

High Weald Joint Advisory Committee

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High Weald
National
Landscape

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Working together to care for an Area of Outstanding Natural Beauty

Rother District Council

Emailed to draftlocalplan@rother.gov.uk

18th March 2026

Dear Sirs

Draft Rother Local Plan 2025–2042 – Development Strategy and Site Allocations: Public Consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Thank you for your consultation on the above draft Local Plan.

We have a number of significant concerns with the quantum and scale of site allocations proposed in the draft Local Plan, in terms of impacts on the nationally designated High Weald National Landscape, such that we would consider the plan to conflict with paragraphs 189 and 190 of the NPPF, and thereby unsound in its present form. We would make the following comments:

Development Strategy

Notwithstanding the references in paras 3.9 and 3.21 of the draft plan regarding the protection of National Landscapes, and the ability to reduce housing requirements accordingly, we are extremely concerned by the proposed Development Strategy set out in section 5 of the draft plan, and the quantum of development proposed within the High Weald National Landscape.

Paragraph 189 of the NPPF sets out that ‘great weight’ should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which (along with National Parks & the Broads) ‘*have the highest status of protection in relation to these issues*’. It also sets out that ‘*the scale and extent of development within these designated areas should be limited*’ and that ‘*development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.*’

The proposed 2,055 number of new dwellings on sites within the High Weald National Landscape (over and above existing allocations in the 2019 DaSA) could in no way be described as ‘limited in extent’, nor could the fact that 23 of the site allocations are proposed for 30+ dwellings, (and 11 of those sites proposed for 60+ dwellings) be described as ‘limited in scale’. At the broadest level, and notwithstanding the large area of Rother District that lies within the High Weald National Landscape, we therefore consider the allocations strategy at the broadest level would fail to comply with para 189 of the NPPF.

You will see from the Site Allocations comments later in this response, and our site-specific comments appended in table form to this response, that we consider a large number of the proposed site allocations would be harmful to the natural beauty of the High Weald National Landscape, and would fail to comply with para 189 of the NPPF, and, in a number of instances, para 190 too. We therefore

One of the National Landscapes family

Anglesey
Arnside and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and Dee Valley
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howarian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

consider that a number of the proposed site allocations should be deleted from the draft Local Plan, and the proposed number of dwellings in the housing requirement reduced accordingly.

We appreciate that the 2024 changes to the standard method for calculating objectively assessed need has resulted in a larger OAN for Rother DC (described in paras 3.1-3.4 of the draft plan). However, importantly, the NPPF allows for strategic policies in Local Plans to provide for **less than the housing need** in certain circumstances, while the NPPG clarifies that **Local housing need** (calculated using the standard method as amended in December 2024) **is not necessarily the same as the housing requirement** that goes forward in a Local Plan.

This was confirmed by the Government in their published [Government response to the proposed reforms to the NPPF](#) (Government response for Questions 1 and 2) published 20th July 2024, which states:

“The standard method identifies the minimum number of homes needed and local planning authorities are expected to plan to meet their housing needs in full. However it is recognised that there may be local constraints on land and delivery that could justify a lower housing requirement figure.” (N.B. Underlining added for emphasis).

Accordingly, para 69 of the NPPF sets out that strategic policy-making authorities should establish a **housing requirement figure** for their whole area, **which shows the extent to which their identified housing need can be met over the plan period.** (N.B. bold added for emphasis)

That Government response also clarified that the NPPG had been updated accordingly. The NPPG (Housing and Economic Needs Assessment) confirms that:

“The standard method set out below identifies a minimum annual housing need figure, ... It does not produce a housing requirement figure.” (Paragraph: 002 Reference ID: 2a-002-20241212)

and explains the difference between local housing need and housing requirement, and clarifying that:

“The housing requirement is the minimum number of homes that a plan seeks to provide during the plan period. Once local housing need has been assessed, as set out in this guidance, authorities should then make an assessment of the amount of new homes that can be provided in their area. This should be justified by evidence on land availability, constraints on development and any other relevant matters.” (Paragraph: 040 Reference ID: 2a-040-20241212)

Paragraph 11 (b) (i) of the NPPF sets out that local planning authorities should provide for objectively assessed needs for housing and other uses, as well as any unmet needs from neighbouring areas, **unless “the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area”**. The assets referred to are listed in footnote 7 and include National Landscapes, the relevant policies for which in the Framework being 189 and 190.

