

Submission to consultation on draft Rother Local Plan 2020 – 2040 (Regulation 18)

Introduction

Please find my detailed comments below to four of the site allocations under consideration in Flimwell. Two of which are for housing and two for gypsy and traveller sites.

I support the national need for more affordable homes and it is clear that Rother District Council (RDC), along with other planning authorities are likely to come under further pressure to ensure adequate sites for housing, given the recent announcement by the new government to reintroduce housing targets. I also recognise the statutory requirement placed upon RDC to provide pitches for gypsies and travellers.

However, a successful local plan should not be just about homes, it is important that we create thriving communities where residents can have access to good quality facilities such as shops, medical facilities, schools, good transport links (including public transport) and that we have the infrastructure to support our communities, including electricity (sufficient to enable charging of electric vehicles), water, sewerage and broadband.

I broadly support RDC's vision, overall priorities and objectives for the Local Plan. As explained in more detail below, Flimwell is a small village located in the High Weald National Landscapes with limited facilities to support significant new development and this should be taken into account in the allocation of sites both for housing and for gypsies and travellers. I do not believe that the four sites below identified in Flimwell can be delivered in accordance with the twin *Green to the Core* and *Live Well Locally* overall priorities.

As noted above, there is a national need for more affordable homes, but this must be the right type of development in the right location. There are greater opportunities to deliver this in the larger towns in the district, such as Bexhill and Battle, which have more significant amenities.

Finally, it is disappointing to see that GYP0005 Land at North Bexhill, Watermill Lane, Bexhill which has recently been added into the 'Identifying sites for Gypsies, Travellers and Travelling Showpeople in Rother'¹ document since the start of the consultation process has been ruled out. This was an existing allocation for five permanent pitches in the 2019 Local Plan, but the landowner has now indicated that 'it is not available.' RDC should consider compulsory purchase of the land to fulfil its pitch targets. The King's Speech on 17 July 2024,² outlined a new Planning and Infrastructure Bill to accelerate housebuilding and infrastructure delivery. This included proposals to:

"further reforming compulsory purchase compensation rules to ensure that compensation paid to landowners is fair but not excessive where important social and physical infrastructure and affordable housing are being delivered. The reforms will help unlock more sites for development, enabling more effective land assembly, and in doing so speeding up housebuilding and delivering more affordable housing, supporting the public interest."

¹ <https://rdcpbublic.blob.core.windows.net/website-uploads/2024/04/Identifying-sites-for-Gypsies-Travellers-and-Travelling-Showpeople-in-Rother.pdf>

²

https://assets.publishing.service.gov.uk/media/6697f5c10808eaf43b50d18e/The_King_s_Speech_2024_background_briefing_notes.pdf

Therefore, compulsory purchase of land to fulfil targets for gypsy and traveller pitches should become more affordable for local planning authorities.

Consultation process

I am extremely disappointed and frustrated with RDC in both the publicity of the consultation for the development of the draft Local Plan, and the consultation process itself. It seems that the vast majority of local residents in Flimwell did not become aware of the draft Local Plan consultation by RDC communications, but instead by word of mouth.

I have reviewed RDC's Statement of Community Involvement³ which includes on page 16 a list of methods of community engagement. One such method is 'My Alerts', a weekly email service providing information for Rother residents and businesses. Having looked back at the My Alerts emails, I have identified two references to the Local Plan consultation, the first was on 3 May and the second on 19 July (just a few days before the consultation closes). Whilst this email is useful in providing a reminder on upcoming bin collections and planning applications within the proximity of residents' homes, I, and I now understand many others, do not take in all of the other information it contains. Furthermore, the text about the consultation did not make clear why the Local Plan is important to residents. I feel that this should have been far better publicised by a dedicated email, separate to My Alerts, outlining what the local plan is and why it is important for local residents and communities to engage in the consultation process. This email should have been sent out at the start of the consultation process, halfway through and again nearer the closing date. Presumably dedicated emails have been sent to 'known consultation groups', therefore they could have also been sent directly to local residents.

