



Patrick Durr Associates  
Planning & Development

Our Ref: PD/JAR

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Planning Department  
Rother District Council  
Town Hall  
London Rd  
Bexhill-on-Sea  
East Sussex  
TN39 3JX

Dear Sir

**Rother Local Plan 2025 - 2042 (Regulation 18) – Representation on behalf of Jarvis Homes (South-East) Limited**  
***Site FW2A, Flimwell (formerly HELAA Site TIC0029 and TIC0095)***

I write on behalf of Jarvis Homes (South-East) Limited in support of the allocation of Site FW2A within the emerging Local Plan.

This representation is made in the context of a materially increased housing requirement, significant environmental constraints across the district, and the clear need for the Council to identify robust and deliverable sites. Against that background, the inclusion of Site FW2A is not only appropriate, but necessary to ensure that the Plan is positively prepared, justified and capable of being found sound.

**Plan Context**

In preparing this draft plan, the Council's evidence clearly establishes a significant housing requirement of c. 912 dwellings per annum, driven in part by the revised standard method.

In addition, the evidence base identifies a clear need to provide sufficient employment land and floorspace to support economic growth over the plan period. National policy requires that this is planned alongside housing delivery, ensuring that land of the right type is available in the right locations to support a strong and responsive local economy.

At the same time, Rother faces exceptional constraints, with c. 83 per cent of the District falling within the High Weald National Landscape, alongside extensive environmental and heritage constraints.

As acknowledged within the evidence base, this creates a clear structural tension between housing and employment need and land availability. Contextually, it is necessary for settlements such as Flimwell, despite their location within the National Landscape, to accommodate an appropriate proportion of development where this can be achieved without unacceptable landscape, environmental or heritage harm.

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The Council's evidence confirms a substantial uplift in housing and employment need, materially exceeding historic delivery rates. At the same time, the Plan recognises that a very large proportion of the district is subject to policy and environmental constraints, most notably the High Weald National Landscape.

This combination of high need and constrained supply is fundamental. It requires a realistic and balanced approach, identifying sites that are capable of delivering development without unacceptable harm, rather than seeking idealised or unconstrained opportunities which do not exist in sufficient quantity.

The strategy of directing growth to sustainable settlements, including Flimwell, is both logical and necessary. Site FW2A is a key component of that strategy for both housing and employment opportunities.

### **HELAA Progression**

The progression of the site from HELAA references TIC0029 (residential) and TIC0095 (employment) to the proposed allocation FW2a is a material consideration which should be afforded full weight.

The separation of these uses at HELAA stage has been positively resolved through the draft allocation, which brings forward a coordinated mixed-use scheme. This directly reflects the HELAA's conclusions that development in this location is most appropriately delivered on a comprehensive basis, combining residential and employment uses to address sustainability and accessibility considerations.

The HELAA methodology applies a staged filtering process, including:

- initial site identification and availability
- assessment against constraints (including landscape, heritage, access and flood risk)
- consideration of suitability and achievability
- identification of sites capable of contributing to supply

The site has successfully progressed through each of these stages, which demonstrates that, when assessed against the Council's own criteria, the site is:

- not subject to overriding constraints
- capable of development in principle
- deliverable within the plan period

The subsequent site selection process has appropriately combined the residential and employment components into a single allocation (FW2a), forming part of a wider coordinated development strategy for Flimwell. This reflects a more effective and policy-aligned approach than considering the sites in isolation.

This is directly relevant to the test of soundness. The Plan must demonstrate that it has selected the most appropriate strategy and sites when considered against reasonable alternatives. In this case, the evidence supports not only the suitability of the site, but also the appropriateness of its comprehensive mixed-use allocation.

It is also relevant that a number of sites assessed through the HELAA process in and around Flimwell were discounted due to greater landscape sensitivity, weaker settlement relationship, or technical constraints. Against that context, the identification of FW2a, as part of a coordinated allocation,

reflects a clear comparative advantage and reinforces that it is one of the most appropriate and deliverable opportunities available within this part of the district.

### **Site Characteristics and Settlement Integration**

In spatial terms, the site forms part of a wider, coordinated extension to Flimwell, as identified through allocation FW2. It is not a standalone parcel, but part of a comprehensive mixed-use allocation which integrates residential, and employment uses alongside existing development. The site lies adjacent to established built form and commercial activity, including the existing business area to the west of the A21, and therefore represents a logical and planned expansion of the settlement rather than isolated or sporadic encroachment into the countryside.