Accordingly, the NPPG (natural Environment) clarifies that, with regard to National Landscapes:

*“The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas **may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas...**”* (Paragraph: 041 Reference ID: 8-041-20190721.) (bold text added for emphasis)

Whilst we acknowledge the intention to seek to meet as far as possible the OAN, this must be carried out in the context of the limited scale and extent of development in National Landscapes required by the NPPF, and within the context of the ‘great weight’ to be given to conserving and enhancing their landscape and scenic beauty.

Further, this must be carried out in a way which is compliant with the [High Weald AONB Management Plan 2024-2029](#) This statutory document is adopted by all the relevant local authorities with land in the High Weald National Landscape, including Rother District Council, as their policy for the management of the area and for the carrying out of their functions in relation to it, and is a material consideration for planning applications affecting the HWNL.

With particular regard to the High Weald National Landscape, Management Plan Settlement Action 'h' sets out that partners will *"Pursue landscape-led positive planning approaches to settlement planning and housing delivery in the AONB, seeking to prioritise the delivery of new housing **primarily through small-scale development consistent with AONB character**, recognising the potential for harm through the cumulative effects of separate developments on the designated landscape"*

Rother District Council has had considerable success over the last couple of years, including since the publishing of the new standard methodology for OAN, in defending housing development appeals in the HWNL, with Inspectors agreeing with the Council's assessment of harms of specific proposals on the landscape character and natural beauty of the HWNL, and that such harms meant that policies of the Framework provide a strong reason for refusing the development proposed. The same logic can and should therefore confidently be applied to the consideration of proposed sites under NPPF para 11(d)(i).

Major Development

With regard to the subject of major development in the HWNL in site allocations, we are particularly concerned by para 6.6. of the 'Draft Development Strategy for Rother', which, while recognising that the NPPF confirms that major development in National Landscapes should only be permitted in exceptional circumstances and where it can be demonstrated that the development is in the public interest, states *"The need for housing, including affordable housing, in sustainable locations within the district could potentially be an exceptional circumstance that could allow for a major development within the HWNL."*

To justify major development on the basis of meeting objectively assessed housing needs for the local planning authority area is a circular argument at plan-making stage, because the impact of the scale and distribution of development on the National Landscape should be taken into account in deciding the level of housing provision (NPPF paras 69 and 11(d)(i)). If such housing levels can only be achieved by allocating major development in the NL, which by definition will have "a significant adverse impact on the purposes for which the area has been designated" then this is a good indicator that the impact on the National Landscape provides "a strong reason for restricting the overall scale, type or distribution of development in the plan area" as provided for in NPPF paragraph 11.

Paragraph 190 of the NPPF sets out that within National Landscapes, **planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.**

Whilst paragraph 190 specifically refers to planning permissions, it has also been considered relevant by Local Plan Inspectors to allocations within Local Plans.¹ Legal advice provided to the South Downs National Park Authority by Landmark Chambers also concluded that *"it would arguably amount to an error of law to fail to consider paragraph 116 (now 190) at the site allocations stage of plan making for the National Park. The consequence of doing so would be to risk allocating land for major development that was undeliverable because it was incapable of meeting the major development test in the NPPF"*².

¹ For example, the Inspector appointed to examine the Wealden Local Plan also considered it appropriate to assess the approach to development against the exceptional circumstances and public interest tests set out in para 116 of the previous NPPF [Wealden Local Plan Examination Library Key Matters, Issues and Questions, April 2019 Matter 2, Issue 4](#)

² 10 October 2017 Toby Fisher, Landmark Chambers

We would consider a large number (some 16) of the site allocations proposed in the draft plan to constitute major development under the NPPF definition in footnote 64 of paragraph 190. As such, there would be a presumption against the allocation of these sites for development, and they are considered in more detail in the individual site comments below and appended table. In summary it is considered that the inclusion of the majority of these major sites would render the current plan unsound, as it would conflict with the NPPF.

Proposed draft Site Allocations

We are extremely concerned that sites with the HWNL have been proposed in this draft local plan prior to the carrying out of any detailed Landscape Capacity Studies, Landscape Sensitivity Studies or Landscape Visual Assessments, as part of the evidence base. We consider any proposed site allocations to be premature in the absence of such work.

