainability of this location and its suitability for housing growth.

2.12 Q63. WHAT ARE YOUR VIEWS ON THE DISTRIBUTION AND OPPORTUNITIES FOR GROWTH IN SETTLEMENTS WITHIN THE SUB-AREA IN FIGURES 21, 22 & 23?

- 2.12.1 The Draft Plan illustrates the potential development strategy for Catsfield, 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 Area	Identified Level of Housing Growth	Potential Additional Level of Housing Growth	Total Potential Housing Growth (Identified + Additional)
Battle	260	225	485
Sedlescombe	75	15	90
Catsfield	35	25	60
Netherfield	33	0	33
Brightling (Parish)	0	0	0
Total Growth	403	265	668

TABLE 2.2: BATTLE AND SURROUNDING SETTLEMENTS DEVELOPMENT STRATEGY - HOUSING SUMMARY

- 2.12.2 **In the context of the current housing crisis, the requirement must be met by utilising each and every suitable site for housing.** The identified housing growth for Catsfield is based on the existing DaSA allocation CAT1 for 35 dwellings on land west of the B2204, which has not yet delivered. According to the HELAA (2024), there is some desire locally to reconsider the allocation for a smaller number of dwellings. Consequently, further assessment of sites, including our client's land at The Brooks is necessary in order to provide opportunities for growth beyond the level proposed in Table 2.2. This is particularly important considering that this spatial development option (SDO1) forms a key part of Rother's proposed development strategy.

2.12.3 Figure 2.2 below identifies the development strategy for Battle and surrounding settlements, however it is difficult to interpret the extent of the sub-areas and there is no explanatory text.

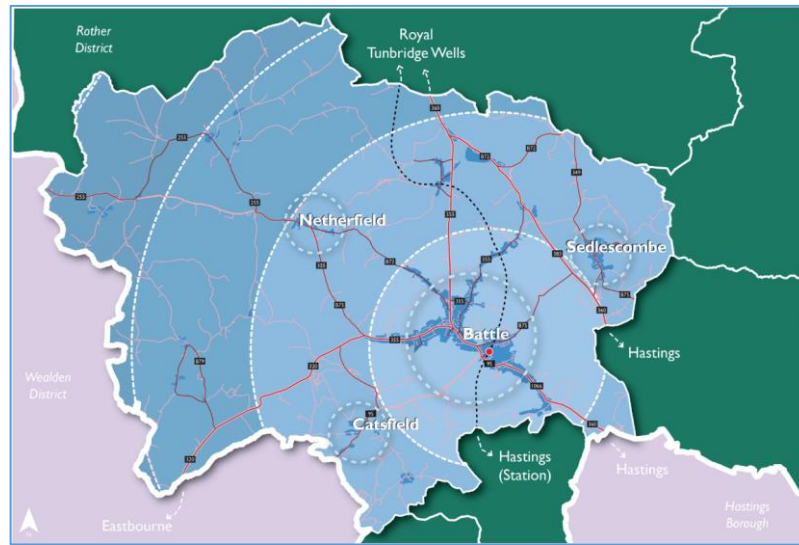
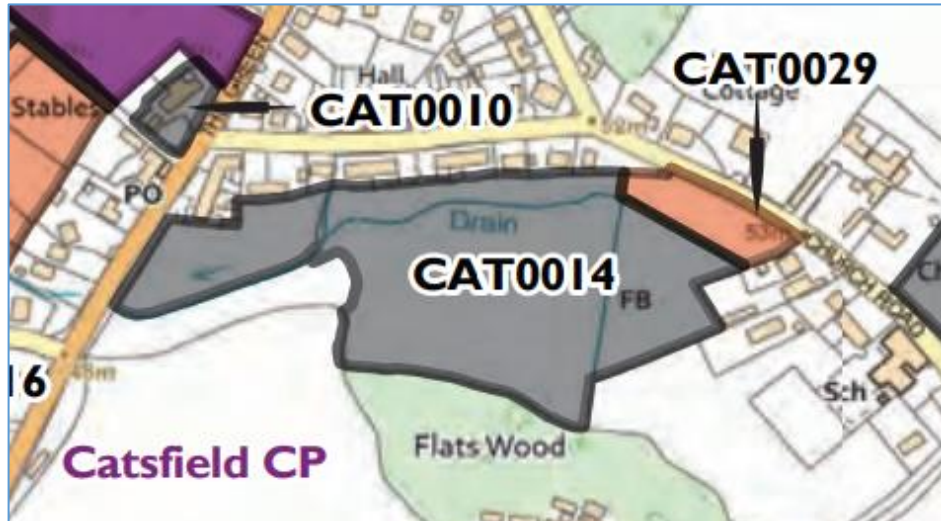


FIGURE 2.2: BATTLE AND SURROUNDING SETTLEMENTS DEVELOPMENT STRATEGY

2.13 Q64. WHAT ARE YOUR VIEWS ON THE POTENTIAL SITES IDENTIFIED IN THE DRAFT HELAA THAT COULD ACCOMMODATE MORE GROWTH IN BATTLE AND SURROUNDING SETTLEMENTS?

2.13.1 Our client's site at The Brooks, Church Road, is assessed in the Housing and Economic Land Availability Assessment (HELAA) (April 2024) under reference CAT0014 and CAT0029. The majority of the site has been assessed as currently unsuitable or unachievable for development, although a 0.30ha area along the road frontage assessed as being potentially suitable to accommodate a short row of dwellings to continue existing ribbon development.



- 2.13.2 The Council therefore already holds information on the site, but for convenience, we repeat the main points below. These documents address the comments in the HELAA and advocate for allocating land at The Brooks to accommodate additional growth in Catsfield.

Location and Surroundings

- 2.13.3 The site consists of a single, low-quality agricultural field to the south of Catsfield village. It is surrounded by residential properties to the north, by Church Road to the east, by open fields to the south and by The Green B2204 road to the west.
- 2.13.4 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 north, the site adjoins several Grade II buildings, including Pear Tree Cottage and Brookside Datchett Dene. 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.

Previous planning application

- 2.13.5 A previous planning application for the development of 28 dwellings on the site was refused in March 2023 (ref: (RR/2020/1562/P). All of the previous reasons for refusal are capable of being overcome through a revised design and/or additional information as set out below.
- **Flood Risk:** The previous application was refused due to a lack of sequential test and concerns in relation to the submitted surface water drainage scheme. Further ongoing discussions are taking place between the drainage engineer and East Sussex County Council (ESCC) as a result of which it is now agreed that there is no risk of groundwater flooding in the

part of the site proposed for development. An updated Flood Risk Assessment is appended as **Appendix 1**, which confirms this position. As this demonstrates that the proposed development is situated in an area of lowest flood risk, it satisfies the sequential test.

- **Landscape impact:** The previous scheme was refused because it was considered that it had not fully assessed the landscape impact and the potential effect of the development on the setting of the village. These matters are capable of resolution through an updated scheme and assessment.
- **Design and layout:** Concerns were raised in relation to the specific design and layout of the previously submitted scheme. These matters are capable of being addressed through a revised design, which will provide a range of 2, 3, 4 and 5 bed units.
- **Biodiversity:** The previously submitted scheme was said to lack detail and had not fully demonstrated biodiversity impacts. These matters can and will be addressed in a revised submission. The site can demonstrate in excess of a 10% Biodiversity Net Gain.

2.13.6 It is clear from the above that there are no fundamental reasons to prevent an acceptable development from coming forward on this site. It is suitable for development and is suitable for allocation for 28 dwellings.

Draft HELAA conclusions

Site CAT0014

2.13.7 As identified in Figure 2.1, site CAT0014 comprises the largest section of the proposed allocation site. The site is shown as having been rejected in the draft HELAA with the following description:

"This is a large, level site comprising fields immediately south of Catsfield village, just outside the High Weald National Landscape (HWNL). It has flooding constraints, having high water levels and a high risk of groundwater flooding, and areas at risk of surface water flooding. If the site were to be progressed as an allocation or granted planning permission, the sequential test would need to be undertaken in accordance with national planning policy, and if passed, an exception test would need to demonstrate that development of the site would provide wider sustainability benefits to the community that outweigh flood risk, and that development would be safe for its lifetime..."

2.13.8 For the reasons set out above, **there is no unacceptable risk of groundwater flooding, the sequential test is passed and the exception test therefore is not required.**

2.13.9 The draft HELAA continues:

"...In terms of landscape impact, while just outside the HWNL, the site shares characteristics of with the National Landscape and there are clear views between the site and the designated area, meaning development would impact on its setting.

The site is also important to the rural setting of the village, its open and pastoral landscape providing a strong sense of place. Given its size, the development of the site in its entirety would adversely impact on the character of this important landscape area and would additionally have an adverse impact on the character and setting of the adjacent HWNL. The impact on biodiversity could also be a constraint. The site has recently been subject to a planning application for 29 dwellings (RR/2020/1562/P), refused in 2023 due to flood risk, landscape and other impacts."

- 2.13.10 These issues have been considered further above, and these issues are capable of being addressed in a revised scheme.
- 2.13.11 It should also be noted that of the draft HELAA sites identified in Catsfield, sites CAT0014 and CAT0029 are located **outside the National Landscape**. Both of the sites identified as being potentially suitable (CAT0001 and CAT0016) are, by contrast, located within the National Landscape where, by definition, there is likely to be a greater risk of landscape harm.
- 2.13.12 Indeed, of all of the potential greenfield HELAA sites immediately adjacent to Catsfield village centre, only CAT0014 and CAT0029 are outside the National Landscape designation. Site CAT0023 is also outside the National Landscape but is on the periphery of the village, much further from the village centre.
- 2.13.13 The draft HELAA also fails to recognise the benefits of development on this site, including the proximity to existing village services including the shop, village hall and public house; and the potential for direct pedestrian links to the village hall on Church Road to the north and The Green to the west. It is therefore very well located as a sustainable site for development.
- 2.13.14 It is also noted that the site is described as "potentially available". We can confirm that the site is most definitely available for development.
- 2.13.15 The site should be re-assessed in light of the information above, and should be considered acceptable for development.

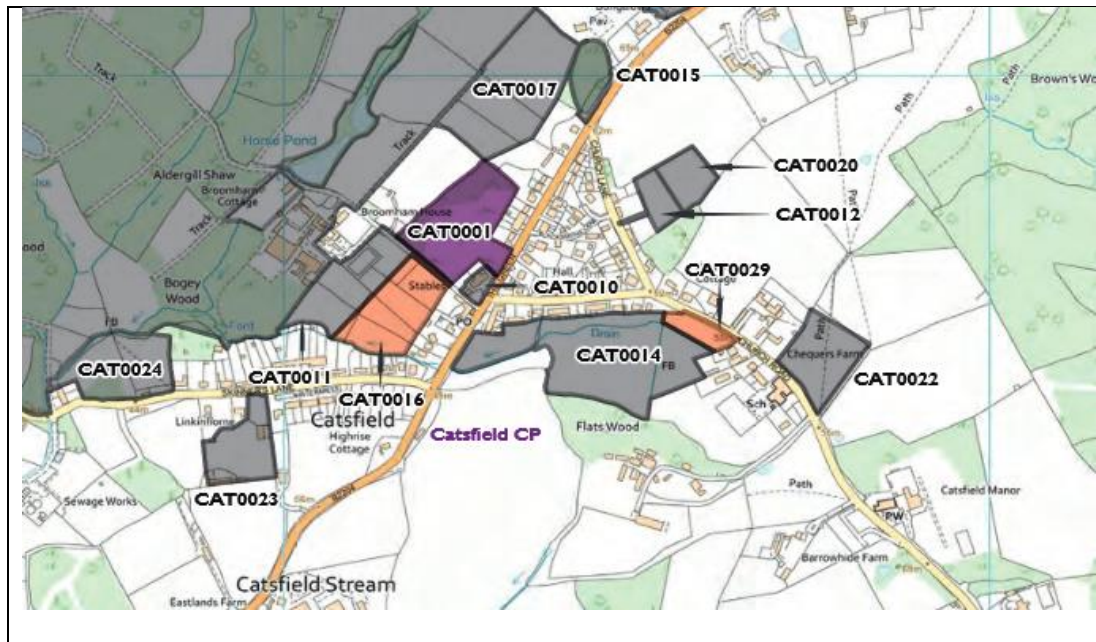


FIGURE 2.1: EXTRACT FROM HELAA

Site CAT0029

- 2.13.16 As identified in Figure 2.1, site CAT0029 comprises a small 0.3ha area of the site fronting Church Road. It is showing as being a potentially suitable site for the development of 5 dwellings in the draft HELAA, with the following description:

"This is a small road-fronting section of a larger field immediately south of Catsfield village. While there are constraints, including a risk of surface water flooding on the site boundaries and an adjacent Grade II listed building, the site lies just outside the High Weald National Landscape, and in landscape terms, it could potentially accommodate a short row of dwellings to continue the existing ribbon development on either side, although the landscape impact of reducing views across the site would require consideration. The site forms part of a much larger area which was subject to a refused planning application for 28 dwellings (RR/2020/1562/P, March 2023). While that was refused on grounds including flood risk and landscape impact, it is possible that a smaller scheme on this limited area could be developed without the same impacts. Furthermore, the principle of a vehicular access at this location was generally accepted through that application. However, given the flood risks across the larger site, further assessment of the flood risks at this site are required in order to determine

its suitability for development. The impact on the setting of listed buildings also requires further consideration. Improvements to pedestrian infrastructure would be required."

