

Rother Local Plan 2025–2042
Development Strategy and Site Allocations
Regulation 18 Consultation
January 2026

Response Form

8 week public consultation period: 26th January – 23rd March 2026

Rother District Council is inviting residents, businesses, and stakeholders to take part in a vital consultation on its emerging Local Plan.

The consultation period runs for eight weeks from Monday 26th January to 5:00pm on Monday 23rd March 2026.


The Draft Local Plan and all of its supporting evidence base documents can be found and commented on via the Council's website at www.rother.gov.uk/draftlocalplan2026.

The Council prefers to receive your consultation responses via our website.

You may also respond by email or post by filling this form and then sending it by email to draftlocalplan@rother.gov.uk or by post to Planning Policy, Rother District Council, Town Hall, Bexhill-on-Sea, TN39 3JX. Please note that submissions made via post will not receive confirmation that they have been received.

If you are using this form, please state which consultation question(s) you would like to respond to. These questions are found in the draft Local Plan. They also have been attached to the end of this form for your reference.

Personal Details – You must provide these details for us to accept your consultation response

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Agents Details or Other Details (if making a representation on behalf of the above consultee)

	Please enter your details
Title	
First Name	
Surname	
Job Title (where relevant)	
Organisation (where relevant)	
Address	
Post Code	
Email address	

Privacy Policy Statement

Rother District Council is committed to ensuring that your privacy is protected and will only use and store your personal data in line with the General Data Protection Regulation 2016 and the Data Protection Act 1998. We collect and use your personal data in order to provide services you have requested from us or to carry out our legal obligations to you. We will not disclose your personal data to any third parties, unless we need to do so to provide a service to you or we are legally required to do so. We may share your personal data with other Council departments in order to provide the service you have requested and to ensure that the information we hold about you is accurate and up to date. Our Privacy Policy sets out how we collect, use and securely hold your data and can be viewed on our privacy policy page at <https://www.rother.gov.uk/data-protection-and-foi/privacy-policy/>. If you want more information on how a particular Council service uses your personal data, please view the Privacy Notices at the bottom of the above privacy policy page.

Please be aware that any comments you submit cannot be treated in confidence as the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, requires copies of all representations to be made publicly available. The Council will publish names and representations on its website, but will not publish personal information, such as telephone numbers, emails or private addresses. By submitting a representation you are accordingly confirming that you agree to this and accept responsibility for your comments.

Please write your comments below. Please indicate in the left-hand column which question you are responding to. This will help ensure that your response is considered correctly. Please continue on a separate page or sheet of paper if necessary.

Question Number	Your Comments
1)	<p>Sea Change Sussex as a local not-for profit economic regeneration company welcomes the council's ambition of Creating Economic Prosperity.</p> <p>We would suggest that the Strategic Spatial Objective should in addition to seeking to meet the needs of local businesses, should also seek to provide an attractive environment for Inward Investment into the town.</p> <p>In our experience, areas which seek to attract inward investment through policy also see benefits for local business, as this approach often encourages policy to look beyond the boundaries of the local market and consider the attractiveness of the location for investment relative to alternate locations outside the local market area. The approach often results in improved retention of major employers and greater potential for economic growth, as the same factors that make a location attractive for inward investment often make a location attractive for businesses to remain and grow within an area.</p>
2)	<p>Sea Change Sussex has observed with proposed allocations this far below the Identified housing need (National Housing Method) that developers are likely to seek to incorporate housing into other development sites.</p> <p>Consideration should be given to the impact this pressure will have on the availability of windfall sites for employment uses, and changes of use under permitted development rights from employment uses to residential to meet housing demand given the differential in values.</p> <p>With these factors in mind policy should provide adequate employment allocations to accommodate both traditional employment uses and other employment generating uses that may be displaced by conversions.</p>

