

SITE BEX0050
LAND TO THE SOUTH
OF BARNHORN ROAD

Table of Contents

1.0	Overview	1
2.0	Draft Local Plan: Spatial Objectives and Development Strategy	2
3.0	Draft Local Plan: Policy Comments	4
4.0	Housing and Economic Land Availability Assessment (HELAA)	6
5.0	Current Position	12

Appendix 1
TRANSPORT NOTE (I-TRANSPORT)

1.0 Overview

- 1.1 This representation is made by Bidwells LLP on behalf of the landowner of the site 'land to the south of Barnhorn Road', which is located on the western side of Bexhill.
- 1.2 The landowner is grateful for the opportunity to respond to the public consultation on the Draft Rother Local Plan 2020-2040 and the Draft Housing and Economic Land Availability Assessment (HELAA) drafts (Regulation 18), published in April 2024.
- 1.3 The site in question is identified within the Draft HELAA (April 2024) as Site BEX0050, which is categorised under "Potential Sites". This category includes sites that are 'potentially suitable, potentially available and potentially deliverable, subject to further assessment or investigation'.

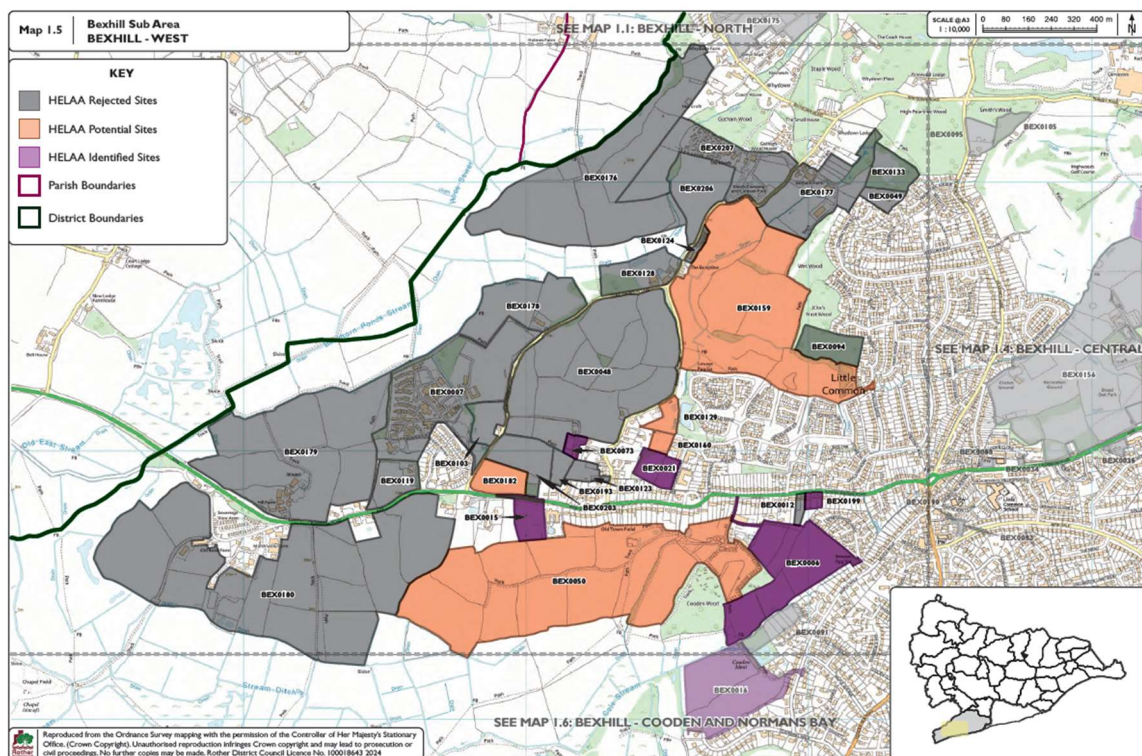


Figure 1 - Draft Housing and Economic Land Availability Assessment Map 1.5, including site BEX0050.

- 1.4 This representation is made to demonstrate the suitability of site BEX0050 to accommodate sustainable residential and employment development, in line with the objectives and strategy of the Draft Local Plan. This evidence includes new technical work on transport considerations, to assist in the progression of the HELAA. Comments are also provided on the relevant strategies and policies of the Draft Local Plan.