Social media (Facebook and Twitter) are also listed as methods of engagement. But it only goes as far to say that the Council will post information on its accounts. I believe this needs to go further and repost on local community Facebook pages (there is one for Ticehurst, Flimwell and Stonegate), and also use paid advertising to push notifications onto local residents' social media feeds. This is a method commonly used by businesses, campaign groups and government to focus their reach on relevant audiences.

Secondly, there has been huge confusion by local residents on how to respond, particularly in relation to the online consultation webpage which people have found clunky and confusing. The 150-word limit is too short and has left many to post several separate comments about the same issue. This is why I have chosen to respond via email.

The online portal also does not seem to allow for comments on the document 'Identifying sites for Gypsies, Travellers and Travelling Showpeople in Rother'. Therefore, those wishing to comment on the two identified gypsy and traveller sites in Flimwell have done so on the District Council Draft Housing and Economic Land Availability Assessment (HELAA)⁴. Please note that online comments made against GYP0002 and GYP0003 have been listed against TIC0039 and TIC0038 respectively.

Finally, I am concerned by the lack of anonymity on comments and submissions made by private individuals. Whilst it is right that organisations responding to the draft Local Plan should be identified to provide context to their submissions, this is wholly unnecessary for residents. The only occasion where it is right to identify names and addresses of individuals is on comments on specific planning applications.

³ https://rdcpublish.blob.core.windows.net/website-uploads/2022/02/RDC_SCI_2022_Final.pdf

⁴ [RDC Draft Housing and Economic Land Availability Assessment \(HELAA\) chapter 5](#)

Prepared by:

Natalie Chapman

Flimwell resident

22 July 2024

TIC0008 Flimwell East Broad Location, Hawkhurst Road, Flimwell

This site has been identified as a result of a council search and I am not aware that any of the pockets of land have been put forward for consideration by any of the landowners.

TIC008 is an extensive area of land and therefore, as noted in the site assessment in the HELAA this is likely to constitute a “*major development*” within the High Weald National Landscape, which the National Planning Policy Framework (NPPF) resists other than in exceptional circumstances and where the development is in the public interest.

Flimwell does not have the amenities to support such a large development. The village pub and fish and chip shop closed in early 2024. The village has a high-end delicatessen offering luxury food and drink products, the Country Furniture Barn and an ice cream shop at the village hall. Whilst these businesses bring value to the local economy, they are small scale employers and do not provide the day-to-day affordable amenities that such a large development would require. There is no GP surgery or school in Flimwell. The HELAA notes that *the position of this broad location on the eastern side of the A21 means it is not well-located in relation to existing services and facilities within Flimwell, which lie on the western side*. I agree with this assessment, and would add that those existing services and facilities are extremely limited.

It is unclear where the access/egress to TIC0008 would be. Both the A21 and A268 are busy roads with a significant accident history. There was a pedestrian fatality on the A21 in November between the former Royal Oak pub and the crossroads with the A268. The footpath along the A268 is narrow and does not provide a safe walking or cycling experience against fast moving traffic. Whilst there is a bus route passing through Flimwell, the vast majority of residents are reliant on private cars.

Such a large development is also likely to have a significant congestion impact on the junction of the A268 with the A21 at the Flimwell crossroads. The traffic lights on the crossroads are controlled by National Highways and are timed to favour traffic on the A21. This leads to lengthy queues, particularly at peak travel times. It is reasonable that the traffic on the Strategic Road Network is prioritised over local roads and therefore it is unclear how any additional road capacity on the local road network could be delivered at this location.