The presence of the A21 is an important defining feature. Whilst it currently acts as a physical barrier within the settlement, the allocation responds positively to this through the requirement for improved pedestrian and cycle connectivity. In this respect, the site does not rely solely on its immediate relationship to the existing built form, but forms part of a wider strategy to better integrate the eastern and western parts of Flimwell.

Equally important is the relative position of the site within the wider landscape context. The site does not occupy the most sensitive or exposed parts of the surrounding countryside and is capable of being contained within a defined edge through structural landscaping and appropriate layout. This reflects the HELAA findings that, when considered comprehensively, the site is capable of development without giving rise to unacceptable landscape harm.

The land itself is not subject to significant abnormal constraints and benefits from a form and topography that lends itself to development. Access to utilities and the ability to deliver appropriate infrastructure are implicit within the allocation framework. These are key factors identified through the HELAA process in supporting the site's suitability and achievability.

The draft allocation proposes a residential density of approximately 35 dwellings per hectare. In the context of a mixed-use allocation and the need to optimise the use of land, this is considered appropriate. It strikes a balance between efficient delivery of housing, responding to the Council's increased housing requirement, and maintaining a form of development that can be sensitively integrated into the National Landscape through design, layout and landscaping.

In addition, the inclusion of employment provision within the wider FW2 allocation is a significant benefit. The provision of employment floorspace alongside housing supports local economic growth, reduces the need to travel, and contributes to a more sustainable pattern of development in accordance with the strategic objectives of the emerging Local Plan.

### **Landscape Considerations and National Landscape Context**

The site lies within the High Weald National Landscape, and this is appropriately recognised as a key consideration. National policy requires that great weight is given to conserving and enhancing landscape character. However, this does not preclude development, particularly where it can be accommodated without unacceptable harm and where it forms part of a planned and coordinated strategy.

Paragraph 189 of the NPPF confirms that great weight should be given to conserving and enhancing National Landscapes, and that development should be limited in scale. In this instance, the proposed development forms part of a wider mixed-use allocation (FW2), incorporating both residential development at approximately 35 dwellings per hectare and employment provision. When considered

in this context, the scale and form of development are proportionate and reflect an efficient use of land, whilst still enabling a landscape-led approach to design and layout.

Paragraph 190 of the NPPF addresses major development within National Landscapes. Whether development constitutes “major development” is a matter of planning judgment, having regard to its nature, scale and setting, and the extent of its impact on the purposes of the designation.

In this case, the allocation represents a coordinated extension to Flimwell rather than a standalone or expansive incursion into the countryside. The development is contained within a defined parcel and sits within a landscape context influenced by the A21 corridor and existing built form. On that basis, it is not of a scale or character that would necessarily justify being treated as major development.

Without prejudice to that position, if the allocation were to be considered “major development”, the requirements of paragraph 190(a) are met. There is a clear and significant need for both housing and employment land, and a demonstrable constraint on land supply across the district, with a substantial proportion of land falling within the National Landscape or subject to other environmental and heritage designations. In these circumstances, the allocation of suitable and deliverable sites such as FW2a forms part of a necessary and balanced response in the public interest.

The HELAA and site selection process has concluded that development in this location is achievable, particularly when brought forward as part of a comprehensive scheme. That conclusion is supported by the site’s characteristics and its ability to accommodate mitigation through design.

The site benefits from established boundary vegetation and the opportunity to introduce structural landscaping as part of a coordinated scheme. The draft allocation also requires appropriate buffers, including to areas of ancient woodland, together with a landscape-led approach to layout and design. These measures are both necessary and capable of being delivered.

Whilst there are localised views, including from the A21 and surrounding areas, the site does not form part of a wider open or highly sensitive landscape in longer-distance views. The influence of existing infrastructure and development reduces its prominence and provides a context within which development can be assimilated.

A sensitively designed mixed-use scheme, incorporating native planting, structural landscaping and green infrastructure, will mitigate potential effects and enable the development to integrate appropriately with both the settlement and the wider landscape.

In practical terms, this is a site where landscape effects can be appropriately managed and mitigated through policy requirements and design, and where development can be accommodated without undermining the character or scenic quality of the National Landscape.

### **Sustainability and Connectivity**

The site forms part of a wider mixed-use allocation (FW2) and its sustainability must be considered in that comprehensive context, rather than as a standalone proposal.

It is recognised that the site lies to the east of the A21, which currently acts as a physical barrier within Flimwell and limits direct pedestrian connectivity to existing services and facilities located to the west. This is an identified constraint. However, the draft allocation responds positively to this through the requirement for enhanced pedestrian and cycle connections across the A21 and into the established part of the settlement.

In this respect, the allocation does not simply rely on existing infrastructure but provides a clear mechanism to improve connectivity and integrate the site with the wider settlement over time. This is consistent with the HELAA conclusions that development in this location is most appropriate when delivered comprehensively, including measures to address accessibility.