We note that some sites have been considered in the HELAA Landscape Sensitivity Assessment (September 2022), however, this work is very brief, just one or two paragraphs per site plus a table, and we do not consider this is a sufficiently robust or detailed assessment of the impacts of the sites; the Site Assessment Table doesn't assess the sensitivity of the sites in the HWNL against the AONB Management Plan key character components of natural beauty, and includes no map or photographic based assessment. Also, along with sensitivity assessments, those sheets also assign a range of 'value' to each site, including those within the HWNL (high, high/medium/medium etc) – whereas as designated NLs they have already been assigned the highest level of value by government (see Landscape Institute's GLVIA3 Notes & Clarifications 5(7)). Furthermore, in some instances the cautionary conclusions of the HELAA LSA do not seem to have informed the proposed allocations.

For any sites within, or affecting the setting of the National Landscapes, site assessment work needs to take into account the impact of those potential sites on the purposes of the designation, taking into account the HWNL (AONB) Management Plan. Planning Principle 1 of the [High Weald AONB Management Plan 2024-2029](#) gives advice on the type of assessments that should inform local plans.

Decisions on allocating sites within or affecting the setting of National Landscapes requires a robust understanding of landscape including the history and settlement patterns of the wider landscape. Site-specific landscape sensitivity studies and landscape and visual assessments and are an important part of this, to inform the principle of allocation, the appropriate quantum and location of development, the extent of site coverage, any mitigation strategies, e.g. landscape buffers and their appropriate location and size, and to consider any other site-specific issues.

A key concern is that we note that for a number of the proposed site allocations, the 'site specific development requirements' in the draft local plan mention the need for development to be informed by a landscape sensitivity assessment. However, this is too late in the process, the Landscape Sensitivity Study needs to be completed first, to inform the allocation process, not post-allocation. Moreover, the LSS needs to be prepared objectively by the LPA.

No allocation should be being proposed until the above work is completed -it is wholly insufficient to simply include a reference in the policy supporting text (as in the current draft) that *"It is within the High Weald National Landscape and therefore a sensitive form of development is required in line with Local Plan policies"* – in order to align with the requirements of NPPF para 189, impacts on the setting of the HWNL need to be robustly considered **prior** to allocating a site; firstly regarding the principle of the allocation; the location and scale of development in relation to the HWNL, and secondly to inform/test the quantum of development that might be appropriate in such a location.

Additionally, any site allocations proposed for grassland sites in the HWNL should also be subject to grassland surveys, and if found to be unimproved grassland these should not continue to be allocated for development in the Reg 19 version, since this is an important habitat type within the HWNL, and an important part of its landscape character and natural beauty.

We consider there therefore needs to be considerable further site-specific work undertaken to inform the next iteration of the draft local plan. We understand that the next iteration is intended to be a Reg 19 version with consultation scheduled for the autumn, for submission in December under the current Local Plans regime. However, in view of the additional work needed in relation to the proposed sites, and our comments on the site allocations below, we consider this would be premature, and the timescale to be unrealistic, and instead we consider a further Reg 18 consultation would be more appropriate.

Densities

We note that para 5.16-5.26 of the draft Local Plan deal with the matter of densities in residential development. Whilst in principle we have no issue with higher densities – High Weald settlements are typically fairly high density in village cores- it is important to recognise that this is through their being populated with tight-knit streetscapes of smaller dwellings. In order to meet Settlement Objectives S1 and S2 of the High Weald AONB Management Plan, we consider that guidance, either in a general density policy and/or the site-specific policies, will need to clarify this, so as to manage developer expectations and avoid scenarios where schemes are submitted consisting of high numbers of detached/semi-detached buildings packed in close proximity to each other, as that would constitute an approach and grain that would be discordant with High Weald settlement pattern and streetscape character.

Site Specific Policies

Further to the site specific assessment work, and to ensure that clear and realistic expectations for each site are set, with regard to the High Weald AONB Management Plan, and the Council's duty under section 85 of the CRoW Act, we advise that the site-specific policies for **all** those sites proposed within the HWNL (and those affecting its setting) included in the next iteration of the draft Local Plan should:

- include maps/plans setting guiding principles/parameters for development (including extent of site coverage, building heights, and the retention of any existing wooded boundaries, and enhancement of these where appropriate for mitigation measures), and
- refer to the HWNL in the 'Site specific development requirements', and include in those requirements that proposals need to reference the principles in the HW Housing Design Guide, and that lighting proposals (including highways lighting) to be based on the HWNL Dark Skies Planning Advice Note.