One of the parcels of land contained within TIC0008 is Cherry Tree Nursery. This site has been subject to various planning applications for housing and caravans. All have which have been rejected. The most recent appeal decision by the Planning Inspectorate in September 2021⁵ concluded that the appeal should be dismissed. The reasons in the appeal notice for dismissal should be considered as reasons to reject this site as potentially suitable for development in the RDC Local Plan:

- The site is located in the High Weald Area of Outstanding Natural Beauty (AONB), now called National Landscapes (NL). *“The harm identified above to the High Weald AONB provides a clear reason for opposing the development. The presumption in favour of sustainable development contained within paragraph 11 of the Framework is therefore not applicable to this appeal.”*

⁵ Appeal Ref: APP/U1430/W/20/3265770 13 September 2021

- The site is located outside of the development boundary of the village. *“Policy H1 of the Ticehurst Neighbourhood Plan 2018-2028 (the ‘Neighbourhood Plan’)* states that the overall spatial strategy is to focus residential development in existing villages, and that no residential development will be allowed outside the villages’ development boundaries unless it requires a countryside location. Policy H1 is consistent with the overall spatial strategy set out in Policy OSS2 of the Rother Local Plan Core Strategy 2014 (the ‘Core Strategy’). The site lies outside any village boundary as defined in the Neighbourhood Plan, and the proposed development does not fall within any of the limited categories of development considered to be appropriate in the countryside in Core Strategy Policies RA2 and RA3. Policy RA3 does support rural exception sites but the proposed development does not fall within the criteria for such sites as set out in Core Strategy Policy LHN3 and the appellant has not sought to argue that it should be considered within this category. The proposal therefore conflicts with the local spatial strategy for the location of development as set out in the development plan.

I disagree with the description in the HELAA that the land to the eastern side of the TIC0008 could provide residential-led, mixed-use development without significant impacts on landscape character and views. These fields have historic significance as they link Sunnyside Cottages, which are former cottages for workers of Bedgebury Forest dating back to the 1850s, with the forest itself. The properties have views of the forest which would be obscured by housing or other development.

TIC0008 should be rejected as a potential development site for the reasons outlined above. It would constitute a major development, which the NPPF resists in National Landscapes. Flimwell does not have the amenities to support a development of this scale. And as outlined in the Planning Inspectorate’s report on Cherry Tree Nursery, it would create harm to the High Weald National Landscape and is situated outside the development boundary of the village.

TIC0005 – Wardsdown House, Flimwell and TIC0027 – Land rear of Fruitfields, High Street, Flimwell

I am responding to both of these sites together as they are each located directly adjacent to Wardsdown Wood comprising of 40 acres of ancient woodland. TIC0005 was included in the Ticehurst Neighbourhood Plan and has already been identified as an allocated site in the HELAA. However, the inclusion of this site for 9 houses was conditional, with the Ticehurst Neighbourhood Plan⁶ stating (on page 76) that *“The Parish Council would not support the extension of this site to the adjacent area to the east behind Fruitfields.”* The Department for Levelling Up, Housing and Communities’ guidance on plan-making states that *“where a neighbourhood plan has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan.”*⁷

The owner of Wardsdown House has yet to bring forward a planning application on the site. I question if they are ‘land banking’ and holding out to further extend the site east to the land rear of Fruitfields (TIC0027) which I understand that they also own.

Paragraph 186 (c) of the National Planning Policy Framework⁸ states that:

“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly

⁶ https://rdcpublish.blob.core.windows.net/website-uploads/2020/01/Ticehurst_Neighbourhood_Plan_2018-2028_Made_8_Jul_2019.pdf

⁷ <https://www.gov.uk/guidance/plan-making#statutory-duty-and-the-role-of-plans>

⁸ https://assets.publishing.service.gov.uk/media/669a25e9a3c2a28abb50d2b4/NPPF_December_2023.pdf

exceptional reasons (For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.

TIC0027 should be rejected as a potential housing development site for the reasons outlined above. It is not supported in the Ticehurst Neighbourhood Plan and is immediately adjacent to ancient woodland where it is likely to result in the deterioration of irreplaceable habitats. The NPPF states that this type of development should be refused as it does not fall within the examples of ‘wholly exceptional’ reasons listed.

GYP0002 Land north of Broom Hill, Flimwell, Ticehurst Parish

This site is also referred to in the HELAA as TIC0039.