- 2.13.17 The support for development on this part of the site is welcomed. However, for all of the reasons set out above, there is significant potential for the site to make a more useful contribution to meeting Rother's urgent housing needs by allocating the wider site.

Housing Officer Comments

- 2.13.1 As part of this Regulation 18 consultation, RDC's Housing Officer has provided comments, including in-principle support for the allocation of this site, detailed in **Appendix 2**. Having provided affordable housing comments on the previous planning application (RR/2020/1562/P), the Housing Officer acknowledges that one of the key reasons for its refusal was flood risk concerns, which have now been addressed.
- 2.13.2 In summary, the Officers support stems from the availability and clear desire from the landowner to bring forward a quality development of mixed tenure housing that will complement the village. There have not been any major new housing developments in Catsfield since the previous Local Plan was made. Indeed, there was a planning application submitted on DaSA allocated site CAT1 (HELAA site CAT0001) for a policy compliant number of dwellings, but this was withdrawn earlier this year. Another site, CAT0016, has been identified in the HELAA as potentially suitable, but it requires highway access through CAT0001. Since the two sites are under different ownership, securing such access may be problematic.
- 2.13.3 A portion of the site has been identified as potentially suitable, but it would only support around 5 dwellings (CAT0029). The Housing Officer acknowledges that this is insufficient to deliver the affordable housing or other community benefits that a larger scheme would provide.
- 2.13.4 In terms of the affordable housing need there are some 14 households on Rother's housing register currently with a local connection to Catsfield. According to the Housing Officer, this is likely an underreporting, given experience of households joining the council's housing register elsewhere. A policy-compliant application for the previously submitted 28 units would yield 7 homes for affordable rent, helping to meet this housing need. Moreover, considering the updated HEDNA, it is anticipated that a scheme here would support the identified increase in the Battle Rural sub-area, particularly for two- and three-bedroom homes.

Wider Strategic Justification

- 2.13.5 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, it is 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 at The

Brooks, 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.

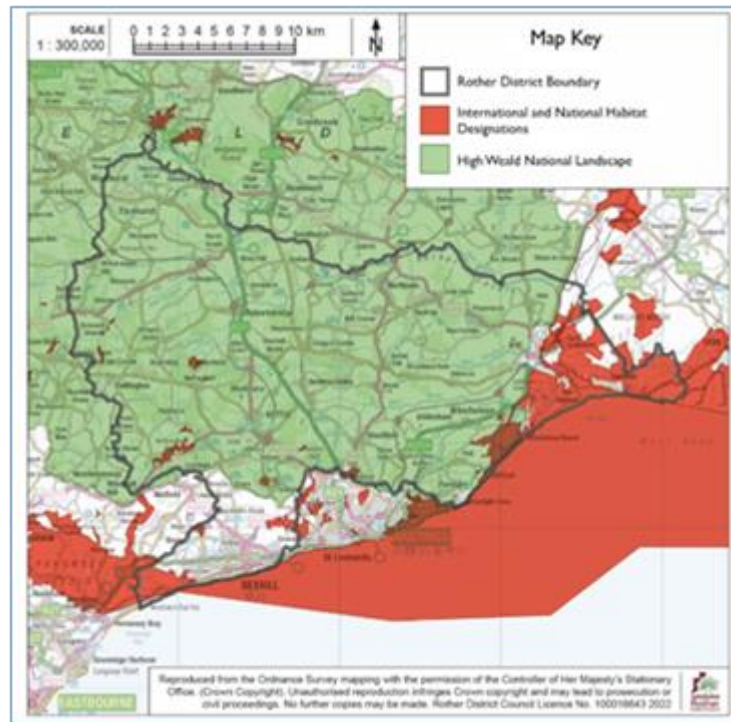


FIGURE 2.2: PROTECTED LANDSCAPE AND ENVIRONMENTAL DESIGNATIONS

- 2.13.6 As demonstrated in 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. 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.
- 2.13.1 As a result, Catsfield is identified as a focus area for growth in the Development Strategy Background Paper (2024). Opportunities 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:

Highways and Access

- 2.13.2 There are no highways constraints. The local highway authority did not object to the previous scheme (although they raised concerns in relation to parking provision which can be addressed) and there was no previous highways reason for refusal. As such, there are no highways or access constraints preventing the allocation of the site.

Deliverability

- 2.13.3 For the reasons set out within this representation, the site is considered to comprise a sustainable extension to Catsfield. 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.

Summary

- 2.13.4 We submit that the land at The Brooks is suitable to accommodate a proportionate level of growth to assist in meeting the housing need within the emerging Plan period.
- 2.13.5 In light of the above, it is clear that both sites CAT0014 and CAT0029 should be included as a potential allocation and can accommodate more growth in Catsfield.

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 Council's 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	663

the district)	
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 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 should 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 prejudice 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 Westcott Leach Ltd in response to the Rother Draft Local Plan (Regulation 18) Consultation, which runs until 23rd July 2024.
- 3.1.2 Westcott Leach are supportive of the encouraging aims and aspirations with regard to growth around Catsfield. Indeed, we support many of the aspirations underpinning the "Live Well Locally" priority, however for the reasons set out in this Statement, we do have concerns that the overall strategy proposed would not evolve to a sound plan.
- 3.1.3 Given the increasing need for additional housing over the Plan period, it is imperative that the next draft Local Plan properly plans to meet the Local Housing Need requirement as a minimum. The current draft Local Plan falls a long way short of this.
- 3.1.4 This will require the allocation of a substantial number of potential housing sites. We therefore consider that the full extent of land at The Brooks, Catsfield (CAT0014 and CAT0029) 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.
- 3.1.5 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.

APPENDIX

1



BERNARD LEACH

MONSON

Structural Engineering
Roads & Car Parks
Traffic & Flood Risk Assessments
Water & Drainage Engineering
Technical Audits & Assessments

**The Brooks
Church Road
Catsfield
TN33 9DP**

**Proposed Residential
Development**

Flood Risk Assessment

Issue	D
Date	25 Mar 2024
Author	C. Lama
Verified by	M. Wojcieszak
Job No.	24117



Registered No. FS 37624

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APPENDICES

Appendix A – Site location plan and Development Proposals

Appendix B – EA Flood Map for Planning

Appendix C – Area Topography and EA River Map

Appendix D – Groundsure Screening Report Extract

Appendix E – Southern Water Mapinfo Sewer Records

Executive Summary

Monson Engineering has been instructed to undertake a National Planning Policy Framework (NPPF) compliant Flood Risk Assessment (FRA) for the proposed residential development of 3.4 hectares of land at the Brooks on Church Road in Catsfield, TN33 9DP.

According to low detail, national-scale flood mapping created on behalf of the EA (Environment Agency), the proposed development site lies within flood zone 1. This zone comprises land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%). However, given that the proposed site is over 1 hectare, a National Planning Policy Framework-compliant Flood Risk Assessment is required to support the forthcoming planning application.

Under the NPPF, the proposed residential development is considered to be 'More Vulnerable'.

A desktop study for this Flood Risk Assessment has taken into account the review of the Environment Agency (EA) Flood Maps and the Rother District Level 1 Strategic Flood Risk Assessment dated February 2021 (SFRA).

All sources of flood risk have been considered and assessed as low to very low in the area where development will be designed. However, the flood risks from the groundwater are medium in the western section of the site. Although no development is designed in that section, we advocate raising the levels within the section of the site that is proposed to be developed by circa 500mm to increase the vertical separation between the existing groundwater level and the developed areas.

There will be no detrimental off-site impacts by this proposed development as far as flooding is concerned as surface water will be managed and controlled on-site, as discussed in the proposed surface water drainage strategy report also accompanying the forthcoming planning application.

The proposed development is considered to be suitable on the grounds of flood risk.

1.00 Introduction

1.01 Monson Engineering has been instructed to undertake a National Planning Policy Framework (NPPF) compliant Flood Risk Assessment (FRA) for the proposed residential development of 3.4 hectares of land at the Brooks on Church Road in Catsfield, TN33 9DR.

1.02 The development site is situated within flood zone 1; however, the proposed site is over 1 hectare, it is therefore required to have a Flood Risk Assessment.

1.03 This report will conform to the National Planning Policy Framework published in 2012, revised in 2018, and updated in June 2019; the National Planning Practice Guidance published in 2016 (updated in 2019), and the Local Planning Authority local plan policies.

2.00 Development Description and Location

2.01 It is proposed to erect 28 dwellings with an access road to dwellings from Church Road to the east. The approximate National Grid Reference of the site is TQ 72455 13603 (572455E, 113603N). A site location plan and development proposals can be found in **Appendix A**.

2.02 The proposal is for the provision of 28 dwellings. Flood risk vulnerability classification for this type of development is considered to be "More Vulnerable" (as defined in Table 2 of the Technical Guidance to the National Planning Policy Framework).

2.03 The proposed development lies within flood zone 1 where all types of developments are appropriate according to the Technical Guidance to the National Planning Policy Framework shown in Table 1.

**Proposed Residential Development
Flood Risk Assessment**

Flood Risk Vulnerability		Essential Infrastructure	water compatible	highly vulnerable	More Vulnerable	Less Vulnerable
Flood Zone	Zone 1	✓	✓	✓	✓	✓
	Zone 2	✓	✓	Exception Test Required	✓	✓
	Zone 3a	Exception Test Required	✓	X	Exception Test Required	✓
	Zone 3b Functional Flood Plain	Exception Test Required	✓	X	X	X

Table 1: The Sequential Test: Flood Risk Vulnerability and Flood Zone 'Compatibility' Table as specified by NPPF. Shaded cells denote the proposed re-development. Please note: ✓ means development is appropriate; X means the development should not be permitted.

2.04 Sequential Test

As set out in the National Planning Policy Framework, the aim of the sequential test is to direct development towards areas of lowest flood risk. These flood zones refer to the probability of river and coastal flooding, ignoring the presence of any existing flood defences. The proposed development site is situated in an area of lowest flood risk (flood zone 1) and is therefore deemed to satisfy the basis of the sequential test.

2.05 Exception Test

The Exception Test is not required.

3.00 Definition of Flood Hazards

Flooding from the sea (tidal) and rivers (fluvial)

3.01 The EA flood map for planning in **Appendix B** confirms that the proposed development site lies within flood zone 1, low risk of flooding from a fluvial/tidal source, which has a <0.1% annual probability of flooding from either of these sources.