2.0 Draft Local Plan: Spatial Objectives and Development Strategy

2.1 Spatial Objectives

- 2.1.1 The most relevant objective relating to housing delivery in Rother is Spatial Objective 4, which is to “Respond to the housing crisis and help facilitate the delivery of housing to meet the needs of different groups in the community, ensuring a variety of high-quality, sustainable, zero-carbon ready dwellings that meet the needs and income levels of Rother’s wider population for their lifetime”. This will be achieved by “maximis[ing] the potential opportunities for residential development in sustainable and deliverable locations”.
- 2.1.2 In terms of economic need, Spatial Objective 6 is to “Create economic prosperity, both in rural and urban locations, meeting the employment needs of the wider population, improving the quality and variety of jobs, and being flexible to the changing needs of the economy”. The Draft Local Plan states that this objective will be achieved in part by allocating sites.
- 2.1.3 From these objectives, it is clear that the core aims of the emerging Local Plan are to respond to the housing crisis by delivering a range of housing types in sustainable locations and to support economic prosperity by delivering high quality employment opportunities across Rother, aims which are fully supported.
- 2.1.4 Objective 5 introduces a specific spatial strategy for achieving the Plan’s goals; to “Deliver sustainable growth and regeneration in Bexhill and its edges, along with Hastings Fringes, with supporting infrastructure, contributing to the needs of the wider housing and economic market area”.
- 2.1.5 The Settlement Study (April 2024) estimates that Bexhill has a population of 49,715 and is therefore, by far, the most populous town within Rother District, accounting for roughly half of the district’s entire population. It is also assessed as being the most sustainable settlement in the district, receiving maximum scores for “Essential Services”, “Service Level”, “Public Transport” and “Employment Opportunities”. The existing settlement of Bexhill and its surrounding land will therefore be a key location for delivering new, sustainable housing and employment floorspace in Rother. Furthermore, the Housing and Economic Development Needs Update (HEDNA) (February 2024) states that there a need for 24.7 hectares of employment land over the period 2020-2040, and that relative over-supply in rural areas should be balanced by delivering alternative, new provision in Bexhill and Hastings.
- 2.1.6 The intention to focus growth in Bexhill is therefore justified and important. By building on existing infrastructure, Bexhill is a strategic location for sustainable development to support both the housing and economic needs of the District.

2.2 Overall Spatial Development Strategy

- 2.2.1 The proposed spatial development strategy of the Draft Local Plan includes a range of figures for minimum housing delivery. The lower figure of 5,158 dwellings (258 per year) is based on the total housing delivery from “identified sites”, which includes current allocations and sites with planning permission. The higher minimum figure presented in the Draft Local Plan is 7,287 dwellings (364 per year). This figure includes identified sites alongside the total capacity of “potential additional sites” that are identified in the draft HELAA.
- 2.2.2 We object to the use of the lower figure (5,158), as it is not ambitious enough to base housing delivery targets up to 2040 on already allocated and permitted sites. The new Local Plan should be exploring all options for maximising housing delivery in sustainable and deliverable locations, in line with Spatial Objective 4 so that the District is prepared to respond to the housing crisis in a meaningful way. The minimum housing delivery figure should therefore reflect the inclusion of suitable sites that are currently in the ‘potential sites’ category.
- 2.2.3 It is stated within paragraph 5.3 of the Draft Local Plan that:

“The 2014 Core Strategy planned for a growth level of at least 5,700 dwellings between 2011 and 2028 which works out at 335 homes per year. The actual number of houses built each year since has averaged 219 (net additional dwellings per year). By contrast, Rother’s minimum local housing need (LHN) figure, defined using the national standard method calculation is 733 dwellings per year (2023 Base date).”

2.2.4 Over the Core Strategy period so far, Rother has failed to deliver against the housing targets set. It is clear that the Council needs to be ambitious in their identification and allocation of housing sites.

2.2.5 The Overall Spatial Development Strategy includes that Bexhill will continue to be a town that acts as the main transport and community hub. The Strategy proposes to focus growth in seven broad locations, including in West and North Bexhill in order to “consolidate Bexhill as the most sustainable town, within the capacities of the existing transport network”. We agree with this spatial development strategy as Bexhill is the most sustainable place for significant new development in the District.

2.3 Delivering the Spatial Development Strategy: Vision for Bexhill

2.3.1 The Vision for Bexhill includes that the ‘broad locations’ of west and north Bexhill will continue to grow as ‘live well locally’ urban extensions. As set out above, we agree that Bexhill should be the key focus for sustainable residential and commercial growth in the District, and that the ‘live well locally’ concept is a positive strategy for facilitating urban extensions.