Individual proposed sites comments

In the light of the absence of a detailed landscape evidence base, the appended table represents our initial comments on the draft proposed sites; however, with some we are able to recognise significant harms to the HWNL even without the further work, and these are highlighted red in the table as sites that, at this stage, we object to being allocated for development.

Overall, you will see that we consider a number of sites would cause significant harm to the natural beauty of the High Weald National Landscape, would conflict with objectives of the HW AONB Management Plan 2024-2029, and would conflict with policy 189 of the NPPF, resulting in the plan being unsound, and therefore should not be allocated for development in the next iteration of the draft plan. These are: BT1 (in part), BT8, BT10, BC1, BR3, BW3, BW4, BWC1, EC2, EC3, FW2, GU6, HG4,

IK1, IK2, NR2, PE1, PL1, SD11, SC2, and TC1. A summary of our reasons for arriving at these conclusions is included in the appended table. This list includes a number of sites that we consider should be considered 'major development' in the HWNL under the provisions of NPPF para 190, and for which there do not appear to be exceptional circumstances (see our earlier general comments in this response). **However, the absence of red highlight on other sites in the table (or that they are not included in the above list) does not mean that we support the allocation, rather that at this stage we are unable to provide a definitive view on either the principle of development or the quantum proposed, without the further landscape assessment work being carried out (and we set this out for those sites).**

Legislative Requirements

Lastly I would also draw to your attention Section 85 of the CRoW Act (as amended by the Levelling-Up and Regeneration Act in December 2023) sets out that 'relevant authorities', in exercising or performing any function that affect National Landscapes in England, "***must seek to further the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty.***"³

Within the planning context, 'relevant authorities' are the Local Planning Authorities and the Planning Inspectorate, along with Parish Councils producing Neighbourhood Plans, and the duty applies to all aspects of the planning process, including decisions relating to site allocations in Local Plans etc. More information for LPAs on complying with the new duty in the planning policy plan-making process is available at [CRoW-s.85-duty-guidance-for-LPAs_NLA-Briefing-Nov-24.pdf](#)

Conserving and enhancing the natural beauty of the High Weald National Landscape (HWNL) will normally mean avoiding harm, and conserving and enhancing the character components identified in the AONB Management Plan; supporting the Management Plan Objectives as set out for each of these; and following any Management Plan Actions set out for each.

It is therefore important that this new duty is reflected in the language and content of the Local Plan throughout, including in the commitment to any particular housing requirement figure, the spatial strategy, policy direction and ambition, and the evaluation of any proposed site allocations.

The above comments are advisory and are the professional views of the HWNL Unit's Planning & Design Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the HWNL Joint Advisory Committee.

Yours sincerely,

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Advising on an outstanding medieval landscape; connecting people, protecting beauty, restoring soils and nature

³ Countryside and Rights of Way Act 2000 ([section 85](#)).

Background Information about the High Weald National Landscape (AONB)



N.B. From November 22nd 2023, all AONBs are to be known as National Landscapes. The High Weald National Landscape remains designated an Area of Outstanding Natural Beauty and is referred to as such in legislation. The statutory purpose “to conserve and enhance the natural beauty of the designated landscape” remains unchanged.

The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey.

The High Weald National Landscape Joint Advisory Committee is a partnership established in 1989 of 15 local authorities, Defra, Natural England and organisations representing farming, woodland, access and community interests. The JAC is responsible for publishing and monitoring the statutory AONB Management Plan. The JAC is supported by a small, dedicated staff team, the High Weald NL Unit, which provides advice on how to conserve and enhance the NL. The advice provided by the NL Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 **to seek to further the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.**

The High Weald NL Unit is not a statutory body but an advisory one. It is not a local planning authority and the responsibility for determining planning applications remains with the 15 local authorities. The HWNL Unit is not a statutory consultee on planning matters and it remains each local planning authority’s decision whether or not they seek its advice on a particular planning application.

The scope of the advice in this letter is set by the statutory High Weald [AONB Management Plan](#), which has been adopted by all partner authorities, as ‘their policy for the management of the area and for the carrying out of their functions in relation to it’.