3.02 The closest EA main rivers are tributaries of the Combe Haven River - Powdermill Stream and the Watermill Stream. They run about 1.9km east and south of the proposed application site respectively. A review of the British Geological Survey 3D map and other GIS maps shows that the application site is on a low altitude ground with a higher altitude ground between the two streams and the proposed site. The site is not near any coast. A GIS map showing the topography of the proposed site concerning the streams as well as an EA River Map are attached in **Appendix C**.

3.03 There is a watercourse on site that flows from east to west, discharging into a culvert underneath B2204 road in the west. The SFRA fluvial and tidal climate change flood risk map (*Figure 1*) shows that the site lies outside of fluvial flood extents.

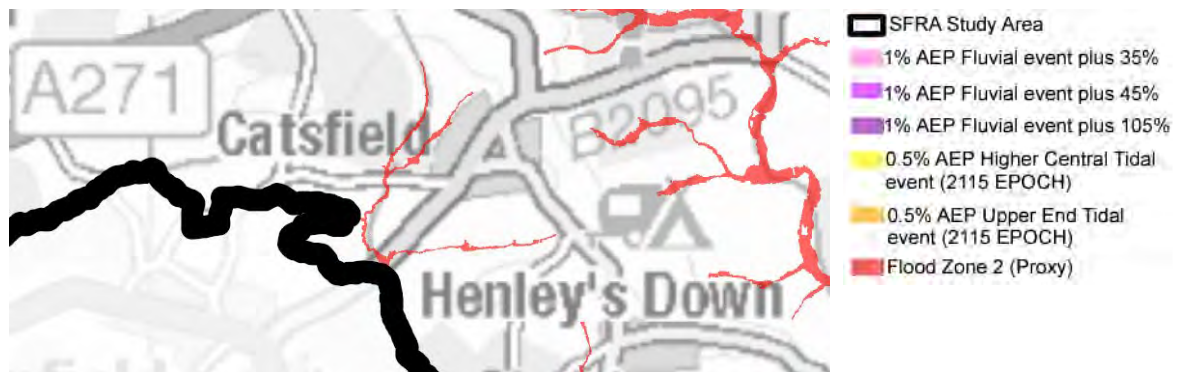


Figure 1: SFRA Appendix D - Fluvial & Tidal Climate Change Flood Risk

3.04 Comments from the LLFA (SUD/PC/RR/20/043) made on 27 January 2023 to Rother District Council highlight that there had been reports of flooding on site as recently as November 2022. The extent or the source of this flooding has not been confirmed in this comment letter, nor have further details been provided to inform any flood risk assessment for this site.

3.05 The main watercourse crosses the site from east to west along the north. The proposed 28 dwellings including the access road are situated on a higher ground south of the main watercourse, any flooding of this stream is likely to affect the northern parts of the site.

3.06 The EA flood map for planning (*Figure 2*) places the application site in flood zone 1, therefore no risk of flooding from rivers at this location.



Figure 2: EA Flood Map for Planning

3.07 Based on the above flood risk from rivers or sea is therefore considered low.

Flooding from Surface Water Run-Off and Overland Flow (Pluvial)

- 3.08 Pluvial flooding is the term used to describe flooding that occurs when intensive, often short-duration, rainfall is unable to soak into the ground or enter the drainage systems, and therefore runs over the land surface causing flooding. It is most likely to occur when soils are saturated or baked hard so that they cannot infiltrate any additional water, or in urban areas where buildings, tarmac, and concrete prevent water from soaking into the ground.
- 3.09 The long-term Risk of Flooding from Surface Water (RoFSW) map (*Figure 3*) shows that there is a risk of surface water flooding concentrated along the existing watercourse mainly to the west.



Figure 3: RoFSW Map

- 3.10 For a much clearer view of this map, publicly available GIS datasets under the Open Government License (OGL) can be used using an online ArcGIS map viewer. A close-up of *Figure 3* can be seen in *Figure 4*.



Figure 4: Defra RoFSW Data Download

- 3.11 The proposed dwellings are located south of this flood risk extent on higher grounds.
- 3.12 SFRA Appendix G (Figure 5) shows the RoFSW with climate change and the application site lies outside these areas of flood risk.

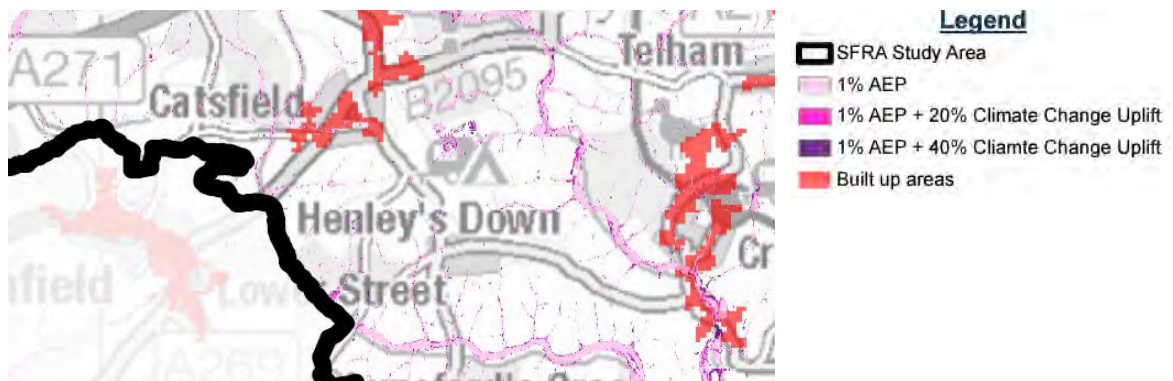


Figure 5: RoFSW with Climate Change

- 3.13 Based on these findings, risk of flooding from pluvial sources can be considered low.

Flooding from Groundwater

- 3.14 Groundwater flooding occurs because of water rising from the underlying rock or water flowing from abnormal springs. This can still occur after much longer periods of sustained high rainfall. Higher rainfall means more water will infiltrate into the ground and cause the water table to rise above normal levels. Groundwater can still flow from areas where the ground level is high to the areas where the ground level is low. In low-lying areas, the water table is usually at shallower depths, but during very wet periods where all the additional groundwater flows towards this area, the water table can rise to the surface causing groundwater flooding.
- 3.15 SFRA According to Appendix H map (Figure 6), most of the site is in areas that pose a low risk (shown in dark green). Additionally, a little line of shallow groundwater is depicted on the map, indicating that the groundwater level at the southwest portion of the plot boundary is between 250 and 500mm. None of the suggested plots, though, have been designed to be situated there. It makes sense to infer that the area is not thought to be vulnerable to groundwater flooding given that most of the site is not at risk.
- 3.16 Existing drainage ditches on site will intercept any rising groundwater level, however, some level of protection will be needed to make sure that the lack of maintenance of the drainage ditches on the adjoining sites will not exacerbate the site conditions.
- 3.17 The walkover survey revealed mostly ponding of the surface water, which overflows from the neighbouring land to the south, as the ditch is present within the boundary line, across the line of well-established line of matured trees.

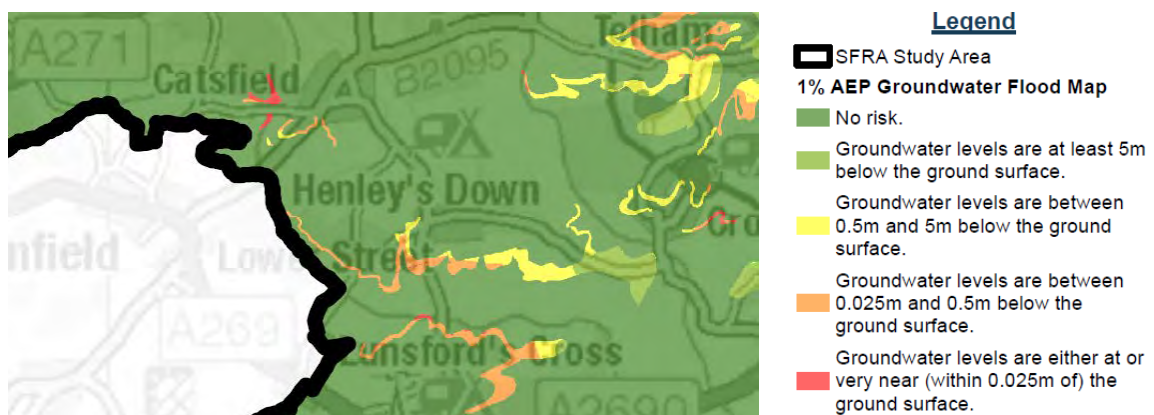


Figure 6: Groundwater Map (SFRA Appendix H)

- 3.18 In addition, a Groundsure Screening Report dated 5 Jan 2018 (extract in **Appendix D**) highlights that the area is not considered to be prone to groundwater flooding.
- 3.19 The risk of flooding from this source can therefore be considered as low in the area where the development will be sited, but medium in the western section of the site.
- 3.20 As a mitigation against the risk of groundwater flooding, we advocate to raise the levels within the section of the site that is proposed to be developed by circa 500mm, as this will increase the vertical separation between the existing groundwater level and the developed areas.

Flooding from Sewers

- 3.21 Sewer flooding events are usually the results of overloaded sewers following heavy rainfall or blockages caused by the misuse of the sewer system.
- 3.22 MapInfo GIS records attached in **Appendix E** show that there is a public foul water sewer running westward along the northern boundary of the site, however, no information has been identified to suggest that the site is susceptible to sewage surcharge flooding. In the rare event that this sewer floods, sewage will most likely follow the topography which slopes towards the north, away from the proposed dwellings.
- 3.23 We, therefore, consider the risk of flooding from the sewerage system to the proposed development to be very low.

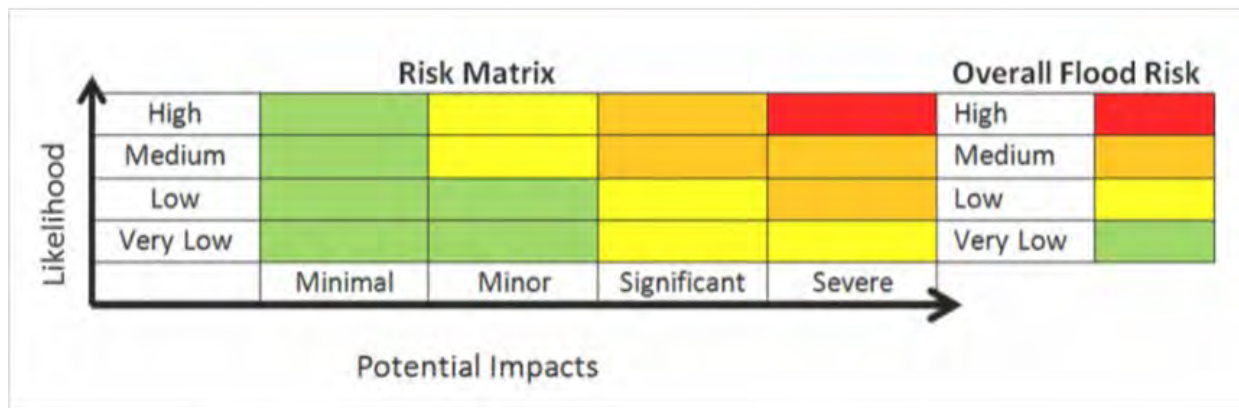
Flooding from Reservoirs, Canals, and other artificial sources

- 3.24 Reservoirs are artificial bodies of water, where water is collected and stored behind or within a man-made structure and released under control either to reduce the flow magnitudes in downstream channels or to meet a requirement when needed for purposes such as irrigation, municipal needs, or hydroelectric power.
- 3.25 According to the SFRA, 3 major reservoirs within Rother District are used for public water supply. Each reservoir is constructed by damming a valley. The nearest reservoirs to the proposed development site are the Powdermill Reservoir and the Darwell Reservoirs, about 9.4km and 7.1km away respectively from the proposed development.
- 3.26 The EA Flood Map for reservoirs shows no risk of flooding from these sources, flood risk from these sources can be considered low.