2.3.2 As shown in Figure 13 of the Draft Local Plan, west Bexhill currently has 308 units of identified housing growth, and significant potential housing growth of 640 additional units. The sub-area of west Bexhill therefore has the largest percentage of its total potential housing provision currently coming from ‘potential additional’ sites, when compared to north and urban Bexhill. With almost 70 per cent of the total potential growth in west Bexhill being locked up in potential sites, it will be important to allocate more sites in this location to deliver on the strategy of providing ‘live well locally’ urban extensions in west Bexhill.

Figure 13: Bexhill Development Strategy: Housing: Summary

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

2.3.3 Paragraph 5.40 Draft Local Plan states:

“Development on greenfield land will be necessary to meet local needs due to the lack of available brownfield sites. It will be essential to ensure that any greenfield growth forming urban extensions are not isolated standalone developments or settlement areas, and that they form part of well-connected and sustainable communities that contribute to radically reducing carbon emissions.”

2.3.4 We support Bexhill being identified for the sustainable residential and commercial growth, including the identification of the ‘broad locations’ of west and north Bexhill as urban extensions.

3.0 Draft Local Plan: Policy Comments

- 3.1.1 The Draft Local Plan contains draft policies that would be of relevance to the potential development of site BEX0050. Comments on these policies are provided below, which aim to ensure that the Local Plan would support a well-designed, sustainable and viable development on the site.

3.2 LWL1: Compact Development

- 3.2.1 The intention of Draft Policy LWL1 is for new residential development to contribute to achieving well-designed, attractive, and healthy places. Site BEX0050 is provisionally designated as a 'live well locally' area in the map accompanying Policy LWL1. The proposed allocation is logical when considering the existing built form of Bexhill with housing development already stretching westwards along Barnhorn Road. The proposed site is located to the south of existing residential development.
- 3.2.2 Under Draft Policy LWL1, the site would be expected to have a density of 45-60 dwellings per hectare. We support the designation of the site as a live well locally area given that the site represents greenfield expansion on the edge of Bexhill, with related landscape considerations.
- 3.2.3 Policy LWL1 requires development to meet minimum density ranges, "unless there are overriding reasons concerning townscape, landscape character, design, and environmental impact". Strong support is given to this policy wording – flexibility to override minimum density requirements is extremely important across all sites, to ensure that developments can respond appropriately to site-specific conditions and constraints whilst remaining compliant with the Local Plan.

3.3 LWL2: Facilities & Services

- 3.3.1 Draft Policy LWL2 requires that 'live well locally' area types are located within an appropriate walking distance of a range of local amenities. Whilst ease of accessibility to a range of local amenities is supported as a concept, the current policy wording is not supported due to its ambiguous requirements.
- 3.3.2 The extent of local amenities that are required by section (A)i) to be reachable by walking or public transport distance is unclear; the listed amenities are first introduced as "examples" of local amenities, but the policy then goes on to state that the "remaining local amenities" should be accessible by public transport, suggesting that the preceding list is exhaustive. It should be made clear whether this list of amenities is prescriptive, and if so, the policy wording should be amended to make it clearer that it would be acceptable for some of these amenities to be accessible by public transport. Furthermore, the policy should define what an 'appropriate' distance and 'suitable bus stop facility' exactly means.

3.4 DEV1: General Development Considerations

- 3.4.1 Overall, the intention of Draft Policy DEV1 is supported; development should meet the needs of its occupiers without harming the amenity of adjoining properties or the character of the locality. However, the requirement that all development "takes full account of the previous use of the site" should be clarified.
- 3.4.2 A site undergoing development will often not be retaining its previous use, and therefore the requirement to 'take full account' of the previous use of the site needs further explanation. We suggest that this refers to acknowledging the site's heritage and history within the design process. The requirement cannot be more prescriptive than this, given the wide range of previous uses that exist, alongside variation in constraints and development requirements meaning that each site requires a unique approach to development.

