

REGULATION 18 LOCAL PLAN CONSULTATION

ROTHER DISTRICT COUNCIL

**REPRESENTATIONS MADE IN RESPECT OF LAND SOUTH OF HEATHFIELD
ROAD, BURWASH COMMON – HELAA REFERENCE BUR0027**

ROTHER DISTRICT COUNCIL

ON BEHALF OF THE LANDOWNERS AND RUBIX ESTATES



RUBIX ESTATES

RUBIX ESTATES REF: LTR/1037

JULY 2024

Issue	Date	Status	Checked by
1	23 July 2024	FINAL	GM



INTRODUCTION

Background

These representations have been prepared by Rubix Estates in response to the current 'Draft Local Plan 2020-2040 Regulation 18' consultation, which runs until 23 July 2024. The Draft Rother Local Plan (RLP) consultations is a significant stage of the production of a new Local Plan to replace Rother's Core Strategy (2014) and Development and Site Allocations (2019) Plans.

Getting an up-to-date strategic plan that facilitates the delivery of much needed new housing and infrastructure is critical in the context of a national housing crisis. The landowner and Rubix Estates welcome this significant stage and are keen to work with Rother District Council in relation to the land in Burwash Common.

The Draft Local Plan allocates land for new homes, jobs, new schools, a new hospital and community uses as well as outlining policies designed to guide the quality and density of developments, boost biodiversity, protect valued open spaces over the long term and to ensure any new development minimises its contribution to climate change while also mitigating against its effects.

The site can be identified in the Housing and Econminc Land Avilabioty Assessment (HELAA) as 'BUR0027' which is a HELAA 'Potential Site' for six new residential dwellings. A Site Location Plan is provided in **Appendix 1**.

Site Description

The land measures approximately 0.47 hectares located outside of the settlement boundary of Burwash Common. Burwash Common has been identified in Regulation 18 Document to accommodate 21 new homes (see below).

Figure 29: Northern Rother Settlements Development Strategy: Housing: Summary

Settlement Area	Identified Level of Housing Growth	Potential Additional Level of Housing Growth	Total Potential Housing Growth (Identified + Additional)
Etchingham	0	16	16
Robertsbridge	178	127	305
Ticehurst	15	26	41
Burwash	37	6	43
Flimwell	9	108	117
Hurst Green	26	38	64
Staplecross	0	16	16
Burwash Common	12	9	21
Total Growth	277	346	623



In addition to the above, Burwash Common is one of the few areas for added employment growth (see Figure 30 below).

Figure 30: Northern Rother Settlements Development Strategy: Employment: Summary

Settlement Area	Identified Level of Employment Growth (sqm floorspace)	Potential Additional Level of Employment Growth	Total Potential Employment Growth (Identified + Additional)
Etchingham	0	0	0
Robertsbridge	1,200	0	1,200
Ticehurst	0	0	0
Burwash	0	0	0
Flimwell	0	2,850	2,850
Hurst Green	0	0	0
Burwash Common	0	500	500
Ewhurst (parish)	987	0	987
Total Growth	2,187	3,350	5,537

Therefore, in conclusion, we advocate for the continued inclusion of this land for new homes as part of the Local Plan process.

This land in Burwash Common is one of the few options available for future residential development which is deliverable for new development.

The land is not subject to any heritage designations and is located in the High Weald National Landscape (NL) as is approximately 83% of Rother District. With flooding being another constraint in the district, this means that over 90% of the authority area is constrained and there are flooding issues on the remaining land. This land is however within Flood Zone 1 and subsequently has the lowest fluvial risk of flooding.

The landowners and Rubix Estates support the council's inclusion of this site in the Local Plan, and will continue to demonstrate why it is a suitable location for modest housing growth.

Location

Whilst physically the site falls just outside of the village development boundary for Burwash Common and within open countryside, functionally it is very much part of the village and close to its amenities and services, including a local shop, café and garden centre, cricket club/community centre and large recreation ground with children's play area along with a local church all within walking distance of the site.

Immediate opposite the site and accessible from foot there is a small village shop/plant-nursery/cafe. There is also a bus stop near the entrance of the site. There is also a bus stop (serving the 231 route) located outside and opposite the site. This route serves Etchingham (which also has a train station)



and Burwash to the east and Heathfield and Uckfield to the east. There is another rail station in Stonegate, 3 miles to the north. We recognise that the buses are less frequent than in other locations, but it does still provide an alternative means of transportation to the car especially as the bus stops are so accessible.

