

**REGULATION 18 LOCAL PLAN CONSULTATION
ROTHER DISTRICT COUNCIL**

**REPRESENTATIONS MADE IN RESPECT OF LAND OFF WESTFIELD LANE,
HASTINGS**

ROTHER DISTRICT COUNCIL

ON BEHALF OF THE LANDOWNERS AND RUBIX ESTATES



RUBIX ESTATES REF: LTR/1035

JULY 2024

RUBIX ESTATES



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 representations are submitted on behalf of the landowners in relation to the land south of Westfield Lane.

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.

In so doing, we identify for consideration for land south of Westfield Lane, as an available, achievable and deliverable site in the context of meeting district-wide housing need over the plan period.

The land lies within the administrative boundary of Rother District Council and can accommodate new sustainable homes both market and affordable.

A Site Location Plan is provided in **Appendix 1**.

Site Description

The land measures approximately 4.24 hectares located on the Hastings Fringes. This location has been identified in Regulation 18 Document as one of the few areas to accommodate a small level of sensitive development where it is well connected to the urban fabric of Hastings, to public and active transport routes, and to key services and facilities.

The Core Strategy recognises Hastings Fringes as an area to deliver sustainable and regeneration as per Spatial Objective 5 under Figure 6: Rother Local Plan Strategic Spatial Objectives in the Regulation 18 Document.

Development on this site will be sensitively designed and will sit appropriately in the landscape setting of the High Weald National Landscape (NL) which wraps around the urban edge of Hastings and hinders most of Rother District Council.

A high proportion of the areas within the Hastings Fringes are within the High Weald NL however most of this site is located outside of the NL. Only 0.76 hectares lies within the NL with the balance of land outside of the NL.

Furthermore, as per the "Vision for Hasting Fringes" in the Regulation 18 Document, it goes on to say that-

"There are opportunities for well-designed and sensitive development which will be well connected to the urban edge of Hastings."

This land is one of the few options available for future residential development which is deliverable for new development and does not erode the NL. Furthermore, as per Figure 13 Development Strategy: Housing: Summary, this area of the Hasting Fringes scores highest in sustainability coding terms and labelled as "Highly Sustainable" given the close connection to Hastings.

The land is not subject to any heritage designations. A small amount of the land is within the Maplehurst Wood, Ancient Woodland and Maplehurst Wood Site of Special Scientific Interest (SSSI).



Any development proposals will ensure the design of the development will mitigate these landscape and environmental constraints.

As above, approximately 83% of Rother District sits within the High Weald National Landscape (NL). Beneficially, the majority of this land is not within the NL. And 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.

Location

In terms of the wider area within Hasting Fringes, the site lies in an extremely sustainable location. The site is within a sustainable location with good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other Local Plan policies.

The surrounding area is predominantly residential being defined by a mixture of detached and semidetached houses and bungalows which together with large levels of vegetation give the area a suburban character.

All essentials are nearby, from a post office to Sainsburys supermarket, homeware stores and several well-regarded schools, such as Little Ridge Primary Academy, West St Leonards Primary and Robsack Primary. For older students, St Richards Catholic College, St Leonards Academy, Bexhill High Academy and East Sussex College are also all local to this site.

This development site will be ideal working families as there are excellent road and rail links and there are frequent local bus services. Ore and Hastings mainline railway stations are also just on and two miles away. The train provides links to all surrounding areas, and to London Charing Cross in 1 hour 33 minutes. As mentioned earlier, the centres of Hastings and St Leonards are each on the Stagecoach bus routes 23/23A and 26/26A.

As mentioned earlier, a large Sainsbury's supermarket is within easy reach as are several schools and a range of further community amenities. The larger stores of Priory Meadow Shopping Centre and the town centre are nearby too.

The site is therefore considered to be sustainably located to provide ease of access, including via public transport mode to the range of shops, services and community facilities available in the local area.

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.

The emerging strategy must therefore, be revisited. This necessarily means re-examining the potential for development towards Hastings Fringes in general and consider this site.



As per the “Rother Local Plan Strategic Spatial Objectives” within the Regulation 18 document, there will be a requirement to deliver sustainable growth and regeneration in on the Hasting Fringes and its with supporting infrastructure contributing to the needs of the wider housing and provide evidence for key strategic economic market area.

We also support the “Proposed Strategy: Overall Spatial Development Strategy” section with the Regulation 18 Document. And based on the principles within, the focus for growth will be in the broad locations such as this this site is located.

The Council should actively pursue further development in this location as it is mostly outside of the High Weald NL. It is also clear that other areas such as the east of Bexhill has reached its development limit without expanding into areas of high flood risk, the Combe Valley Countryside Park, or Sites of Special Scientific Interest (SSSI).

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.

As mentioned above, the proposed development takes place within a site that mostly falls outside of the NL and is not subject to any other constraints. It is in the lowest risk flood zone, it has no heritage designations and is located immediately adjacent to the defined settlement boundary

The severe shortfall in housing land supply in the district and the need to deliver market and affordable housing in Hasting Fringes 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.

This land was assessed as part of a wider area as part of the Housing and Economic Land Availability Assessment (HELAA) under references HAF0032 and HAF0013 respectively. Both parcels were considered independently as part of the HELAA. However, given a comprehensive development will be designed and planned for this provides Rother District Council with the opportunity of allocating this area of land for a comprehensive development making use of the many amenities outlined earlier.



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 area of Hasting Fringes 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

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.

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