3.27 All potential sources of flood risk to the proposed development have been considered and all have been identified as low to very low.

Table 2: Flood Risk to the proposed development

FLOOD RISK SUMMARY							
Source	Pathway	Receptor	Risk Matrix			Mitigation Measures	Risk After Mitigation
			Likelihood	Potential Impact	Overall Flood Risk		
River/Sea	Overland flow	Proposed Development	Very Low	Severe	Low	None. Main river 1.9km from site. Higher altitude ground around site	N/A
Surface water runoff	Overland flow	Proposed Development	Low	Significant	Low	None. RoFSW concentrated to the west on lower grounds away from dwellings	N/A
Groundwater	Ground permeability	Proposed Development	Very Low	Minor	Very Low	None required due to geology. Groundsure Screening reports no risk from this source	N/A
Sewers	Public/Private sewer	Proposed Development	Very low	Minor	Very Low	None. No reported sewer floods. Topography will direct flood away from proposed development.	N/A
Reservoirs, canals and others	Overland flow	Proposed Development	Very Low	Severe	Low	None. No flooding from this source identified	N/A



4.00 Probability

4.01 The EA flood map for planning indicates that the proposed development site is in flood zone 1 which has a low risk of flooding.

4.02 The EA flood map for planning has been produced in part using a relatively coarse, national-scale flood modelling strategy, and in part by detailed modelling. It is important to note that only the potential floodplain is modelled; the mitigating effects of any flood defences currently in place are not considered. For reference, the definition of the NPPF flood risk zones is included in *Table 3*.

Table 3: Definition of the NPPF Flood Zones (Source: Technical Guidance to the National Planning Policy Framework)

Zone	Description
1	Low Probability: This zone comprises land assessed as having less than 1 in 1,000 annual probabilities of river or sea flooding (<0.1%).
2	Medium Probability: This zone comprises land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% – 0.1%) in any year.
3a	High Probability: This zone comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
3b	The Functional Floodplain: This zone comprises land where water has to flow or be stored in times of flood. SFRAs should identify this Flood Zone (land which would flood with an annual probability of 1 in 20 (5%) or greater in any year or is designed to flood in an extreme (0.1%) flood, or at another probability to be agreed between the LPA and the EA, including water conveyance routes.

5.00 Climate Change

5.01 Climate change is likely to increase the flows in rivers, raise sea levels and increase storms intensity.

5.02 Climate change allowance are the predictions of anticipated change for:

- Peak River Flow
- Peak rainfall intensity
- Sea level rise
- Offshore wind speed and extreme wave height

5.03 The site is currently located in flood zone 1. Given the distance between the site and the closest flood zone 3 extent, it is likely that the site will remain in flood zone 1 in the future.

5.04 The SFRA has considered the predicted increases in rainfall, storm events, and sea level rise. The site is not located near the coast therefore sea level is not predicted to be of any concern.

5.05 The EA has updated the peak rainfall intensity allowances based on catchment areas (*Figure 7*).

Cuckmere and Pevensey Levels Management Catchment peak rainfall allowances		
3.3% annual exceedance rainfall event		
Epoch	Central allowance	Upper end allowance
2050s	20%	40%
2070s	20%	40%
1% annual exceedance rainfall event		
Epoch	Central allowance	Upper end allowance
2050s	20%	45%
2070s	25%	45%

Figure 7: Peak Rainfall Intensity Climate Change Allowances

5.06 The lifetime of the development is considered 100 years therefore the ‘2070s’ epoch is considered. Surface water management in the accompanying drainage strategy report has taken into account the 3.3% AEP and 1.0% AEP Upper-End Allowances.

6.00 Off-Site Impacts

- 6.01 The drainage strategy report proposes that surface water runoff from the impermeable areas be drained to an attenuation pond and discharged at the site's Qbar (2.7 l/s) to the existing watercourse on-site via a Hydro Brake.
- 6.02 There are no foreseen impacts on neighbouring properties or the surrounding area with flood risk because of the proposed development.

7.00 Residual Risks

- 7.01 Residual risks are those remaining after applying the sequential approach to the location of development and taking mitigating actions. Examples of residual flood risk include an intense rainfall event which the drainage system cannot cope with.
- 7.02 The SuDS system proposed for this development has been designed to cope with the 1 in 100-year critical storm event with a 45% allowance for climate change. In the event of any storm higher than the design storm, exceedance flow will follow routes as shown on the proposed surface water drainage layout attached to the SuDS report.

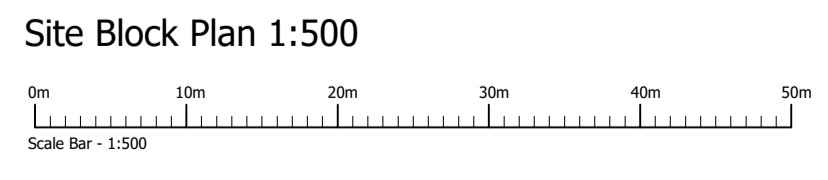
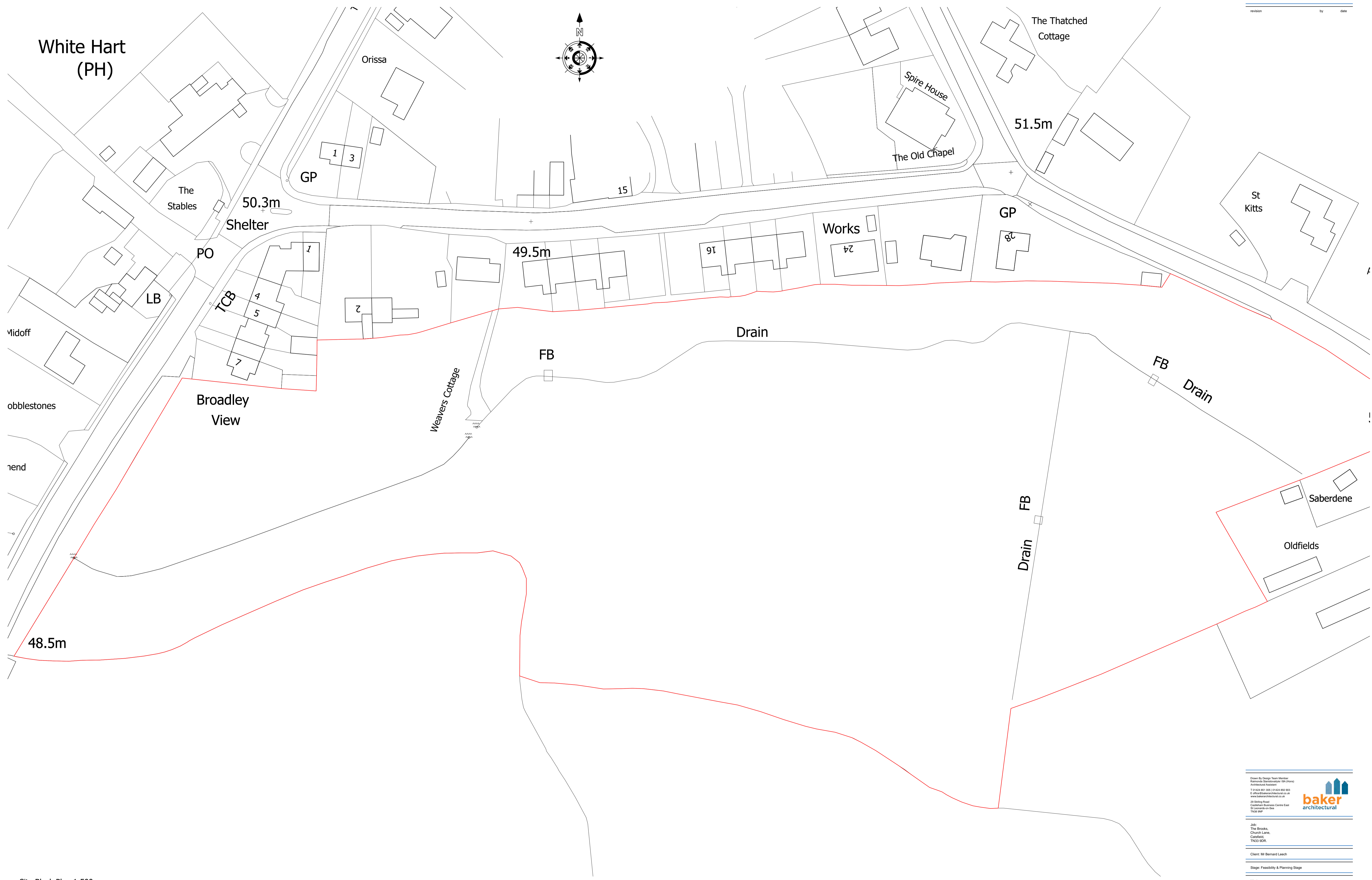
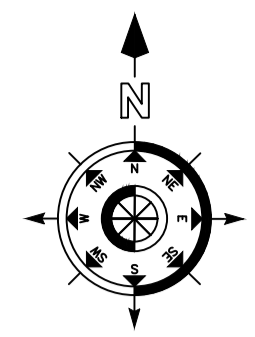
8.00 Conclusion

- 8.01 The site is within flood zone 1 but given the size of the proposed development, over 1 hectare, this Flood Risk Assessment report has been prepared to accompany the planning application.
- 8.02 All sources of flood risk have been considered and assessed as low to very low in the area where development will be designed. However, the flood risks from the groundwater are medium in the western section of the site. Although no development is designed in that section, we advocate raising the levels within the section of the site that is proposed to be developed by circa 500mm to increase the vertical separation between the existing groundwater level and the developed areas.
- 8.03 The proposed drainage system for this development will manage flood risk on site by discharging at greenfield rates to the existing watercourse and thus should not increase flood risk elsewhere.

8.04 Based on the findings of this report, the proposed development is suitable on the grounds of flood risk.

Appendix A – Site location plan and Development Proposals

White Hart
(PH)



Drawn By Design Team Member
Bernard Leech (BA1948.02)
Architectural Assistant
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TN38 9EP

baker
architectural

Job:
The Blocks,
Church Lane,
Caldfield,
TN33 5QR

Client: Mr Bernard Leech

Stage: Feasibility & Planning Stage

Works:
Scheme Proposals
Block Plan

Drawing Date: June 2019
Drawing Scale: 1:500
Drawing Size: A1

Drawing Number: BA1948.02

Revision:



Notes:
 1. This drawing to be read in conjunction with all other relevant Monson drawings and specifications, any discrepancies to be reported to Monson prior to any fabrication or work commencing on site.
 2. Do not scale this drawing, use figured dimensions only.
 3. All dimensions in millimetres, all levels in metres.

RISK ASSESSMENT

RESIDUAL RISKS IDENTIFIED

- None identified, 20/03/24.

CONTRACTOR'S GENERAL RISK ITEMS
 (List is not exhaustive but includes commonly raised issues)

- Location of all buried services.
- Existing drainage:
 - Gases, confined spaces, diseases.
 - Maintain flow in drains during works.
- Manual lifting of heavy objects.
 Manhole covers, drainage pipes, concrete rings, kerbs, etc.
- Excavation for drainage trenches and manholes.
- Security.
 Keep site secure from members of the public.
 Maintain public safety when accessing site.

D	CL	20/03/24	Original Issue
Issue By	Date	Amendments	

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MONSON

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 E-mail: enquiries@monson.co.uk

Project:
**The Brooks, Catsfiled Church Road
 Catsfiled
 TN33 9DP**

Description:
Proposed Site Plan

Original Drawing:	Prepared	CL	Approved	MW
Origin:	Crowborough	Size	A1	
Current Issue:	Approved	Date	20/03/24	
Drawing Status:	PRELIMINARY			

Scale: 1:500	Dwg No: 24117/001	Issue: D
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Appendix B – EA Flood Map for Planning

Flood map for planning

Your reference
9224

Location (easting/northing)
572455/113603

Created
4 May 2020 8:57

Your selected location is in flood zone 1, an area with a low probability of flooding.