Considering the site is in a rural location, it has a reasonable access to facilities by sustainable transport options. Therefore, the proposed new development of six new homes provides much needed housing that would constitute sustainable development.

Nearby Burwash Weald and Burwash also have facilities such as doctors, a village hall, primary schools, churches, tennis club, a dance school, pubs and shops, etc. The local area is therefore very well served by community facilities.

The larger market town of Heathfield is approximately 3.7 miles distance and in between is the village of Broad Oak (1.5 miles away) with shop, farm shop, cafe and village hall/community centre. The historic village of Mayfield is as sp just 5.9 miles North with its excellent schools and facilities.

Etchingham railway station being approx. 3 miles distance provides a main line service to London going North and Hastings going South. Stonegate Station is also approximately 3 miles. The main A21 road giving access to London & Coastal towns is approximately 5 miles distant.

National Policy

A new Labour government was elected on 4 July 2024 and it has been confirmed that they will be pushing a growth agenda. On the 8 July, Chancellor, Rachel Reeves laid out plans to rebuild Britain and make every part of the country better off.

Immediate reforms to the planning system are expected with a new National Planning Policy Framework (NPPF) consultation expected shortly outlining "a new growth-focused approach to the planning system". Labour have placed planning reforms at the heart of their mission to drive economic growth, pledging to get Britain building.

It is expected that all Local Authorities will be required to meet "regularly" meet their housing targets. Rother District Council can only identify a housing land supply of 2.79 years and therefore there the district is facing a significant housing shortage.

The Council should closely monitor any changes to the planning system during the production of the new Local Plan with a pro-growth stance a key driver given the lack of a five-year housing land supply.

Rother District Council Regulation 18 Process

In view of the above, these representations seek to ensure that the policies of the Rother Local Plan 2020 – 2040 (the Draft Local Plan) consider this area of land favourably for new homes and allocate it as part of the New Local Plan process.

As the Draft Local Plan and the evidence base acknowledge, constraints to the supply of new housing are contributing to worsening levels of affordability and resultant socioeconomic consequences.



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.

In due course, Rubix Estates and the landowners will engage with Rother District Council and East Sussex County Council to discuss the technical and master planning work that is being undertaken. The intent will be to satisfy all respective parties and demonstrate that a credible and developable proposition exists. This will confirm that the land represents a viable and credible option for allocation and development.

The severe shortfall in housing land supply in the district and the need to deliver housing in the area represent exceptional circumstances. Meeting housing need is fundamentally in the public interest.

The NPPF attaches great weight to the delivery of housing, with paragraph 47 setting out that LPAs should seek to boost significantly the supply of housing in their area and seek to approve development that is sustainable in the context of the presumption. It is therefore essential to ensure that housing which is sustainable can be delivered as soon as possible, with the most efficient use of those sites being made.

HELAA Assessment

As mentioned earlier, this land has been assessed favourably for six new dwellings under reference BUR0027. We fully support this positive outlook on the site and we look forward to working with Rother District Council in delivering this land for much needed new homes.

Despite the initial Highway Authority comments that raise concern with visibility and footway provision, we have reviewed and investigated this as part of this representation. We firmly believe that a vehicle crossover be retained for use and could be widened (if needed) to accommodate two-way movements. In addition, consideration would be given for the refuse serving strategy.

We would be proving an access solution that will be in line with “The Design Manual for Roads and Bridges” (DMRB) and the exact location will be determined when we consult with East Sussex County Council.

We would also be open to providing a crossing point over the A265 (to the east) to ensure a continuous route is provided for pedestrian users. There are bus stops around 200 metres from the site which provide hourly services during the week, which for a rural location should be considered as an excellent service.

SUSTAINABILITY

There are three dimensions to sustainable development; economic, social and environmental. The following demonstrates that the Site is within a sustainable location. The fact that it is recognised as, essentially, a second-tier settlement where development should be directed towards, provides further emphasis of this – this point is asserted in the Regulation 18 Document.

The use of the Site for residential development will enable the right type of development to be provided at the right time, where it can offer significant contributions to the local community. The development would contribute to building a strong, responsive and competitive economy, contributing



to the viability and vitality of the existing village of Burwash Common and local facilities in and around the area.

The proposal, and resulting increased population, will increase long term footfall to the High Street, supermarkets and varied facilities. In the short term, footfall will also increase during construction. Equally, short term benefits may also arise to local businesses, particularly if some of the works are undertaken by local trade persons or suppliers are utilised to obtain materials. Indirect, temporary employment would also be created in the supply chain to accommodate demands from construction.