3.5 DEV4: Retention of Sites of Community or Economic Value

- 3.5.1 Within the Economy Background Paper (April 2024), the importance of protecting tourism facilities, particularly visitor accommodation which can be at risk from conversion to residential uses, is emphasised.
- 3.5.2 In line with existing policy, Draft Policy DEV4 would require proposals that involve the loss of sites of community or economic value, including tourist accommodation, to demonstrate that there is no reasonable prospect of continued use, or an alternative economic use. This should be evidenced by a comprehensive and sustained marketing campaign.
- 3.5.3 Site BEX0050 contains a holiday caravan park, and as set out in the HELAA “the loss of tourism accommodation would be a significant consideration in any redevelopment proposal” at the site. An application to allow permanent homes on this caravan site was recently refused (reference: RR/2023/1582/P), partly as this would represent a loss of tourist accommodation without evidence that it is currently unviable.
- *“As required by the adopted development plan policies, this application does not include a sustained marketing exercise demonstrating that the existing site cannot continue operating for holiday-let purposes, and which clearly indicates a lack of demand, nor evidence that the continued use for holiday-let purposes would be financially unviable”*
- 3.5.4 Should the Council deem it necessary to provide evidence in line with this policy ahead of allocation, a relevant assessment can be undertaken to support the allocation of this part of the site for an alternative use.
- 3.6 **GTC1: Net Zero Building**
- 3.6.1 The December 2023 Written Ministerial Statement (WMS) outlined that the government “does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations”.
- 3.6.2 This position was strengthened by a High Court Judgment which dismissed a legal challenge brought by two campaign groups against the aforementioned WMS. This judgement reinforces the position of the WMS which restricts councils from setting more ambitious local plan energy efficiency standards for new housing than national building regulations allow.
- 3.6.3 The reasoning as set out in the WMS is that “The proliferation of multiple, local standards by local authority areas can add further costs to building new homes by adding complexity and undermining economies of scale.”
- 3.6.4 By the Council’s own admission at paragraph 3.17 of the Rother Local Plan 2020 – 2040 Draft (Regulation 18) Version “The draft policy does not meet the requirements of the Ministerial Statement”. It is considered that this proposed policy is not sound.
- 3.7 **GTC8: Biodiversity Net Gain**
- 3.7.1 This policy proposes that all development should deliver at least a 20% biodiversity net gain (BNG). The Environmental Act 2021 that came into effect in for major development and small sites in February and April 2024 respectively mandates a 10% BNG. This is a minimum requirement and planning applications can seek to exceed this requirement as a public benefit where appropriate. Mandating such a high BNG requirement has a detrimental impact on the delivery of schemes within the District.
- 3.7.2 The Planning Practice Guidance (PPG) states that “Plan-makers 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 will also need to be given to how the policy will be implemented.”

However, there does not appear to be any robust evidence to justify this additional burden on development. On this basis, the 20% BNG requirement should be reduced to 10% in line with The Environmental Act 2021 and Planning Practice Guidance.

4.0 Housing and Economic Land Availability Assessment (HELAA)

- 4.1.1 Site BEX0050 is identified as a Potential Site in the HELAA (April 2024), which states that it “offers the potential for a significant residential led, mixed-use development in the south-western part of Bexhill”.
- 4.1.2 It is a key part of the overall spatial development strategy that there will be growth to the west of Bexhill, however there are only a small number of identified sites in this sub-area. It will therefore be important that additional sites are allocated in west Bexhill, and BEX0500 is considered to be an appropriate location to support the objectives of the Local Plan.
- 4.1.3 As site BEX0050 is available for development, this section of the representation addresses the outstanding issues related to site achievability (as perceived by the HELAA assessment), including further technical work on transport.
- 4.1.4 It should be noted that draft Policy LWL1 identifies the site as a ‘live well locally’ urban extension which should achieve a minimum density of 45-60 dwellings per hectare (dph). The identified site is circa 37Ha, with density at the lower of the minimum scale at 45dph the site could achieve in the region of 1,665 dwellings. Therefore, the site has the opportunity to deliver housing at a strategically important level and in excess of the estimated potential of 340 dwellings.

4.2 Environmental Constraints

- 4.2.1 There are a number of potential environmental constraints that are identified in the HELAA. Given that technical assessments have not yet been undertaken in relation to the environmental conditions of the site, specific impacts and mitigations cannot be assessed. However, the proposed residential development of a neighbouring site, ‘land off Spindlewood Drive’, provides useful background for understanding the development opportunity at site BEX0050. Land off Spindlewood Drive was granted outline planning approval for circa 160 homes at appeal¹ in September 2021 (ref. RR/2017/1705/P). More recently, a full planning application was submitted for 146 homes on the site (ref. RR/2023/1427/P). These two applications received a significant amount of statutory consultee feedback which provide relevant background for the potential development of site BEX0050.

- *Adjacent to the Pevensy Levels Ramsar, SAC and SSSI. Within the Pevensy Levels Hydrological Catchment.*

The Draft Local Plan includes in the Vision for Bexhill that “where development is within the hydrological catchment area of the Pevensy Levels, higher standards of sustainable drainage systems will be delivered to avoid negative impacts on the water management of the sensitive environmental area”. In line with this requirement, development proposals will be supported by thorough engagement with East Sussex County Council (as Lead Local Flood Authority) and Southern Water to ensure that the sustainable drainage system will be carefully designed with the sensitivities of the Pevensy Levels in mind and that there is sufficient wastewater network capacity for the site.