The site has been rejected as suitable for housing in the HELAA:

“The site is within the High Weald National Landscape. Adjacent to ancient woodland and areas at risk of surface water flooding. Historic field boundaries. Within the Ticehurst - Flimwell Green Gap. Public Footpath adjacent.

“This is a large ridge-top site within the countryside, west of the built form of Flimwell, forming part of a probable medieval assart, with historic field boundaries and substantial ancient woodland to the north. The site slopes down to the west/north-west, with extensive views to the north-west including of Bewl Water reservoir. Its development would be prominent in long views, appearing as an encroachment into the countryside, impacting on the landscape and character of the National Landscape. Additionally, the site is within the Ticehurst- Flimwell Green Gap, designated through the Neighbourhood Plan, where the Neighbourhood Plan seeks to carefully control development and only allows it when the development is unobtrusive and does not detract from the openness of the area. A development of the scale considered through the HELAA in this location would not meet these objectives.”

This site is also against policy R2 in Ticehurst’s Neighbourhood Plan⁹ to maintain green gaps between settlements.

GYP0002 should be rejected as suitable for a gypsy and traveller site for the reasons outlined above in deeming the land as unsuitable for housing in the HELAA and because it contravenes the Ticehurst Neighbourhood Plan.

GYP0003 The Hollies, The Mount, Flimwell, Ticehurst parish

This site is also referred to in the HELAA as TIC0038 Land at Seacoxers and referred to in various planning applications and appeals as ‘land adjacent to Seacox Cocks’

This site is covered by a Tree Preservation Order, which the current owner is in breach of. There have also been unsuccessful attempts to gain planning permission to build houses on the site. The most recent application was refused at appeal by the Planning Inspectorate.¹⁰ The current occupier of the land has placed a static mobile home and two touring caravans on the site which is subject to an

¹⁰ Appeal Ref: APP/U1430/W/23/3321909, 26 April 2024

enforcement notice issued by RDC. He has also created an access to the highway without permission by East Sussex Highways.

The site has been rejected as suitable for housing in the HELAA:

“The site is within the High Weald National Landscape. Contains deciduous woodland Priority Habitat and a sitewide Tree Preservation Order. Adjoins Ringden Wood Local Wildlife Site and ancient woodland. Adjacent to a Grade II listed building.

“The site comprises an undeveloped piece of land between lower density linear development to the south of the A268. The site has substantial tree cover and is wholly covered by a woodland area Tree Preservation Order, while it also abuts ancient woodland to the south. The site has been subject to two recent refusals of planning permission (for two and four dwellings). Given the site constraints it is not considered large enough to accommodate the level of development considered through the HELAA.”

The reasons provided by the Planning Inspectorate in their appeal decision notice dated 26 April 2024 should also be taken into account when reviewing the suitability of this site for any other dwellings, including as a gypsy and traveller site.

- The site is located in the High Weald National Landscapes.
- The site is located outside of the development boundary of the village.
- The site makes a modest but worthwhile contribution to the undeveloped land that separates the buildings and which forms an important element of the character of the area and, thereby, contributes positively to this section of the High Weald NL.
- The site is located adjacent to Seacox Cockers and Seacox Cottage which form a Grade II Listed Building.
- On the issue of vehicular access, the Planning Inspector concluded that it has not been demonstrated that the development would provide a safe and suitable vehicular access, having particular regard to the provision of the required visibility splay to the east. The Highways Access report shows that the sight lines on the layout plan requires the “vegetation to be trimmed back to achieve the required visibility” across a reasonable section of the frontage of Seacox Cockers, to the broadly east of the site. This relies on a neighbouring property to cut back their hedge to ensure safe access and egress to the busy 50mph road which would be unenforceable.

GYP0003 should be rejected as suitable for a gypsy and traveller site for the reasons outlined above for deeming the land as unsuitable for housing in the HELAA and the reasons contained in the appeal decision notice by the Planning Inspectorate.