This means:

- you don't need to do a flood risk assessment if your development is smaller than 1 hectare and not affected by other sources of flooding
- you may need to do a flood risk assessment if your development is larger than 1 hectare or affected by other sources of flooding or in an area with critical drainage problems

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

The Open Government Licence sets out the terms and conditions for using government data.
<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Flood map for planning

Your reference

9224

Location (easting/northing)

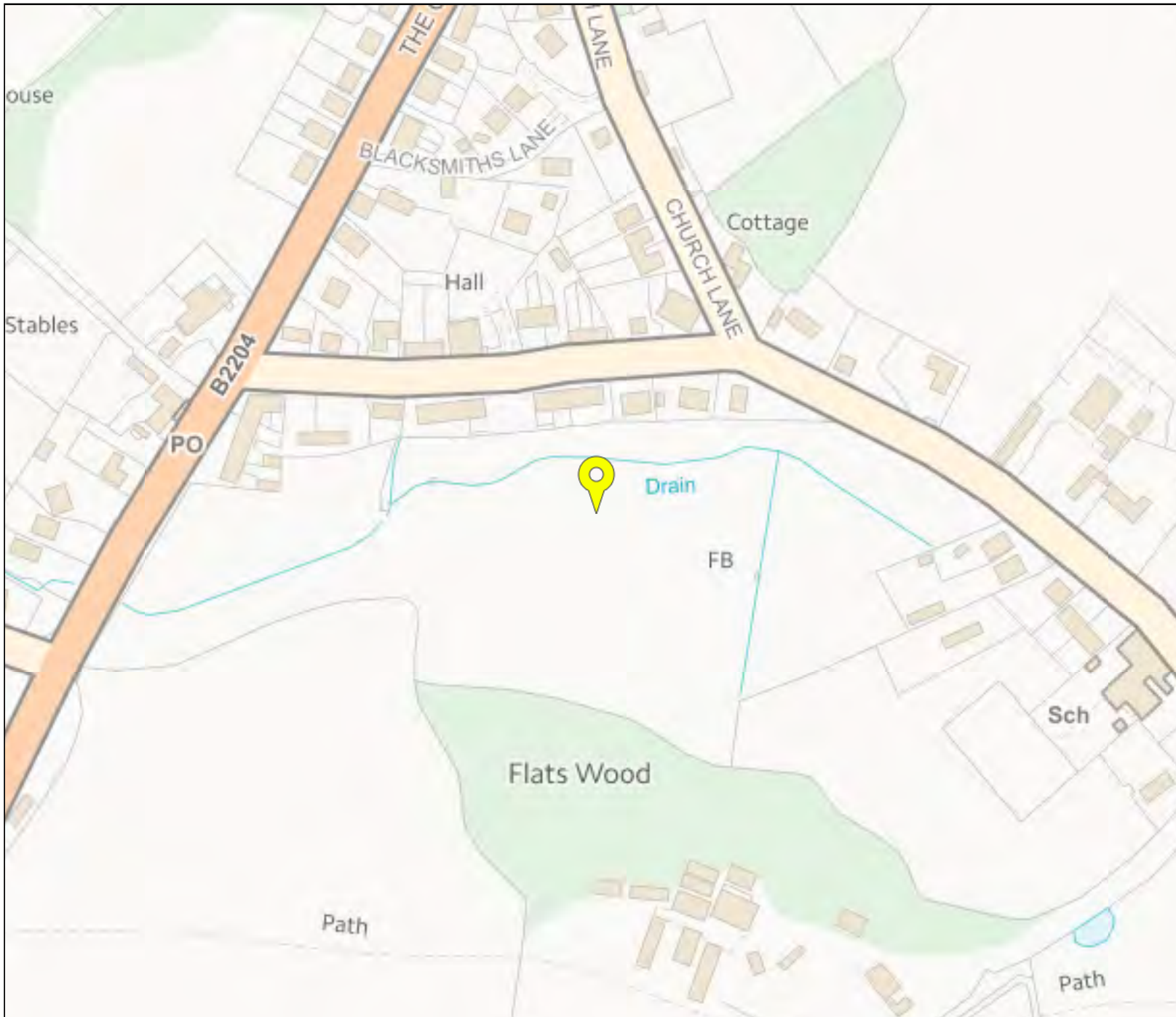
572455/113603









Scale

1:2500

Created

4 May 2020 8:57

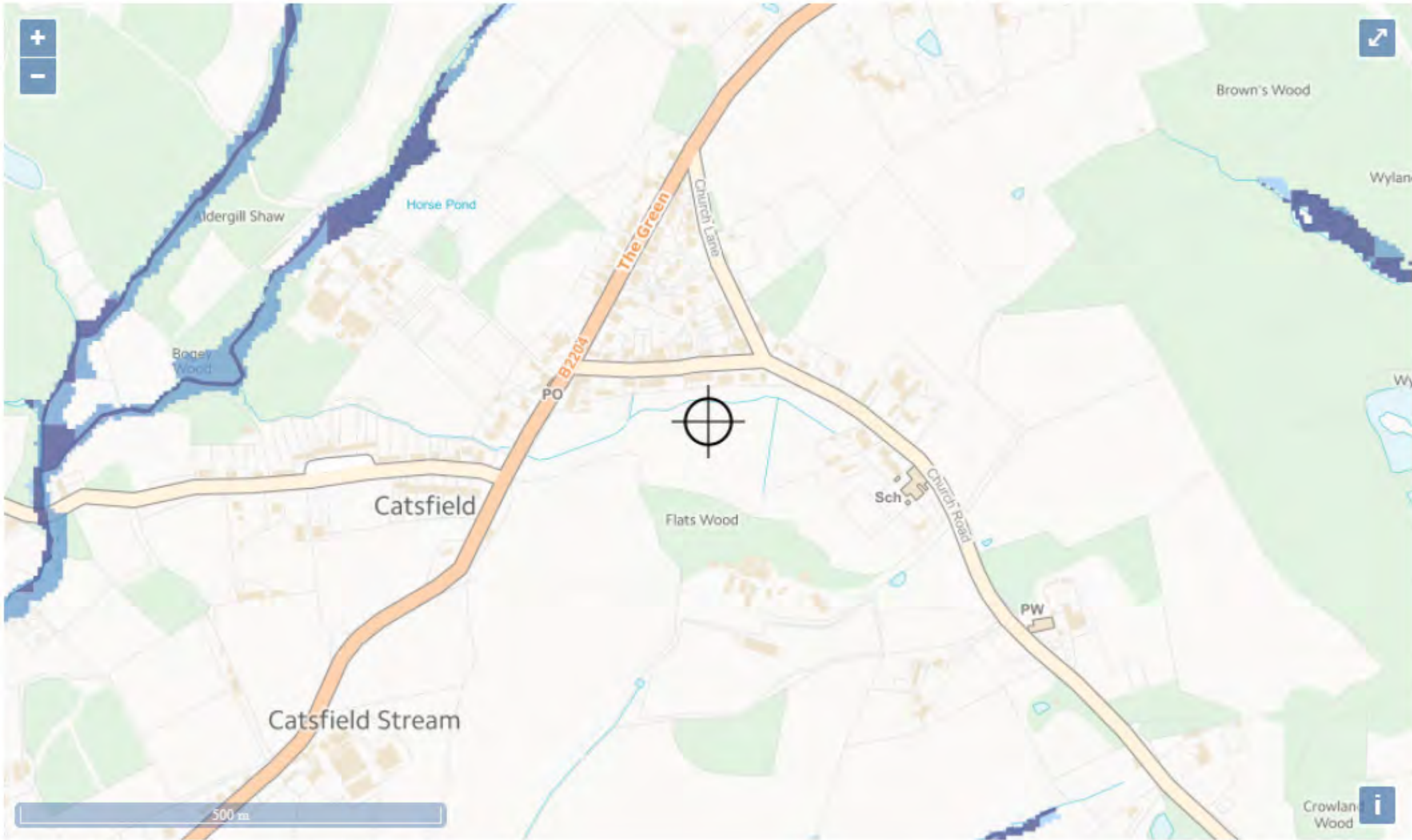


-  Selected point
-  Flood zone 3
-  Flood zone 3: areas benefiting from flood defences
-  Flood zone 2
-  Flood zone 1
-  Flood defence
-  Main river
-  Flood storage area

