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The Planning Policy Team  
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Dear Planning Policy Team

**RE: REPRESENTATIONS TO THE EMERGING ROTHER DISTRICT LOCAL PLAN 2020-2040  
REGULATION 18 CONSULTATION**

**Introduction**

This representation has been prepared by Savills (UK) Ltd on behalf of Bellway Homes Limited (“Bellway”) and is submitted in response to the Rother District Council (“RDC”) Regulation 18 consultation (“R18”) being carried out in respect of the Rother Local Plan 2020-2040 (“the ELP”). The consultation is open from 30 April 2024 to 23 July 2024.

There are a series of questions presented in the consultation in order to help RDC shape the ELP for the next stage of consultation. As far as possible, comments below are provided in line with these questions to assist with that process.

Whilst RDC advises that the call for sites remains open for additional sites to be submitted, it is not intended to resubmit the site through this process as it has been identified by RDC in the ELP and evidence base. Subsequently, this representation should be taken as confirmation that the site is coming forward and will deliver much needed new homes as soon as possible. Thus, it is a reliable source of housing delivery for the ELP.

**The Site**

This representation is written to support consideration of land at Clavering Walk, Cooden (the site) as an allocation in the ELP.

The site benefits from outline planning permission granted on appeal in February 2020 (references RR/2018/3127/P; Appeal reference APP/U1430/W/19/3234340). Since then, Reserved Matters have been approved for 70 dwellings (August 2021, reference RR/2020/2260/P), and in addition to minor amendments to the scheme and conditions, many conditions have also been discharged, enabling the works to be commenced on site. Whilst an LDC has recently been granted by RDC, confirming that development has been lawfully commenced (reference RR/2023/2050/O) and the planning permission lawfully implemented, there are still a number of conditions outstanding – including at appeal – that are unfortunately delaying the delivery of new homes on the site.

It is important to highlight that Bellway is wholly committed to bringing forward homes on this site as soon as possible. However, it is felt that its allocation would safeguard this, now and in the future. Thus ensuring that

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the site does provide the homes required in this area, within the anticipated timeframes set out in the Draft Housing and Economic Land Availability Assessment April 2024 (HELAA).

### **Representations on the ELP**

These representations focus on housing provision in light of the site. As such no detailed comments are provided on proposed policies or strategies other than where they directly relate to the site and its ability to be allocated for housing. Bellway does however reserve the right to comment on all aspects of the ELP and its associated evidence base in future consultations on the emerging plan.

It is recognised that the allocations chapter (13) is not included at the R18 stage, so comments can be obtained on the development strategy and draft HELAA first. Bellway supports this approach, insofar as it should enable the right sites to be identified and allocated in future iterations of the ELP. Comments will be provided accordingly at the relevant stage.

ELP chapter 5 sets out the development strategy and principles for growth. The following provides responses in respect of relevant questions, insofar as they relate to the site at Clavering Walk, Cooden.

#### **Q51. What are your views on the Council's preferred spatial development options?**

As part of the Spatial Development Option, RDC has identified the need for further growth in Bexhill north and west. The site is within the western part of Bexhill as per the HELAA maps. Bellway supports this approach insofar as it is necessary for identified sites in these locations to be protected and safeguarded through appropriate allocation.

Bellway does not have any further comments at this stage, but may provide additional comments at the next consultation stage, should this be relevant to the site and wider intentions spatial strategy.

#### **Q54. What are your views on the Council's proposed spatial development strategy and proposed minimum targets for housing and employment growth?**

It is evident that the housing and development needs of the District are greater than when the Core Strategy and Site allocations DPD were previously adopted. The Housing and Economic Development Needs Assessment (HEDNA) confirms this, identifying that the local housing need (LHN) is 737dpa based on the standard method calculation (capped), compared to the current Core Strategy target of 335dpa, and average rate of delivery of only 204dpa.

Paragraph 5.9 of the ELP confirms RDC's commitment to maximising development opportunities, with growth being informed by the identified and potential additional sites in the HELAA.

The current strategy wording provides a housing target range. This is a minimum target of only 258-364 dpa, based only on RDC's identified sites and potential sites. It does not reflect the LHN.

Although RDC notes that the range is subject to change, it is evident that RDC must identify further sites and safeguard existing sites with planning permission if it is going to address district housing needs.

This is particularly relevant when considering the HEDNA Housing Growth Comparison chart, which shows a housing trajectory that only meets or exceeds the LHN for a 3 year period between 2022/23 and 2030/31.