¹ Appeal reference: APP/U1430/W/20/3270665

The appeal inspector for application RR/2017/1705/P agreed that *“The appellant’s proposed [drainage] scheme demonstrates that a solution can be engineered within a range of different parameters”*. Furthermore, there were no statutory objections from the Environment Agency or Natural England. Similarly, Natural England offered no objection to the more recent application, RR/2023/1427/P, stating that adverse impact can be mitigated in a range of ways. It is considered that with modelling and a comprehensive drainage scheme a suitable strategy can be achieved for the proposed allocation (BEX0050) that would not adversely impact on the qualifying features of the Pevensey Levels SAC, Ramsar or SSSI or indeed wider environmental features.

- *Adjacent to Ancient Woodland and Priority Habitats and near to protected trees.*

The proposals would sensitively respond to the adjacent Ancient Woodland and Priority Habitats to ensure no adverse impacts on these designated areas (noting that Priority Habitats are not a statutory designation). The site itself is less sensitive than its surroundings in terms of arboriculture and ecology, however any development proposal would begin with a full Ecological Appraisal including protected species surveys as relevant, and would subsequently be designed to mitigate any predicted ecological impacts and to enhance biodiversity.

- *Partly within Flood Zones 2 and 3. Contains areas at risk of surface water flooding.*

It should be noted that the vast majority of the site is within Flood Zone 1 (the lowest probability of flooding). The small area in Flood Zone 2 and 3 is unlikely to be proposed for development other than potential landscaping and biodiversity enhancements. See the Figure below for the flood risk map with the extent of proposed allocation BEX0050 outlined in red.

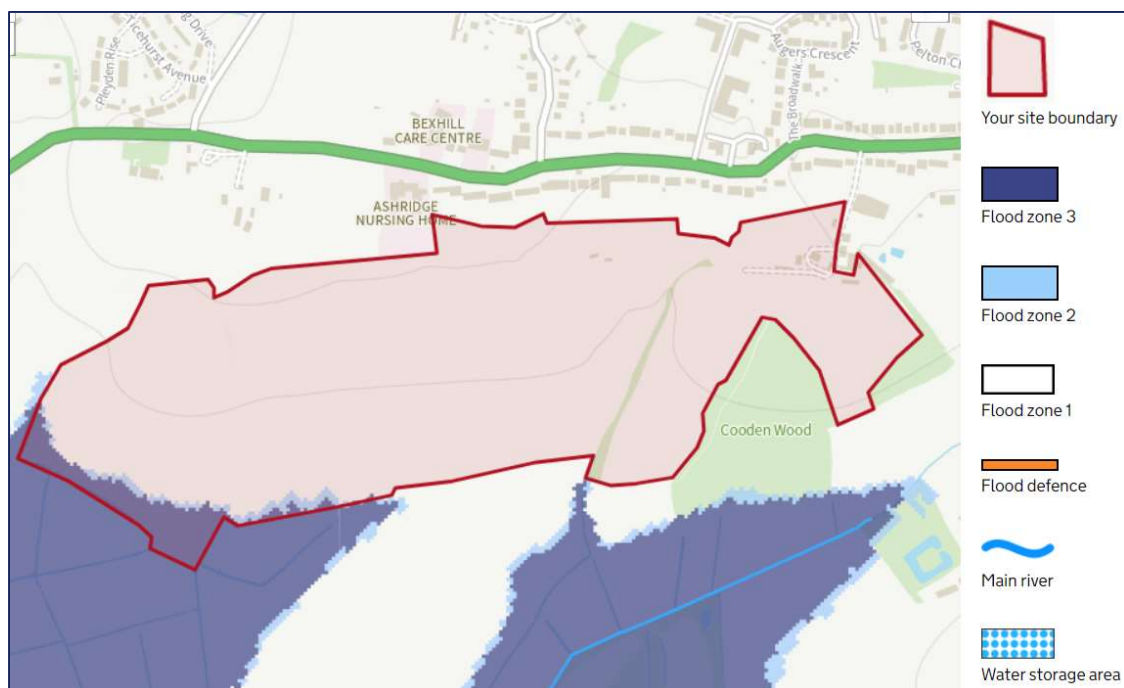


Figure 2 - Extract from the Flood Map for Planning

- *Contains Public Rights of Way.*

As shown on Figure 3 below, two footpaths cross the site from north to south. Any proposed development on the site would retain the PRow access and seek to enhance it

where possible. The PRow connections are a positive facet of the site and reinforce the merits of the location for housing growth.