0 20 40 60m

Extent of flooding

Enter a place or postcode

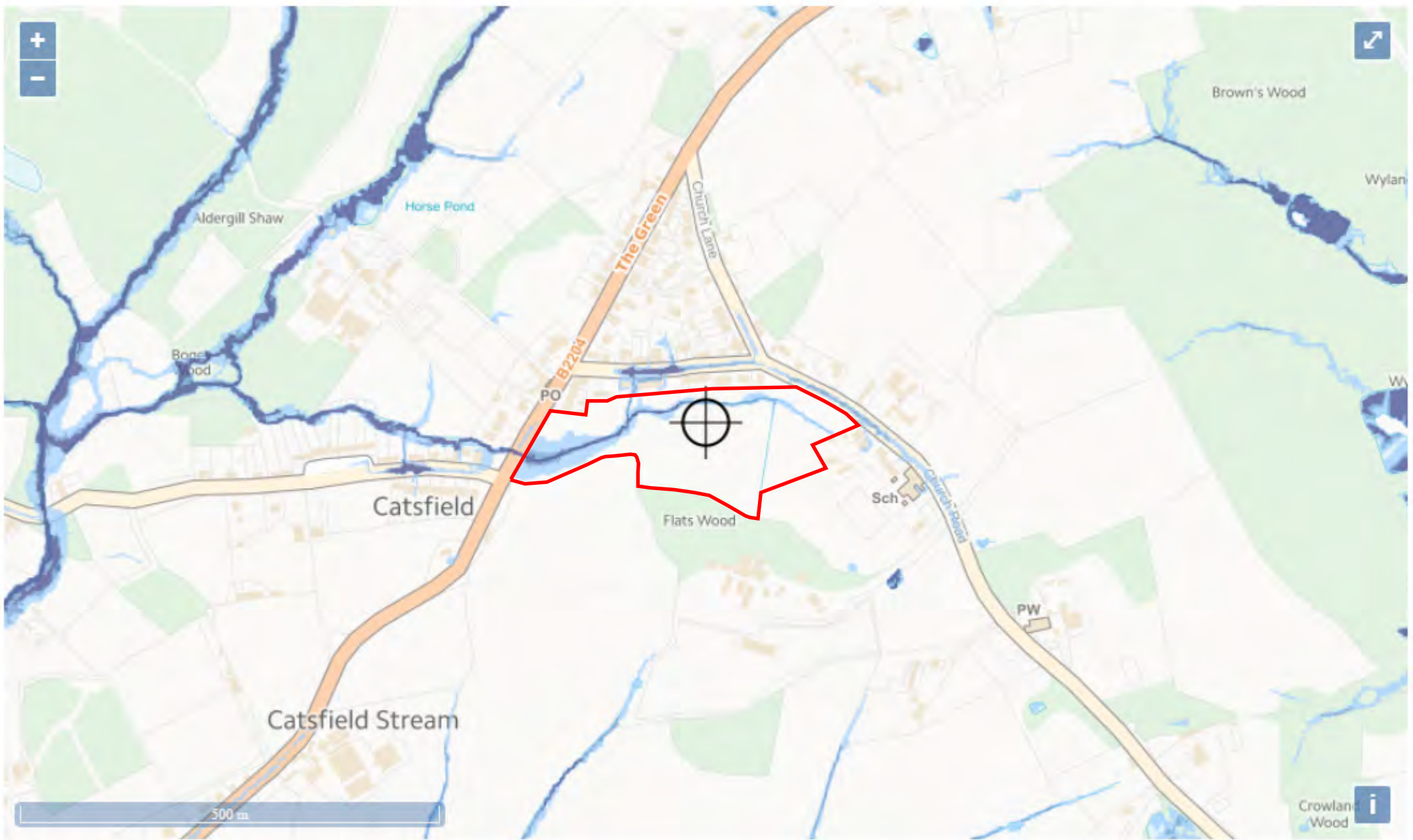


Extent of flooding from rivers or the sea

High Medium Low Very low Location you selected

Extent of flooding

Enter a place or postcode

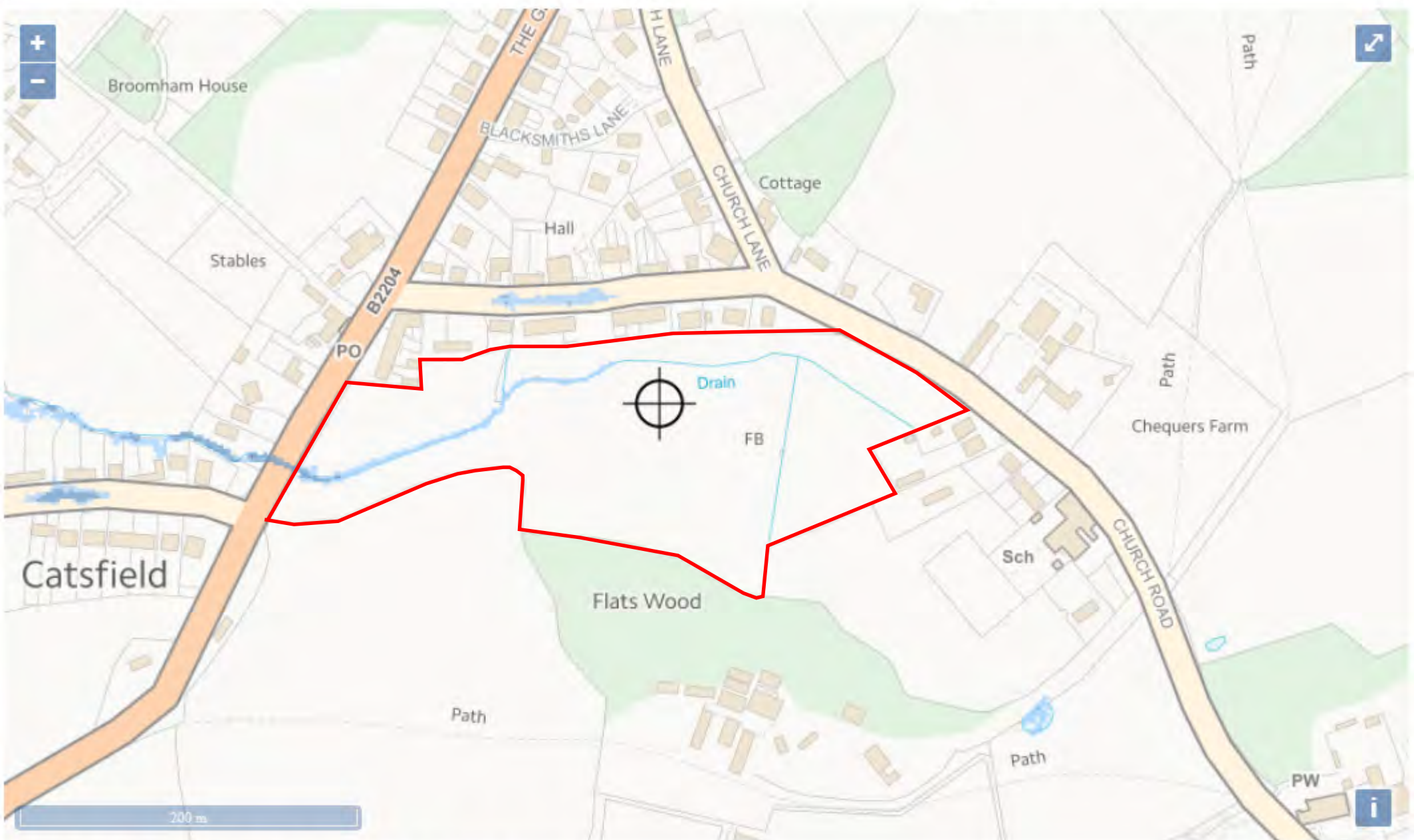


Extent of flooding from surface water

- High
- Medium
- Low
- Very low
- Location you selected

High risk: depth

Enter a place or postcode

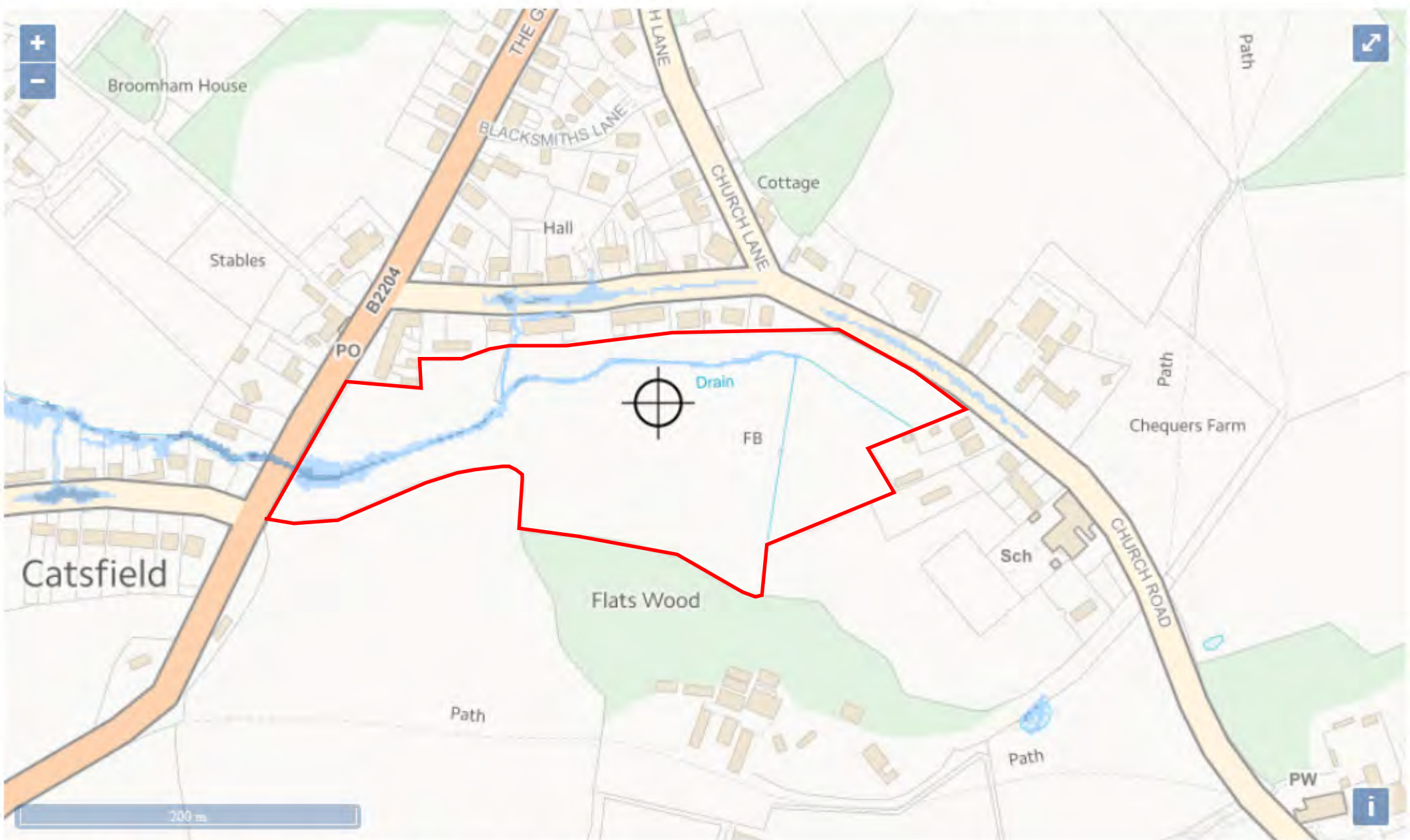


Surface water flood risk: water depth in a high risk scenario
 Flood depth (millimetres)

- Over 900mm
- 300 to 900mm
- Below 300mm
- Location you selected

Medium risk: depth

Enter a place or postcode

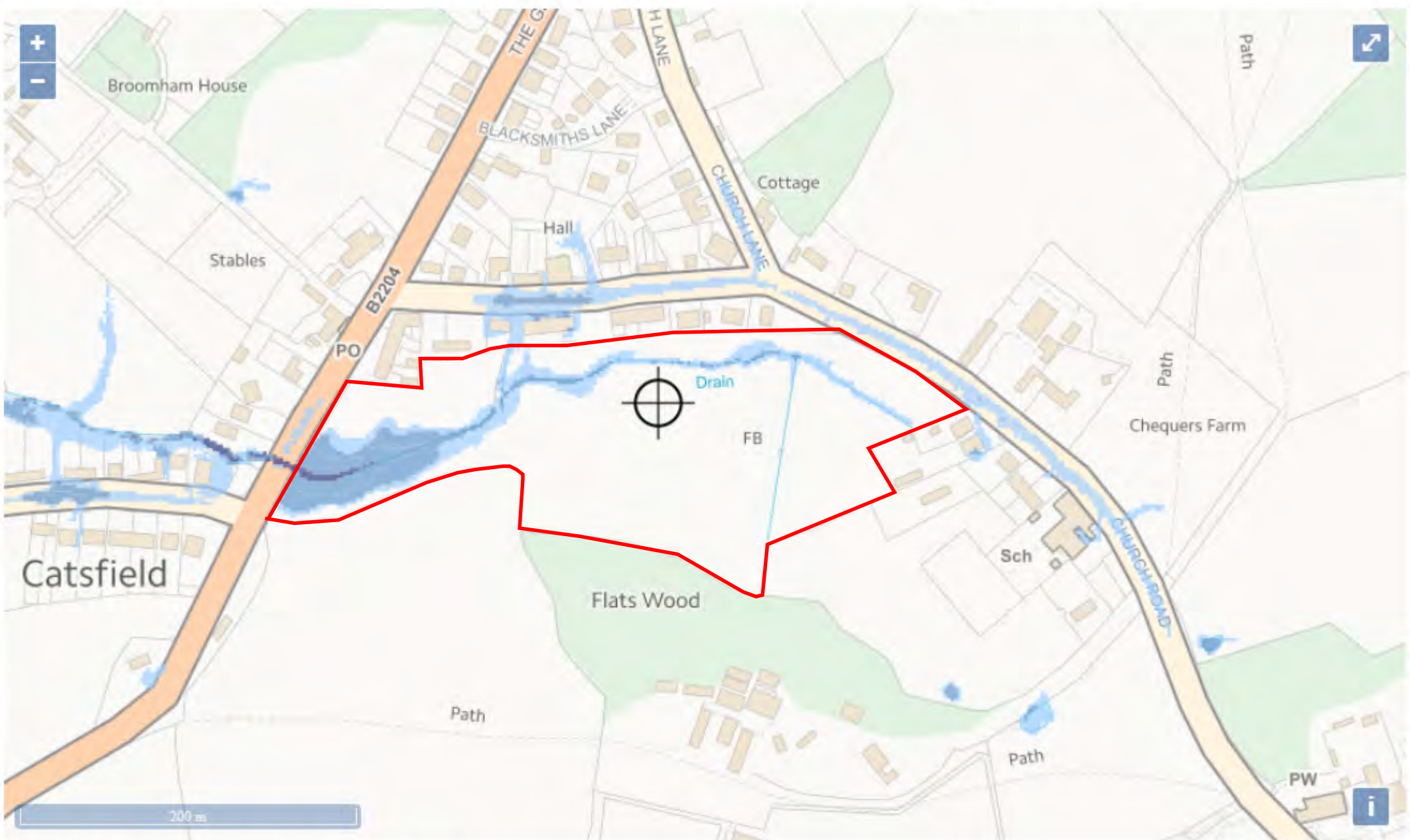


Surface water flood risk: water depth in a medium risk scenario
 Flood depth (millimetres)