Thus it is essential that sites with planning permission, such as Land at Clavering Walk, Cooden, are allocated. This would then provide a source of new housing that is certain for the early part of the plan period. The site

has been assessed to be suitable for delivery of up to 85 dwellings, as per the outline planning permission. The approved RMA seeks to deliver 70 homes. Again this is certain. However, despite Bellway’s commitment to delivering the new homes here, there are delays, with pre commencement conditions not yet discharged despite planning permission first being granted in 2020. Whilst the development is implemented, there are still aspects to finalise. Bellway has not artificially delayed delivery, and the delay is simply a result of the planning process. It is anticipated that there are other committed sites that are also in a similar situation. The allocation of the site would ensure it is safeguarded at least until such time as the first homes are delivered.

Q56. What are your views on the vision for Bexhill?

Bellway supports the vision to provide growth on the edges of Bexhill through greenfield sites. Although the site at Clavering Walk benefits from planning permission, its allocation as an identified site would reflect this vision and help to realise RDC’s approach to securing sustainable growth in this location. It would also reflect the Council’s aspiration to secure further development in west Bexhill (paragraph 5.37) and well connected and sustainable growth (paragraph 5.40). In this regard, and in relation to paragraph 5.38, it is relevant to note that an acceptable approach for drainage has been secured for the site which ensures the protection of the adjacent Pevensey Levels.

Q57. What are your views on the two broad locations for growth (west Bexhill and north Bexhill) and their growth potential in the Bexhill strategy area in figures 13, 14 & 15?

The vision refers to making urban extensions a higher density. In order to comment on this aspect, Bellway would seek to understand what parameters there are for this and what factors would be considered by RDC to inform the policy and associated decisions. It is however agreed that in the highly sustainable locations (as per figures 13 and 14) in and around Bexhill for example, a higher density of development is likely to be appropriate.

Q58. What are your views on the potential sites identified in the draft HELAA that could accommodate more growth in Bexhill?

Figure 16 of the ELP includes the site as an identified site for 70 homes. Bellway supports the identification of the site for housing delivery.

In the HELAA, the site is given reference BEX0016. The HELAA recognises that “identified” sites are “*Existing allocations and sites with planning permission. Sites are assumed to be suitable, available and achievable for development, unless otherwise stated*”

The site meets these requirements not simply because it benefits from planning permission, but from a planning permission that has been implemented and therefore is capable of bringing forward homes early in the plan period.

With regards to the residential capacity in figure 16 of the ELP, and the assessment of the site in the HELAA, the following comments are noted:

HELAA comments (quoted)	Bellway’s Response
<p><u>Site identification:</u></p> <p>Planning application</p>	<p>Correct, although Bellway considers the site should be safeguarded through allocation in the ELP, in line with the findings of the HELAA.</p> <p>This is particularly relevant as the site is the only identified site in the area. All others in Cooden have been rejected by the HELAA (and notwithstanding the other identified and potential sites in wider Bexhill West).</p>

<p><u>Summary of environmental constraints:</u></p> <p>Contains Priority Habitats. Adjacent to the Pevensey Levels SSSI, Ramsar and Special Area of Conservation (SAC). Adjacent to Ancient Woodland and protected trees. Contains areas in Flood Zones 2 and 3 and also some parts at risk from Surface Water Flooding. Within the Pevensey Levels Hydrological Catchment. Adjacent to an Archaeological Notification Area and a Scheduled Monument. Nearby to a Public Right of Way.</p>	<p>All constraints to the site have been assessed and addressed as part of the outline planning permission, or Reserved Matters approval. As such they do not represent constraints to the site in respect of delivery of up to 85 dwellings, as per the outline planning permission.</p>
<p><u>Site assessment:</u></p> <p>The site is agricultural land on the western edge of Bexhill. It has detailed planning permission for 70 dwellings (RR/2020/2260/P). The interim HRA for the new Local Plan has identified that because the site is within the Pevensey Levels Hydrological Catchment Area, mitigation measures to protect against significant effects to the Habitats Site may be required.</p>	<p>This should be amended to reflect the planning history of the site, namely, outline planning permission for up to 85 dwellings (reference RR/2018/3127/P), and reserved matters approval for 70 dwellings (reference RR/2020/2260/P – as amended).</p> <p>In addition all required mitigation has been agreed or is capable of being provided and this should be noted for clarification.</p>
<p><u>Development potential:</u></p> <p>Residential: 70 dwellings</p>	<p>For the avoidance of doubt, Bellway confirms that the site is and will remain deliverable. It is available and achievable, and the planning permission also confirms that the site is suitable for development.</p> <p>In this regard, the outline planning permission was granted for up to 85 homes, and the RMA was granted for 70 homes.</p> <p>Whilst Bellway accepts RDC’s assessment here, it is considered that an allocation of the site should be for up to 85 homes to reflect the outline planning permission that has been implemented.</p> <p>This is even more important when considering the vision for the ELP and aspirations for Bexhill discussed above.</p>
<p><u>Anticipated timescale for development:</u></p> <p>Within 5 years</p>	<p>Bellway’s intention is to ensure this is achieved as far as possible within the limits of the planning system. However, the allocation of the site will safeguard the site and the delivery of much needed housing early in the plan period.</p>

