

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

**REPRESENTATIONS MADE IN RESPECT OF LAND OFF BARNHORN ROAD,
WEST BEXHILL – REGISTERED UNDER TITLE NUMBER SX28215**

ROTHER DISTRICT COUNCIL

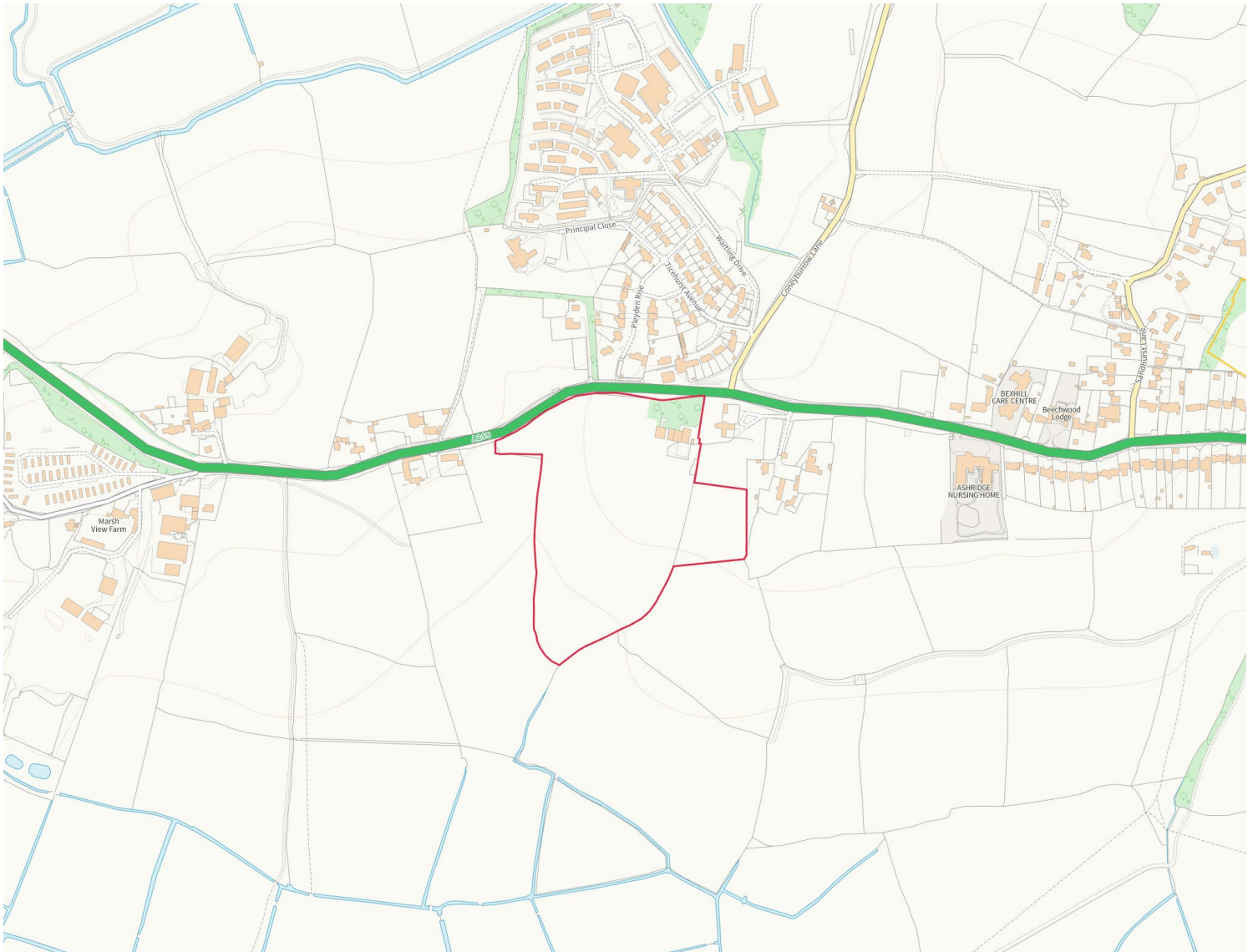
ON BEHALF OF THE LANDOWNERS AND RUBIX ESTATES



RUBIX ESTATES REF: LTR/1033

JULY 2024

RUBIX ESTATES



REPORT CONTROL

Project:	Land off Barnhorn Road, Little Common, TN39 4Q
Client:	Mr and Mrs G Edenborough
Reference:	1033
Primary Author	GM
Checked By:	GM

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1	15 July 2024	Draft	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) consultation 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 Bexhill.