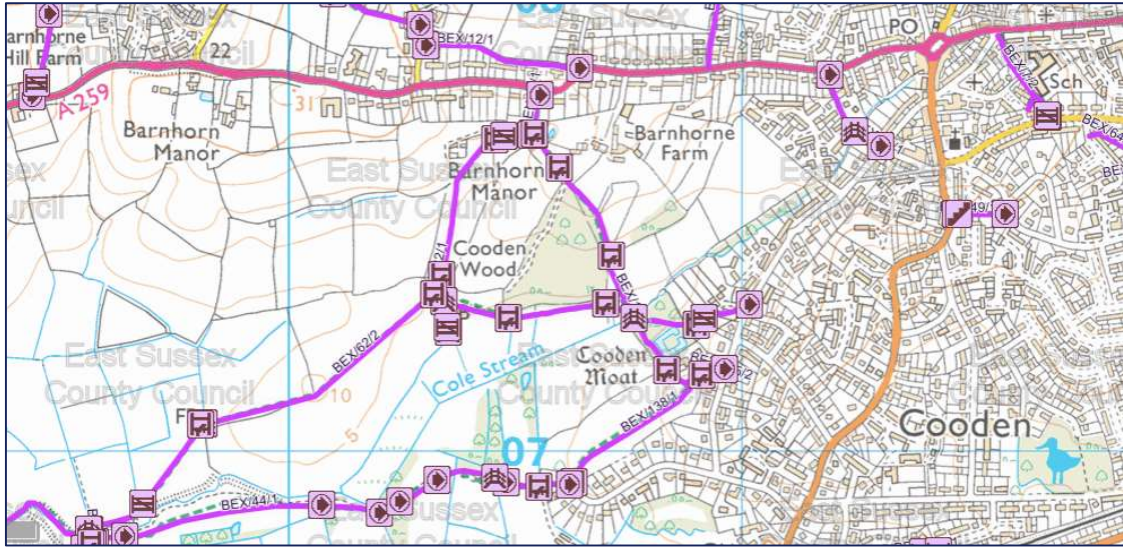


Figure 3 - East Sussex County Council Public Right of Way Map.

- “Barnhorne Manor Lower Barnhorne” is a Grade II listed building on the eastern side of the site. This building is located in close proximity to the existing caravan park and existing built form. In addition, there is another Grade II listed building to the north of the site called “Barnhorn Manor”. It is considered that the impact on these heritage assets can be mitigated through an appropriate design response informed, as necessary, through input by relevant professional heritage advice.

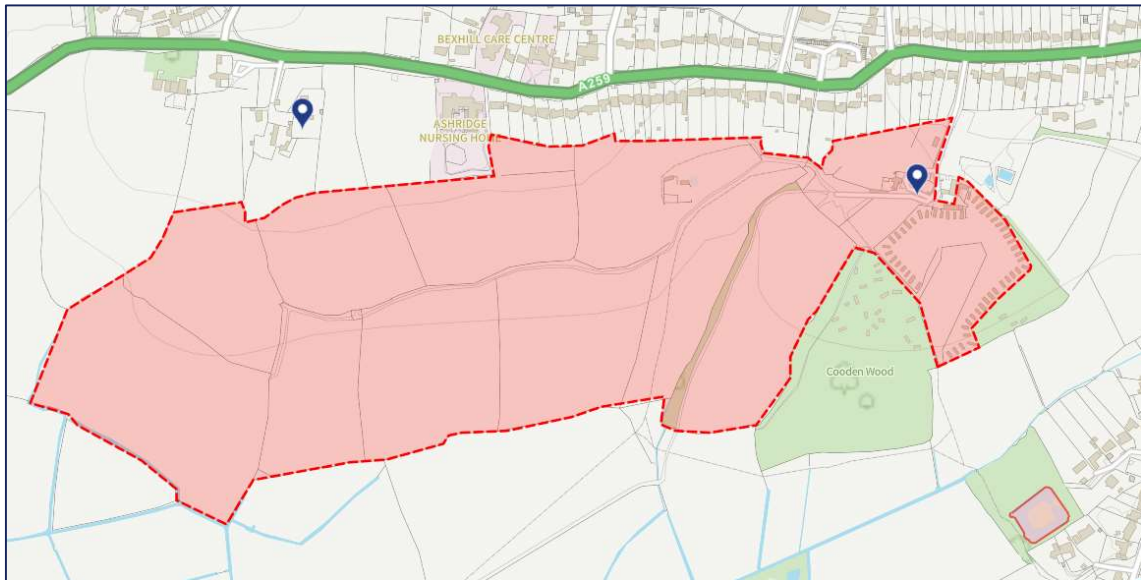


Figure 4 - Extract from Historic England Listed Buildings Map Search

4.3 Transport

- 4.3.1 The HELAA identifies vehicular access and the impact on the capacity of the A259 Trunk Road as a particular constraint of the site.