- Over 900mm
- 300 to 900mm
- Below 300mm
- Location you selected

Low risk: depth

Enter a place or postcode

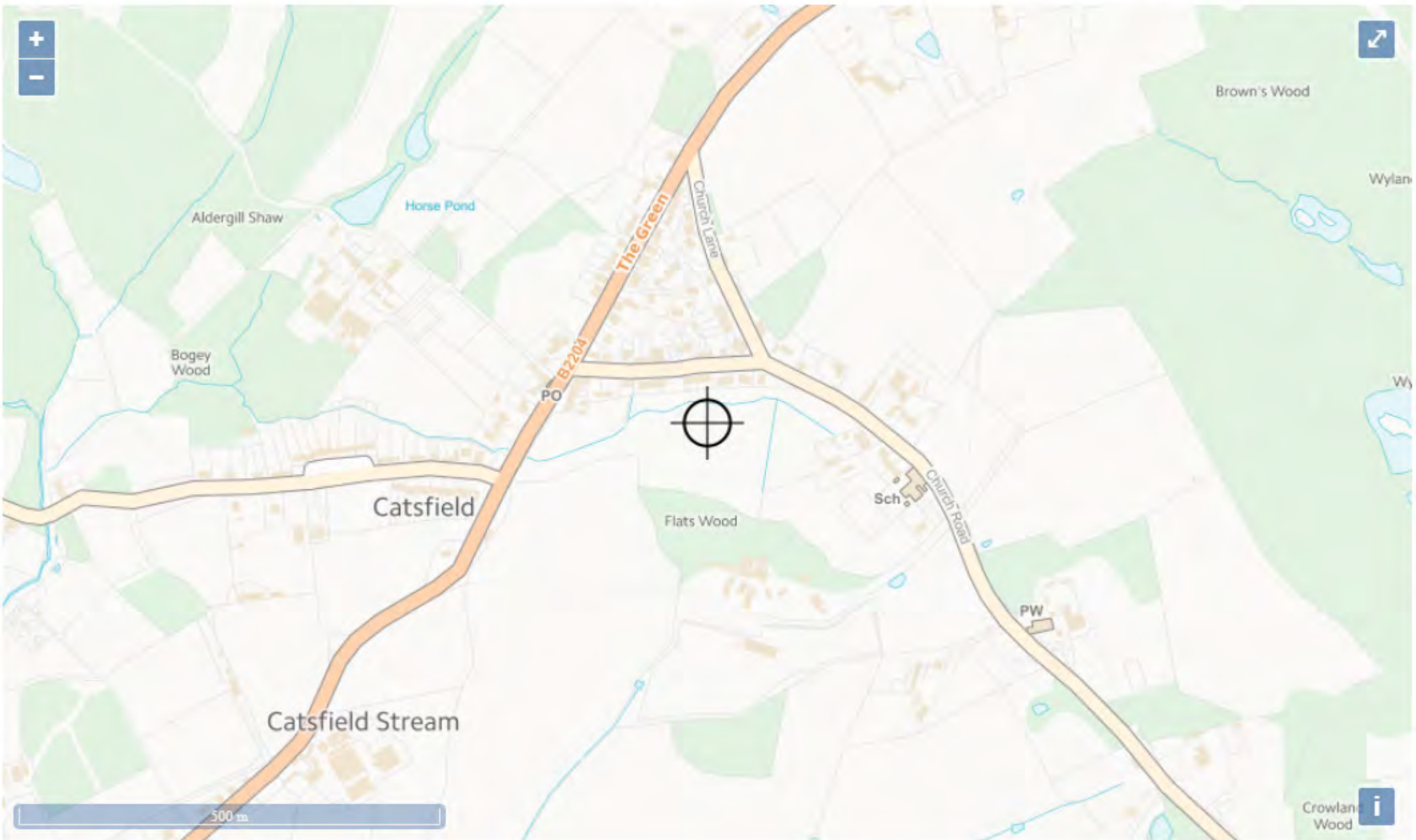


Surface water flood risk: water depth in a low risk scenario
 Flood depth (millimetres)

- Over 900mm
- 300 to 900mm
- Below 300mm
- Location you selected

Extent of flooding

Enter a place or postcode



Extent of flooding from reservoirs

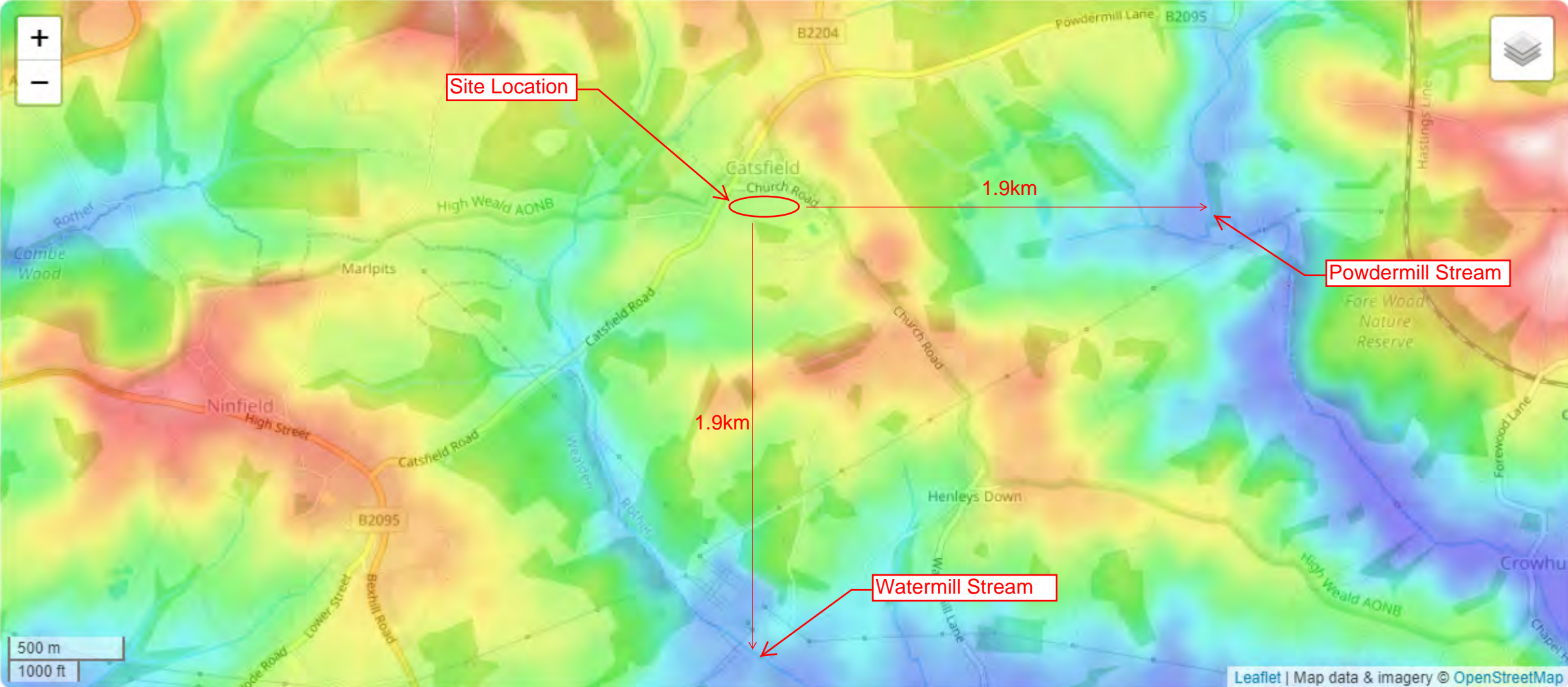
● Maximum extent of flooding
 ⊕ Location you selected

Appendix C – Area Topography and EA River Map

East Sussex

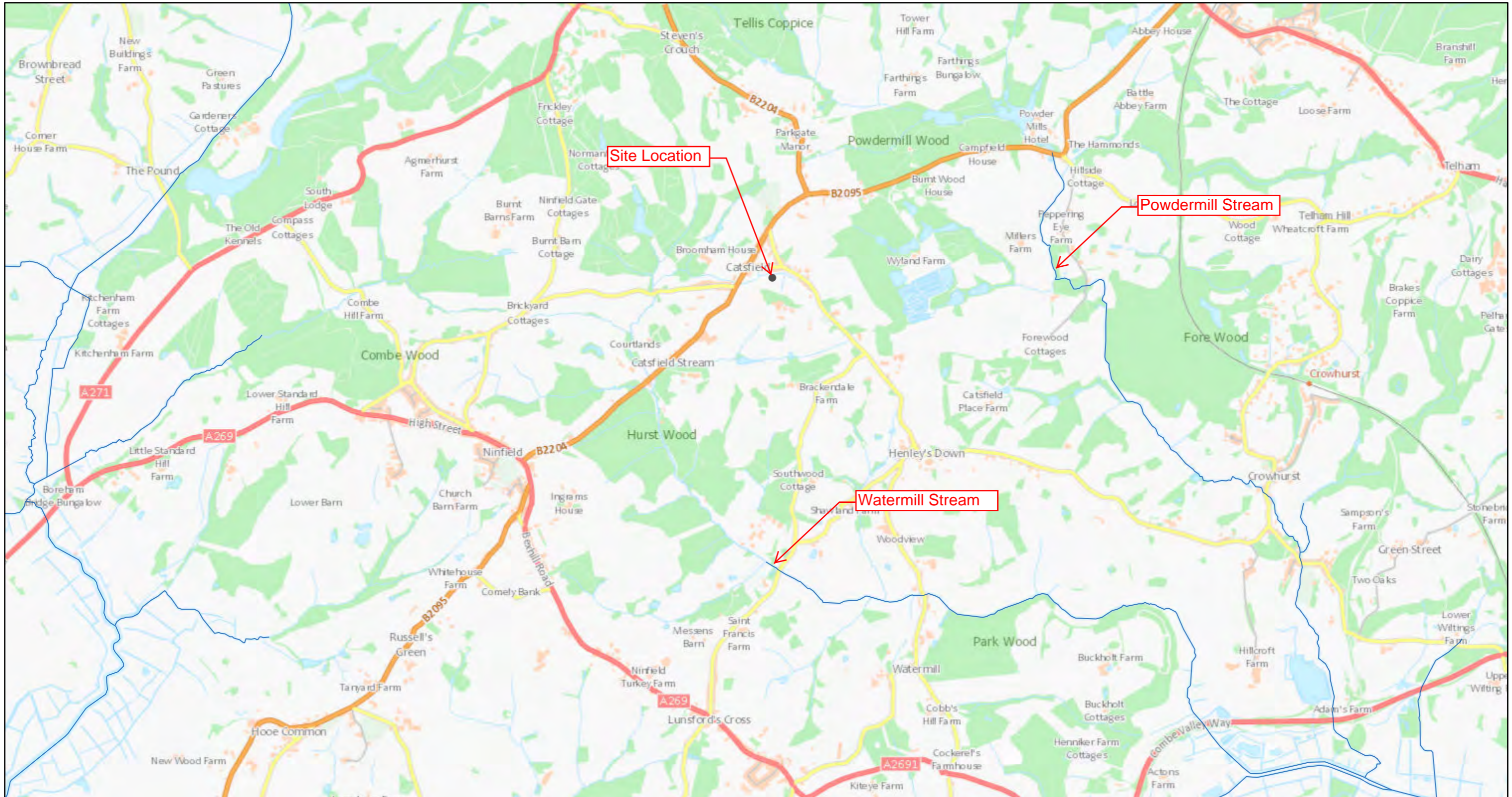
[Topographic maps](#) > [United Kingdom](#) > [England](#) > [East Sussex](#)

Click on the map to display elevation.