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, it identifies for consideration land off Barnhorn Road, as an available, achievable and deliverable site in the context of meeting district-wide housing need over the plan period. The land lies wholly 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**. A Land Ownership Plan is also included in **Appendix 2**.

Site Description

The total land measures approximately 7.06 hectares located outside of, but immediately adjacent to the settlement boundary of Bexhill on Sea. This land is made up of a part brownfield and part greenfield site and has direct frontage off Barnhorn Road.

Bexhill on Sea has been identified in Regulation 18 Document as one of the key areas to accommodate new residential development. The Core Strategy recognises Bexhill on Sea as one of the "Greater opportunities for growth" and therefore is as a sustainable location for growth for the spatial distribution strategy.

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

"Bexhill will be the key focus for sustainable residential and commercial growth, within the urban area on brownfield sites and at its edges through 'live well locally' urban extensions on greenfield sites. There is potential to deliver a minimum of [2,163-3,398] dwellings and [39,572-59,256] sqm of employment floorspace across the Bexhill sub-area."

This land in Bexhill is one of the few options available for future residential development which is deliverable for new development and does not erode the strong green strategic gap between Bexhill and Hastings. Furthermore, as per Figure 13: Bexhill Development Strategy: Housing: Summary, the west of Bexhill scores highest in sustainability coding terms and labelled as "Highly Sustainable".

The land is not subject to any heritage designations and although located just outside of the defined settlement boundary, the land is subject to no landscape designations.



Approximately 83% of Rother District sits within the High Weald National Landscape (NL). Beneficially, the entirety 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 Bexhill, the site lies in an extremely sustainable location. There is a 20-minute frequency bus service to Little Common and Bexhill to the east and Eastbourne to the west.

A development of this site will be ideally positioned for the surrounding road links and local bus service, whilst Cooden Beach train station is just a five minutes' drive away which offers regular and direct services to London Victoria, Eastbourne and Ashford International via Hastings.

The nearest bus stop is immediately outside of the site on Barnhorn Road and Coneyburrow Lane. There is a petrol filling station some also opposite the site which also contains a convenience store.

Essential amenities are also easily accessible from this site in Little Common such as a Doctors' Surgery, Tesco Express, local newsagent, public houses, cafes, local shops, church, primary school, village hall and playing fields. Continue along the A259 and within 8 minutes, residents would be in the heart of Bexhill with its wider range of stores, cafes and restaurants.

For families, it will be convenient location and an area that is well served by schools. There are two primary schools along with Bexhill Academy secondary school. Bexhill is also home to St. Richard's Catholic College, Bexhill College, King Off a Primary Academy and All Saints C of E Primary School.

As above this potential development site is ideally located for the A21 and A259 with frequent bus services immediately outside of the site.

- Seafront – 8 minutes / 3 miles
- Bexhill Station - 10 minutes / 3.2 miles
- Hastings – 15 minutes / 6.5 miles
- Battle – 20 minutes / 8 miles
- Eastbourne - 18 minutes / 9.5 miles
- Brighton – 40 minutes / 31.9 miles
- Eurotunnel Folkestone – 1 hr 15 minutes / 42 miles
- Dover – 1 hr 20 minutes / 59 miles
- Gatwick Airport – 1 hour 15 minutes / 51 miles
- London 1 hr 40 minutes / 73 miles

*Travel times are by car and approximate. Source Google Maps.



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.

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.

The emerging strategy must therefore, be revisited. This necessarily means re-examining the potential for development towards Bexhill in general and consider the west of Bexhill. Bexhill is the largest and most sustainable settlement in the Rother District and where additional growth should be accommodated as noted within the Regulation 18 document.