Importantly, the mixed-use nature of the allocation materially strengthens its sustainability credentials. The inclusion of employment provision alongside residential development reduces the need to travel, supports local job creation, and contributes to a more balanced and self-contained pattern of development. This is a key distinction from a purely residential extension and aligns with the strategic objectives of the emerging Local Plan.

Flimwell is identified within the draft Local Plan as a settlement where limited and carefully planned growth can be accommodated. The allocation of FW2 reflects a deliberate strategy to direct development to a location where it can be planned comprehensively, rather than allowing piecemeal or less sustainable alternatives to come forward elsewhere.

The site's relationship to the A21 corridor also provides a degree of accessibility to the wider area, including connections to nearby settlements. Whilst this does not substitute for local accessibility, it forms part of the overall connectivity profile of the site.

Overall, whilst there are existing constraints in terms of connectivity, these are recognised and appropriately addressed through the allocation. The combination of improved pedestrian and cycle links, alongside the provision of employment uses within the site, ensures that the development can function as a sustainable and integrated extension to Flimwell over the plan period.

### **Deliverability**

Jarvis Homes confirms that the site is available, free from ownership constraints and capable of delivery within the plan period. There are no known fundamental technical or viability barriers that would prevent the site coming forward.

The allocation forms part of a wider coordinated development (FW2), and its delivery is appropriately framed within that comprehensive approach. Whilst infrastructure requirements, including highways improvements and connectivity enhancements, will need to be addressed, these are clearly identified within the draft allocation policy and are typical of developments of this scale.

The site is capable of contributing to both housing and employment delivery within the plan period. The mixed-use nature of the allocation provides flexibility in delivery and supports a phased approach, allowing different elements of the scheme to come forward in a coordinated but viable manner.

In this context, the allocation represents a realistic and deliverable proposal of the overall development strategy. It is not reliant on speculative or uncertain infrastructure provision but instead is supported by clear policy requirements that can be addressed through the planning and design process.

Given the scale of housing and economic need, and the limited number of suitable and deliverable sites, allocations such as FW2a are not optional components of the supply. They are integral to the delivery of both housing and employment objectives within the Plan.

The removal or downgrading of such allocations would materially undermine the Plan's ability to demonstrate a deliverable and balanced supply of development land and would create a clear risk of the Plan failing the tests of effectiveness and soundness at examination.

## **Soundness**

The allocation of Site FW2A is necessary to ensure that the Plan meets the tests of soundness:

- **Positively prepared:** The Plan must respond to a significantly increased housing requirement, alongside identified economic needs. Given the extensive environmental constraints across the district, these needs cannot be met without the inclusion of coordinated mixed-use allocations such as FW2.
- **Justified:** The HELAA and site selection process demonstrates that development in this location is appropriate when delivered comprehensively. The consolidation of HELAA sites TIC0029 and TIC0095 into a single mixed-use allocation reflects a more effective and policy-aligned solution when considered against reasonable alternatives, many of which have been discounted due to greater landscape sensitivity, weaker settlement relationship, or technical constraints.
- **Effective:** The site is available and capable of delivery within the plan period as part of a coordinated scheme. The allocation benefits from a clear policy framework, including infrastructure and connectivity requirements, which supports a phased and deliverable approach to both housing and employment provision.
- **Consistent with national policy:** The allocation supports sustainable development by combining housing and employment uses, promoting a more balanced pattern of growth, and making efficient use of land, in accordance with the NPPF.

In the absence of allocations such as FW2a, there is a clear risk that the Plan would fail to demonstrate a deliverable and balanced supply of development land, undermining both its effectiveness and overall soundness at examination.

## **Conclusion**

Site FW2a has been identified through a robust evidence base, has progressed through the HELAA and site selection process, and forms part of a coordinated mixed-use allocation at Flimwell.

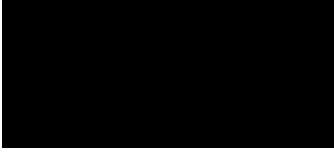
It is capable of being delivered as part of a comprehensive scheme, accommodating development without unacceptable landscape harm, and supported by a clear and credible delivery framework. It will make an important contribution towards meeting both housing and employment needs within the district.

The allocation is integral to a sound and deliverable strategy. Its removal or downgrading would materially weaken the Plan and create a clear risk of it being found unsound at examination.

In these circumstances, Site FW2a should be retained and progressed to the Regulation 19 stage without amendment.

Thank you.

Yours faithfully



**Patrick Durr LLB AssocRICS**