Bellway does not wish to comment at this time on any other site that has been identified in the HELAA, including those which are earmarked as potential growth options. However, it is essential to ensure identified sites such as BEX0016 are allocated to provide a secure housing provision.

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?

The HEDNA confirms that the LHN is 737 dpa. However RDC is currently proposing to target between 258 to 364dpa, markedly lower than the assessed needs.

RDC is reminded that whilst the updated NPPF advises at paragraph 61 that the standard method is an advisory starting point for establishing housing needs in an area, it is also clear that

*“There may be exceptional circumstances, including relating to the particular demographic characteristics of an area<sup>[fn25]</sup> which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for <sup>[fn26]</sup>”*

In this case, the HEDNA advises that there are no exceptional local circumstances that justify deviation from the standard method (para xxxiii of the executive summary; chapter 6 summary, chapter 6 paragraph 6.40). It is not clear whether RDC has considered any unmet needs from neighbouring authorities.

Furthermore, the NPPF continues to reflect the Government objective of “*significantly boosting the supply of homes*” (paragraph 60) and at present the ELP would not meet this objective.

Thus in order to work towards meeting the district’s housing needs and comply with the NPPF, sites with planning permission for housing, such as Land at Clavering Walk, must be allocated and safeguarded. RDC must also consider further ways to deliver much needed housing in sustainable locations, including enabling a higher density on sites (as per the vision) where this is appropriate.

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?

The purpose of having a stepped trajectory is not clear, particularly as figure 37 of the ELP shows that even the lower end of the housing requirements have not been met over the last 10 years.

On this basis, it is questionable whether the current LHN would also be met, and to what extent a stepped trajectory would assist. If anything, it may give a false illusion that housing needs are being met (or nearly so) when in fact, the wider picture would show otherwise.

Thus, RDC should be focusing on securing sites that can deliver homes early in the plan period to boost supply early on and enable a more consistent housing delivery target over the plan period.

Q82. What are your views on the Council’s approach to development boundaries?

Q83. Are there any alternatives or additional points the Council should be considering?

With regards to the proposed policy on development boundaries, Bellway has some concerns over the wording proposed in the policy (DEV3). However, given the nature of this representation to encourage the allocation of the site in the ELP, no specific comments are provided at this stage. This is however on the assumption that the site will be allocated for housing and will be included within the settlement boundary.

In any event, RDC must be mindful of the overall objectives of the plan, and how this policy aligns with that, in addition to how RDC will otherwise anticipate housing and development needs meeting sufficiently met over the plan period. There is a risk that this policy could be too restrictive and not allow for the essential growth that is needed.

Bellway supports the intention of RDC to review settlement boundaries as part of the ELP process, and would expect that all site allocations are included within the revised boundaries to allow for growth to come forward quickly and effectively. RDC should consider further how it would address needs in more rural locations which may not benefit from a defined settlement boundary. In such instances, it should not be assumed that only

limited development needs exist, as this could exclude groups within the community and force them away from their preferred living and working areas.

**Final Comments**

Whilst there are additional policies relating to housing provision, that are not considered in this representation, this is owing to the focus on Clavering Walk, Cooden. Bellway may comment on these and other aspects of the ELP at later consultation stages where considered relevant.

In conclusion, it is clear that RDC require a secure source of housing delivery over the ELP period. At present the LHN is much greater than the identified supply and potential supply, making it more important for sites with planning permission, which reflect the overall aims and objectives of the ELP, to be safeguarded through allocation. This will ensure that those sites will come forward and will provide a reliable source of housing, even if delays caused by the planning process arise.

It is confirmed to RDC that Bellway wholly intends to bring forward homes on the site in Clavering Walk. The allocation of the site in the next iteration of the ELP will help ensure that this is achieved as early as possible during the plan period.

I trust that these representations provide some guidance to assist with the next stage of the plan making process. However should you require any clarifications regarding the site, these representations, or Bellway's position in respect of delivery, please do not hesitate to contact me.

Yours faithfully

A solid black rectangular box used to redact the signature of Robert Steele.

Robert Steele  
Director