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 Bexhill and its edges, along with the Hastings Fringes with supporting infrastructure contributing to the needs of the wider housing and provide evidence for key strategic economic market area.

As per the ESiF, data from Census 2021, 93,111 people currently live in Rother District, many dispersed across the rural area, but with nearly half living in Bexhill.

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 West Bexhill for which this site is located. Development here will consolidate Bexhill as the most sustainable town, within the capacities of the existing transport network.

The Council should actively pursue further development to the west of Bexhill as it is entirely outside of the High Weald NL. It is also clear that 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.

As per Figure 35: Opportunities for housing growth by Parish area, Bexhill is considered as one of the few areas for “Greater opportunities for growth” (see below).

Figure 35: Opportunities for housing growth by Parish area

Greater opportunities for growth	Medium growth opportunities	Low growth opportunities	Limited growth opportunities
Battle*	Brede	Beckley	Ashburnham & Penhurst
Bexhill	Burwash*	Camber	Bodiam
Rye*	Catsfield	Crowhurst*	Brightling
Salehurst & Robertsbridge*	Hurst Green*	Etchingham*	Dallington
Ticehurst*	Icklesham	Ewhurst	East Guldeford
Westfield	Peasmarsh*	Fairlight	Mountfield
	Sedlescombe*	Guestling	Pett
		Iden	Udimore
		Northiam	Whatlington
		Playden	
		Rye Foreign	

*These parishes have either adopted or are preparing Neighbourhood Plans

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.

In Bexhill, a master planning and design coding approach will be required to ensure that connected communities that meet the Live Well Locally concept are created, particularly in the broad areas for development identified in west Bexhill. The landowners and Rubix Estates are committed to this work. In seeking to maximise its potential supply of this site, the landowners and Rubix Estates will provide further constructive feedback through the New Local Plan process on the opportunities for development that are proposed, and to develop this site as the most suitable and sustainable coming forward for development.

As mentioned above, the proposed development takes place within a site that 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 or ecological 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 Bexhill 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 reference BEX0180 (see **Appendix 3**). This entire area of land was submitted by Rother District Council. Our land makes up a smaller proportion of the area of BEX0180 with excellent road frontage and away from the priority habitats as listed in the above reference.

We also acknowledge that this site is well located to BEX0050 which has been identified as “Potentially available” for 340 new homes and 4,000 square metres of employment space and collectively both sites could be brought forward comprehensively to deliver a substantial area of development for the area.

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 town of Bexhill 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

Biodiversity Net Gain

Q22. What are your views on the Council's proposed policy for Biodiversity Net Gain? Q23. What are your views on the Council going above the national minimum requirement of 10%? Q24. Are there any alternatives or additional points the Council should be considering?

Recognising that the Environment Act sets the 10% as a minimum and Government statements indicate that Councils can go further in local plans, this would need to be justified that there is both a need to go beyond 10% and that this requirement will not, when considered in combination with other policies impact on the deliverability of the Local Plan.

BNG is still in its infancy and as such there is great uncertainty as to the most effective way of delivering BNG, the cost of delivering 10% net gain, and whether there will be sufficient local offsite credits in the short and medium term to support schemes that cannot deliver a 10% gain on site. Generally we are supportive of achieving a 10% net gain on site and will ensure that development leaves more biodiversity than was previously the case.

Live Well Locally

Q27. What are your views on the Council's proposed policy on compact development? Q28. What are your views on the area types and densities proposed as a key driver to Live Well Locally?

This policy is seeking to ensure that new developments are well designed, attractive and healthy places sufficient flexibility should be afforded to the densities of new development to ensure good place making. We consider that flexibility should be applied to these development densities and should be site specific rather than a blanket policy.

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 west of Bexhill 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/

Recognising previous affordable housing delivery issues, it is often medium sized greenfield developments such as this site in Bexhill that are most capable of delivering affordable housing. The landowner and other sites nearby have a proven track record of providing policy compliant levels of affordable housing.

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 – LAND OWNERSHIP PLAN



APPENDIX 3 – HELAA PLAN