- 4.3.2 The A259 has been identified for improvements which will help unlock the housing to the west of Bexhill. We recognise that access to and from the site (BEX0050) will be a key consideration. Our client has been in discussions with various landowners adjoining the site to discuss the availability of new potential site access points. There are several options that are currently being considered, all of which have the potential to provide a compliant access design to serve the site.
- 4.3.3 As part of this Regulation 18 representation, we have commissioned i-Transport prepare a Transport Note to assess the potential impact of a development for a minimum of 340 new homes and 4,000sqm of employment space.
- 4.3.4 The Transport Note includes a review of one of the potential site access options in detail and provides a detailed assessment of its merits. In addition, the Transport Note provides the results of a trip-generation exercise to calculate the likely development trip yields with reference to the TRICS database and provide a high-level traffic impact assessment based on traffic data for the A259 that is in the public domain.

4.4 Access

- 4.4.1 There are several standalone access options that are under consideration. In addition, there is the potential to provide a link between the Persimmon Homes development (ref. RR/2017/1705/P) and Land South of Barnhorn Road. The supporting Transport Note includes a review of one such option, comprising of a potential access point to the west of the site. The Figure below shows the location of the potential access point that is assessed within the Transport Note.



Figure 5 - Location of the assessed access

- 4.4.2 The Figure below shows the potential junction design for the potential access point from the A259. The drawing is appended to the Transport Note. It should be reiterated that this is one of several access options that are currently being considered.

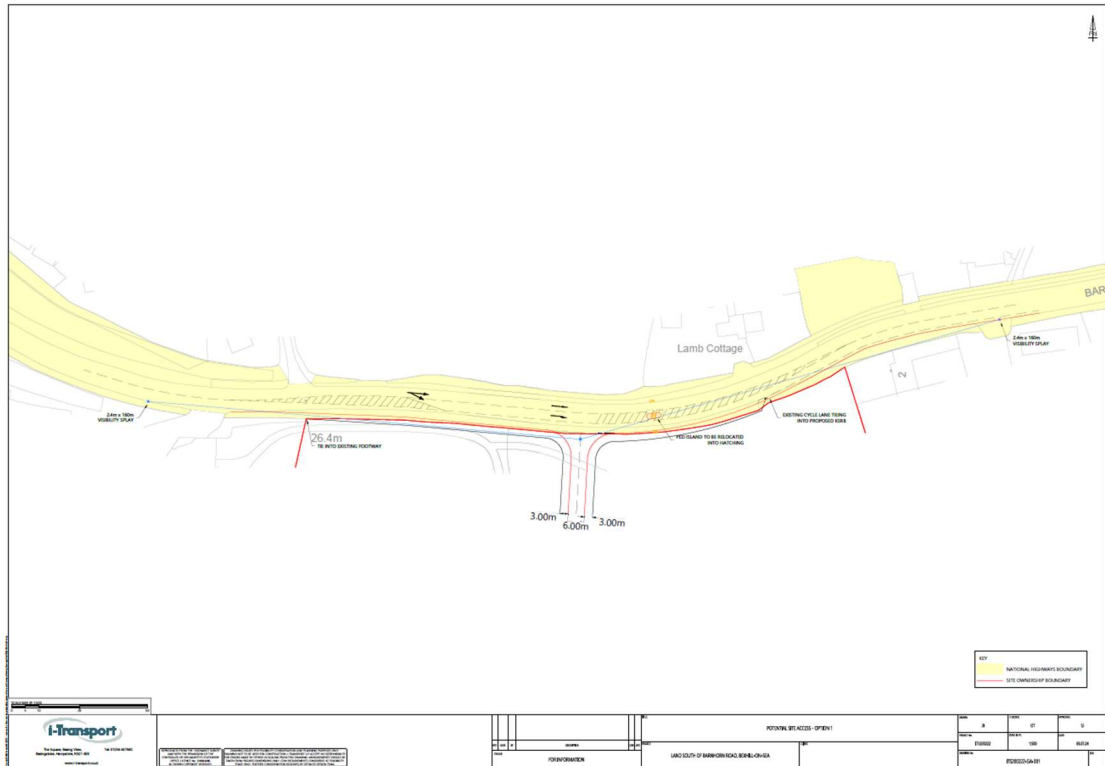


Figure 6 - Access Design as shown in i-Transport drawing ITS200222-GA-001 appended to the Transport Note