The additional population would bring about new employment opportunities through the relocation of businesses to the area. The increase of trades and skills in the area will clearly have benefits for the local and wider economy. Furthermore, the additional demand on local shops and services would enable additional employment opportunities to be created. In this regard, the Confederation of British Industries (CBI) demonstrates that construction projects have a significant benefit on the local and wider economy. CBI indicates that for every £1 of construction spend, £2.84 is generated in the economy and that each new home built creates 1.5 direct full time jobs, and a further 0.9 jobs in the supply chain.

In terms of expenditure, first occupancy of the dwellings will require additional expenditure on furniture and white goods to make the dwellings into homes. Financial benefits will accrue for Rother District Council in respect of the New Homes Bonus. This is in addition to Council tax generation, and CIL contributions to support vital improvements to the area.

Social considerations: The proposals will support a strong and vibrant community, by providing a range of dwelling types, sizes and tenures that can meet local needs.

Response to Draft Local Plan Policies and Questions

Housing Requirement / Target

Q51. What are your views on the Council's preferred spatial development options? Q52. Do you have any comments on the merits of the alternative Spatial Development Options, that do not form part of the preferred development options – as explained in the background paper? Q53. Are there any other development options that the Council should consider as part of its Local Plan?

The draft Local Plan states that this is a landscape-led spatial strategy that will deliver between 258 to 364 dwelling per annum (dpa) over the plan period. This is between 369 and 475 homes each year below what the minimum required by the standard method. The failure to meet needs in full also means that affordable housing delivery will be substantially below what is needed and will naturally exacerbate the housing crisis and capital values.

There are a range of constraints in Rother District such as the NL and flooding and the council must also take full account of the social and economic impacts of not meeting needs, not just the potential harms.

It will also be vital that the council seeks to maximise development on each site it does allocate given the significant shortfall between housing needs and supply. The Council should look to ensure that all land within submitted sites that are considered suitable for development are allocated for



development. In our opinion several sites that have been shaded as “potentially developable” are constrained by legal issues or landowners not motivated in bringing them forward for development.

The landowners and Rubix Estates support the important role that Burwash Common plays in the spatial strategy for the district and this land could contribute to the timely delivery of housing within the plan period.

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

The Standard Method Local Housing Need (LHN) figure for Rother is 773 dpa (2023 base date) or 727 dpa (2024 base date). The Hastings & Rother Housing and Economic Development Needs Assessment (HEDNA) Update (2024) identifies an affordable housing need (net) of 325 dpa, and some 2,054 households are on the Rother Housing Register.

ONS datasets indicate that the latest median housing affordability ratio (2023) for Rother is 11.44, having risen from 8.83 in 2013, and 7.77 in 2003. The lower-quartile affordability ratio is now 12.84, rising from 10.53 in 2013 and 7.03 in 2003. Paragraph 8.21 of the Draft Local Plan cites the HEDNA’s analysis regarding housing affordability. This notes that 44% of newly forming households earn less than the amount needed to rent a lower-quartile property on the open market. Likewise, 94% earn less than the amount needed to buy a lower-quartile open market dwelling.

The level of housing need is then significant, and affordability pressures are, therefore, serious and widespread. Whilst Rother’s position is not unique, the current LHN for the district is also far higher than the adopted (out-of-date) Core Strategy requirement (averaged at 335 dpa). Moreover, the adopted Core Strategy requirement did not, in any case, fully address the scale of housing needs identified in the (now defunct) South East Plan. Notwithstanding the HEDNA’s commentary on the efficacy of the Standard Method, there can be no dispute that Rother (and the Rother-Hastings HMA) represents an area of high housing need.

Despite the above, the proposed Spatial Strategy (as presented on pages 112 and 113 of the consultation document) proposes only;

“a minimum of [5,158 to 7,287] dwellings, at an average rate of [258 to 364] per year.”

In other words, the Plan seeks to deliver between a third and just below half of the level of housing need identified through the Standard Method calculation. Moreover, the net annual need for affordable housing of 325 dpa (as identified in the HEDNA Update) is also likely to exceed the total (i.e., market and affordable) annual housing target envisaged in the Draft Local Plan.

Draft Policy HOU2 ‘Affordable Housing’ does not yet specify the percentage of affordable housing sought from market-led residential developments. However, depending on the conclusions of a future Plan-wide viability assessment, the tariff is likely to be between 30% and 50%. As such, it is self-evident that only a fraction of overall affordable housing needs will be addressed through the Plan’s current proposals.