East Sussex, South East, England, United Kingdom (50.94045 0.36999)

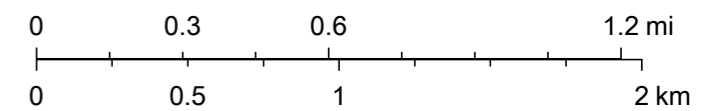
Main River Map: Rationalising Main River Network



5/4/2020, 11:56:33 AM

— Statutory Main River Map

1:25,000



Contains OS data © Crown Copyright and database right 2019

Appendix D – Groundsure Screening Report Extract

Screening Report

Contaminated Land

ACCEPTABLE RISK



Assessed potential for environmental risk associated with this property:

Moderate

Address:

The Brooks, The Green, Catsfield, Battle,

Groundsure Reference:

SA9234224

Date:

5 Jan 2018

Your Reference:

SA923422-9234224-9234226

Grid Reference:

572444,113582

Written By:

Craig Mathieson BSc

Reviewed By:

Frederick Brocklehurst
BSc (Hons) AIEMA

The following opinion is provided by Groundsure on the basis of the information available at the time this report was produced.

Statutory or Third Party Action

Is there a risk of statutory (e.g. Part 2A EPA 1990) or third party action being taken against the site?

Unlikely

Banking Security

Does the property represent Acceptable Banking Security from an environmental perspective?

Yes

Environmental Liability

Is there a risk that the property value may be impacted due to environmental liability issues?

Unlikely

Recommendations

Whilst Groundsure has determined the property to comprise Acceptable Environmental Risk, some liabilities may reside with the property that a prudent purchaser may wish to consider further, particularly if the site is to change use/be redeveloped in the future.

7 Flooding

7.1 Risk of Flooding from Rivers and the Sea (RoFRaS) Flood Rating

What is the highest risk of flooding onsite? Very Low

The Environment Agency/Natural Resources Wales RoFRaS database provides an indication of flood river and coastal risk at a national level on a 50m grid as used by many of the insurance companies.

Any relevant data within 250m is represented on Map 7b- RoFRaS Flooding.

RoFRaS data is based on a 50m grid system, with the flood rating at the centre of the grid calculated and given below. The data considers the probability that the flood defences will overtop or breach, and the distance from the river or the sea.

RoFRaS data for the study site indicates the property is in an area with a Very Low (less than 1 in 1000) chance of flooding in any given year.

7.2 Flood Defences

Are there any Flood Defences within 250m of the study site? No

7.3 Areas benefiting from Flood Defences

Are there any areas benefiting from Flood Defences within 250m of the study site? No

Guidance: More detailed information on flooding may be available by ordering a Groundsure Floodview report. Please contact Groundsure for further details.

7.4 Areas used for Flood Storage

Are there any areas used for Flood Storage within 250m of the study site? No

Guidance: More detailed information on flooding may be available by ordering a Groundsure Floodview report. Please contact Groundsure for further details.

7.5 Groundwater Flooding Susceptibility Areas

What is the susceptibility to Groundwater Flooding in the search area based on the underlying geological conditions? The area is not considered to be prone to groundwater flooding

Guidance: The area is not considered to be prone to groundwater flooding based on rock type.

Groundwater flooding is defined as the emergence of groundwater at the ground surface or the rising of groundwater into man-made ground under conditions where the normal range of groundwater levels is exceeded. The BGS Susceptibility to Groundwater Flooding hazard dataset identifies areas where geological conditions could enable groundwater flooding to occur and where groundwater may come close to the ground surface. The susceptibility data is suitable for use for regional or national planning purposes where the groundwater flooding information will be used along with a range of other relevant information to inform land-use planning decisions. It might also be used in conjunction with a large number of other factors, e.g. records of previous incidence of groundwater flooding, rainfall, property type, and land drainage information, to establish relative, but not absolute, risk of groundwater flooding at a resolution of greater than a few hundred metres. The susceptibility data should not be used on its own to make planning decisions at any scale, and, in particular, should not be used to inform planning decisions at the site scale. The susceptibility data cannot be used on its own to indicate risk of groundwater flooding.

7.6 Groundwater Flooding Confidence Areas

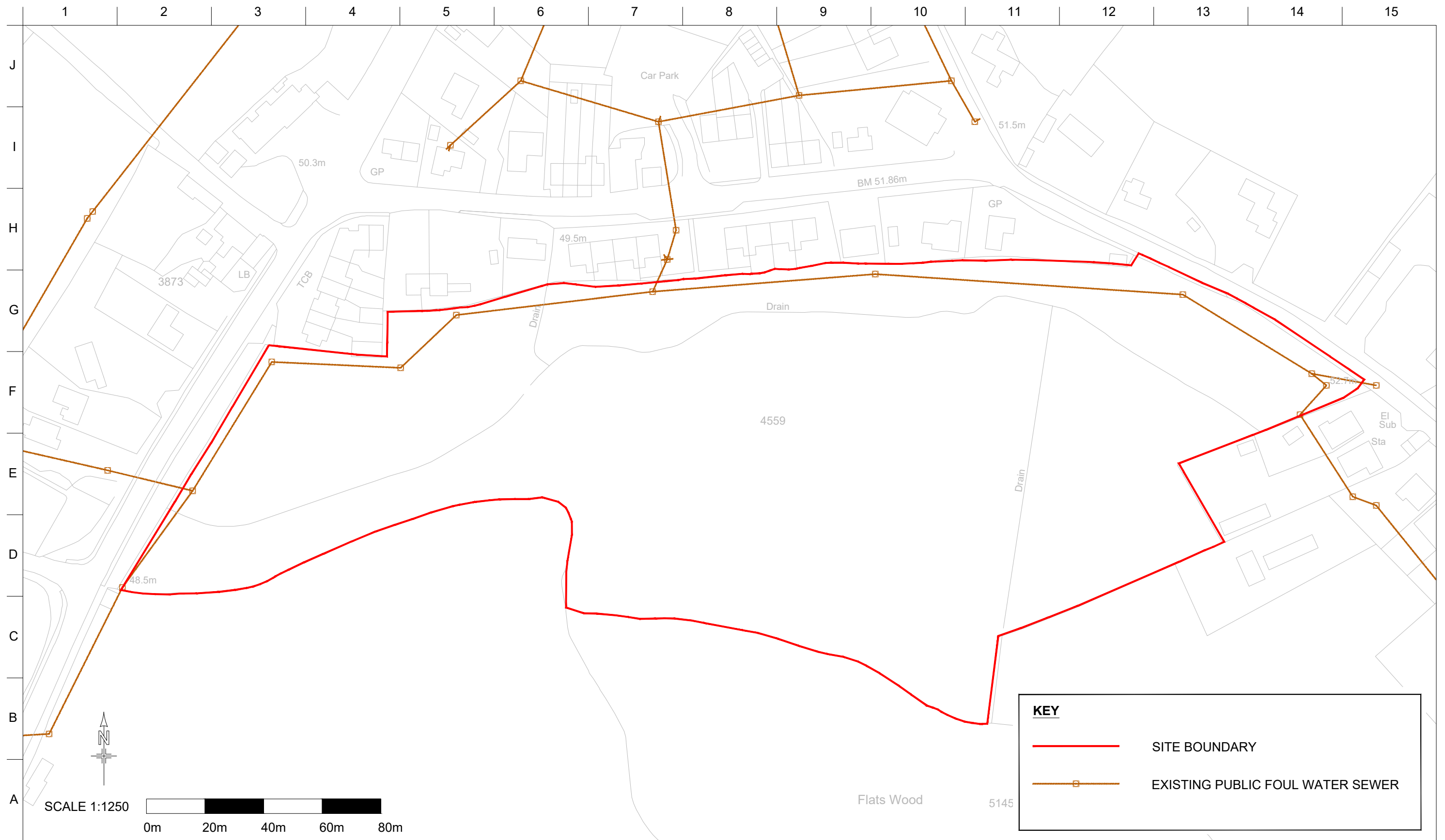
What is the British Geological Survey confidence rating in this result? Not Applicable

Notes:

Groundwater flooding is defined as the emergence of groundwater at the ground surface or the rising of groundwater into man-made ground under conditions where the normal range of groundwater levels is exceeded.

The confidence rating is on a threefold scale - Low, Moderate and High. This provides a relative indication of the BGS confidence in the accuracy of the susceptibility result for groundwater flooding. This is based on the amount and precision of the information used in the assessment. In areas with a relatively lower level of confidence the susceptibility result should be treated with more caution. In other areas with higher levels of confidence the susceptibility result can be used with more confidence.

Appendix E – Southern Water Mapinfo Sewer Records



KEY

— SITE BOUNDARY

—□— EXISTING PUBLIC FOUL WATER SEWER

- Notes:**
1. This drawing to be read in conjunction with all other relevant Monson drawings and specifications, any discrepancies to be reported to Monson prior to any fabrication or work commencing on site.
 2. Do not scale this drawing use figured dimensions only
 3. All dimensions in millimetres, all levels in metres.

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A	CM	05/05/2020	Original Issue
Issue	By	Date	Amendments

MONSON

Broadway Chambers, High Street, Crowborough, East Sussex TN6 1DF
 Tel: (01892) 601370
 E-mail: enquiries@monson.co.uk

Project:
**The Brooks
 Church Lane
 Catsfield
 TN33 9DR**

Original Drawing: Prepared CM Approved GL
 Origin: Crowborough Size A3
 Current Issue: Approved GL Date 04/05/2020

Drawing Status: **PRELIMINARY**

Description:
**Southern Water MapInfo
 Sewer Records**

Scale: 1:1250	Dwg No: 9224/101	Issue: A
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APPENDIX

2



Lauren Sinden

Subject: FW: The Brooks, Church Rd, Catsfield (CAT0014) Housing Enabling comments

From: Graeme Quinnell [REDACTED]

Date: 22 July 2024 at 11:55:27 BST

To: DerekGodfreyConsulting | Derek Godfrey [REDACTED]

Subject: The Brooks, Church Rd, Catsfield (CAT0014) Housing Enabling comments

Good morning Derek

I wanted to send over my comments on this site as part of the Regulation 18 consultation on Rother's new Local Plan.

We have met and discussed this site previously and I have also been involved in providing affordable housing comments in respect of a previous planning application which was refused, RR/2020/1562/P

One of the key reasons that the previous application was refused was due to flood risk concerns. I understand that your flooding consultants through work with the LLFA have a way to proceed that would satisfy the planning refusal reason here.

My in principle support for this site comes from the availability and clear desire from the site owner to bring forward a quality development of mixed tenure housing that will complement the village. We know there is a significant need for new housing development across the district and this includes rural areas such as Catsfield.

There have not been any major new housing developments in Catsfield since the previous Local Plan was made. Indeed, there was a planning application submitted on DaSA allocated site CAT1 (HELAA site CAT0001) for a policy compliant number of dwellings but this was withdrawn earlier this year.

Another site has been identified in the HELAA as potentially suitable, CAT0016, but this seems to require highway access to be facilitated through CAT0001. The two sites are in different ownership though so securing such access would appear to be a potential issue.

A portion of The Brooks, Catsfield site has been identified as potentially suitable but this would only be of a size to support c.5 dwellings (CAT0029). This is not a sufficient quantum to deliver the affordable housing or other community benefits that a more substantial scheme would have delivered.

In terms of the affordable housing need we have some 14 households on Rother's housing register currently with a local connection to Catsfield. This will likely be an under reporting of need given experience of households joining the councils housing register elsewhere. Based on a current affordable housing policy compliant application at The Brooks for the 28 units submitted previously this would yield 7 homes for affordable rent to help meet that housing need.

Having considered the updated HEDNA it is hoped that a scheme here would support the identified increase in the Battle Rural sub-area particularly for two and three bedroom homes. Indeed, the last submitted schedule for RR/2020/1562/P aligns well with the HEDNA Table 40 / Figure 60 on p.172 which shows an all tenures combined need of 72% of dwellings for 2 & 3 bed properties and a 24% need for 4 bed + properties. The schedule provided with RR/2020/1562/P showing 70% 2 & 3 bed properties and 27% 4 bed + properties.

I look forward to hearing from you on future proposals for this and other sites

Kind regards

Graeme

Graeme Quinnell, BA (Hons)

Housing Enabling & Development Officer
Acquisitions, Transformation & Regeneration



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