- 4.4.3 The assessment determines that access to the site can be achieved through a priority-controlled junction with a right-turn lane from the A259. The junction has been designed in accordance with Design Manual for Roads and Bridges (DMRB) CD123. The access has been designed to provide visibility splays of 2.4m x 160m in both the primary and secondary directions.
- 4.4.4 The design has incorporated an existing on-carriageway cycleway on the A259 to ensure sustainable transport infrastructure is incorporated within the design proposals. An internal access width of 6.0m can be achieved, with a 3.0m shared footway / cycleway on either side of the carriageway, entering the site. Furthermore, a review of Personal Injury Accident data has been undertaken. This shows there is no trend or cluster of collisions that would indicate that there are any operational or safety issues within the local highway network in the vicinity of the site. It is concluded that the proposed development would not exacerbate any existing deficiencies.
- 4.4.5 The access review contained within the supporting Transport Note demonstrates that it will be possible to achieve safe and suitable access to the site.
- 4.5 **Traffic Impact**
- 4.5.1 The traffic impact from the potential development site has been assessed using the TRICS 'Decide and Provide' (February 2021) guidance. In line with the guidance the assessment provides a review of three scenarios.
- 4.5.2 The trip generations that have been calculated were then proportionally assessed against the existing traffic flows on the A259. This assessment concludes that the proposed development traffic will fall short of a 'severe' impact on the existing traffic flows on the A259.
- 4.5.3 Paragraph 115 of the National Planning Policy Framework (NPPF) states that:
"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The Transport Note concludes that at peak times the development of the site might yield an addition of less than three vehicles every minute onto the local highway network. In overall terms there is sufficient capacity within the network to accommodate the additional trips generated without an unacceptable impact upon highway safety, or severe residual cumulative impacts on the road network. Accordingly, the tests set out within the National Planning Policy Framework are predicted to be met.

4.6 Transport Summary

4.6.1 The Note concludes by stating that:

“Development of the site will bring with it a range of other transport improvements. This would include:

- The implementation of a Travel Plan with a 10% modal shift target, supported by a range of modal shift measures and initiatives funded by the Developer and managed by a Travel Plan Coordinator.*
- Comprehensive Walking and Cycling Audits, enabling the identification of local corridor improvements.*
- Enhancing local permeability, by providing pedestrian and cycling connections through the development site.*
- Providing walking and cycle access to on-site public open space.*

In transport terms, the site satisfies paragraph 114 of the National Planning Policy Framework in that:

- It is a sustainable location for development.*
- Safe and suitable access can be provided.*
- The forecast traffic generation of the site would have an imperceptible impact on network operation.”*

Thus, there are no transport constraints to the allocation of 340 new homes, and 4,000sqm of employment space, at Land to the South of Barnhorn Road, which itself will make a meaningful contribution to housing targets and can be brought forward in the Plan period.”

4.6.2 Based on the transport review provided as part of this representation it is considered that the site could accommodate 340 homes and 4,000sqm of employment space as a minimum from a transport perspective. The full Transport Note is appended to this representation.

5.0 Current Position

- 5.1.1 Our client is at an advanced stage of the land promotion process. Conversations are ongoing with a promotor/housebuilder regarding delivery of housing on the site. The HELAA identifies that the site has an estimated potential to add 340 dwellings to the local housing supply as well as 4,000sqm employment space.
- 5.1.2 As outlined in Section 2.0 of this representation, the Council will fall well short of the standard method calculation for the District and there is no robust justification provided for this within the evidence base. The failure to meet the housing needs in full means that affordable housing delivery will be substantially below what is required. The knock-on effect is that the Council will fail to meet its needs for more specialist accommodation. In turn this would have significant negative implications for the existing community and will be detrimental to the sustainability of the area.
- 5.1.3 When assessed against the Council's draft density policy (LWL1), with density at the lower of the minimum scale at 45dph the site could achieve in the region of 1,665 dwellings. Even if only a third of the site were developed for housing this could provide circa 550 dwellings. This site has the opportunity to deliver housing at a strategically important level and as such, we can offer the Council a significant opportunity to meet more of its housing needs through the allocation of this site.
- 5.1.4 We recognise that there are other technical considerations such as hydrology and ecology, and our client is looking to progress survey work over the coming months to establish a greater understanding of the baseline conditions of the site. However, as we have set out in this representation, we believe that all potential constraints can be addressed through the sensitive design of a scheme, as has been achieved on neighbouring sites.
- 5.1.5 Our client is committed to making the site available for development and it is therefore considered that the allocation of the site would assist the Council in meeting its supply requirements.