As a separate point, and despite the analysis in the HEDNA Update (in particular, in paragraphs 6.32 to 6.49), RDC does not appear to argue that exceptional circumstances exist to justify a deviation from the Standard Method (as per NPPF paragraph 61) and the minimum Local Housing Need figure arrived through it. It is the Standard Method LHN figure that should, therefore, be taken to represent the Objective Assessment of Need.



Rather than seeking to make the case that there are exceptional circumstances justifying a departure from the Standard Method, the Council instead contends that it is constraints found within the Plan-area that prevent identified needs from being met. Indeed, in paragraphs 5.1 to 5.8, the Plan suggests that the prevalence of areas at high risk of flooding, designated habitat sites and areas of high-landscape value, means that housing needs cannot be met in full, without resulting in unacceptable impacts.

Rubix Estates recognises that parts of the Plan-area are subject to environmental constraints. However, it is not accepted that there are no further opportunities to meet housing needs either in full or at least to a much greater extent.

For example, within the HELAA (2024), the availability of a significant number of sites is listed as 'unknown', with these, therefore, being discounted when they might otherwise be suitable for meeting needs. Many sites are also judged to be 'unsuitable' when it is clear from the Site Assessment commentary (in the HELAA) that their suitability or unsuitability is finely balanced. Likewise, many sites that are judged to be potentially suitable have had their estimated capacity and/or developable area reduced when compared to the promoter's / landowner's estimate.

A more specific concern is that the HELAA (and, by extension, the Draft Local Plan) has taken a 'policy-on' approach to the evaluation of site constraints. Whilst that may be appropriate for statutory designations (e.g., National Landscape), local, non-statutory designations should be treated differently.

The above suggests that there is scope to refresh the HELAA evaluation to bring forward additional sites. In this context, it must be recognised that the socioeconomic consequences of not fully meeting housing needs (and to the degree currently envisaged) will have real-world consequences. Housing affordability will worsen, and issues such as overcrowding and the suppression of household formation will fail to be addressed. Broader consequences will arise in relation to intergenerational inequality, declining social mobility and hindered economic productivity.

Q116. What are your views on the Council's proposed policy on affordable housing? Q117. Are there any alternatives or additional points the Council should be considering? Q118. Do you consider that prioritising affordable housing or the Community Infrastructure Levy is more important for Rother?

Affordability and affordable housing delivery are significant issues that the Council need to address through the new Local Plan. Increasing the delivery of affordable housing will need to be balanced against infrastructure requirements/

Overall, Rubix Estates and the landowners believe that Rother District Council has not yet reached a point where it can credibly claim that an appropriate balance has been reached between meeting housing needs and respecting the district's environmental characteristics and constraints. As such, the proposed approach is not currently regarded as justified or positively prepared, nor does it appropriately contribute to the achieving of sustainable development.

We look forward to onwards participation in the Local Plan consultation, and to working with officers at the appropriate time in the preparation of a planning application.



CONCLUSION

These representations have been prepared by Rubix Estates in response to Rother District Council's Draft Local Plan Regulation 18 consultation.

Rubix Estates supports the preparation of a new Local Plan for the Rother District, which will contribute to the provision of new housing and future sustainable development. However, as presently drafted, the emerging Local Plan does not satisfy the tests of soundness detailed in legislation and expressed in NPPF paragraph 35.

Indeed, a key concern is that the proposed housing requirement/target falls well short of the LHN identified through the Standard Method. This is also the case for the neighbouring Hastings Borough, which is intrinsically linked to Rother and agreed to form part of a joint HMA. Based on the approach currently proposed in both emerging Local Plans, there is a risk that less than half of identified housing needs will be addressed across the HMA. The provision of new affordable housing is also likely to be well below what is needed, resulting in negative socio-economic outcomes.

Rubix Estates recognises that statutory constraints and designations prevail across parts of the Plan Area. However, there would appear to be scope to identify additional sites, that are suitable for allocation and development, to meet needs either in full or at least more substantively

Accordingly, Rubix Estates maintains that the Draft Local Plan needs to be revised substantively before it can progress to the next consultation stage and subsequent Examination.

This is necessary for the Plan to address the tests of soundness. Namely, the Plan must demonstrate that it is positively prepared, justified, effective, and consistent with national policy through its contribution to sustainable development.



APPENDIX 1 – SITE LOCATION PLAN



APPENDIX 2 – HELAA PLAN