Question Number	Your Comments		
3	<p>We believe there is a need to update the retail need assessment for the local plan as the current document is in our view not reflective of current market conditions which have evolved considerably since it was produced in June 2023. We note also that while a 2023 report this document considers need based on market evidence from 2022, making it more historic than the document may initially appear.</p> <p>There have been significant changes in the market since this evidence base was prepared. Significant Multiples that have gone into administration since this report was researched included</p> <table border="1" data-bbox="397 669 1386 1041"> <tbody> <tr> <td data-bbox="397 669 898 1041"> <ul style="list-style-type: none"> • Carpetright, • Hitchcock & King Enterprises Limited, • Quiz Clothing, • New Look (Irish operation liquidated, UK restructured), • Pepco, • Claire's • GAME¹. </td> <td data-bbox="901 669 1386 1041"> <ul style="list-style-type: none"> • Wilko, • Homebase, • Poundland, • Lloyds Pharmacy, • Body Shop, • Ted Baker, • NCP Car Parks </td> </tr> </tbody> </table> <p>These administrations have seen some well-known names disappear over the past few years while others have restructured or been acquired by other retailers, with stores like M& Co returning to some highstreets following administrations.</p> <p>As a result of these changes in the market, there have been many retailers that have taken advantage of opportunities to expand and restructure their retail offering, with out-of-town retail parks seeing some of the most significant changes to retail line ups across many parks in recent years given space availability in the wake of these administrations.</p> <p>We would highlight that despite its heavily independent nature event Bexhill town centre have seen significant retailers change since the report was produced with WH Smith becoming TG Jones, Cliton cards, Lloyds Bank, HSBC and M&Co having left the town centre.</p> <p>The significant changes in the market have resulted in changes to retail strategies across the sector, that have had material impact upon market demand and property demand within the sector. As such a 2023 report based upon data collected in 2022 is unlikely to provide a current understanding of the retail market.</p> <p>Potential Underestimation of Retail Demand</p>	<ul style="list-style-type: none"> • Carpetright, • Hitchcock & King Enterprises Limited, • Quiz Clothing, • New Look (Irish operation liquidated, UK restructured), • Pepco, • Claire's • GAME¹. 	<ul style="list-style-type: none"> • Wilko, • Homebase, • Poundland, • Lloyds Pharmacy, • Body Shop, • Ted Baker, • NCP Car Parks
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¹ Full list available from Centre for Retail Research <https://www.retailresearch.org/whos-gone-bust-retail.html>

Question Number	Your Comments
	<p>Our own marketing of sites within Bexhill has identified over 290,000 sqft of demand for retail space, which leads us to believe that the retail study significantly underestimates retail need and demand.</p> <p>In considering demand for sites from a retail perspective, it is important to consider wider demand factors on both a quantitative and qualitative basis including.</p> <ul style="list-style-type: none"> • Average size of available units vs. size of typical requirements • Average age of available units • Grade of space available • Overall Vacancy Rate • Vacancy rate of units within requirement ranges • Ability to secure retailers based on known requirements (Track Record) • Loss of space to alternative use • Forecast Housing Growth over the plan period • Effective placemaking (from both the retailer and shopper perspective) <p>It is our opinion that in addition to the retail study being dated that it fails to adequately and fully address the quantitative and qualitative drivers of need for retail space. Our concerns on these matter centre around the supply of suitable of space for retailer needs, track record of current approach in meeting demand, loss of space to alternative uses, adequate provision for proposed and recent housing expansions within northeast Bexhill. We have provided a short summary on each of these concerns below.</p> <p style="text-align: center;">Concerns over supply of suitable of space for retailer needs</p> <p>While Bexhill Town Centre and Ravenside Retail Park remain viable retail locations, they do have weaknesses that are accurately identified within the retail study, notably among these is that despite below average rates of vacancy, there are a number of units that have remained persistently empty, and the centres have not attracted many new large multiple retailers to the town in recent years.</p> <p>As is demonstrated by our own experience of enquires, which extends to requirements for over 270,000 Sq. ft, and the requirements identified in 2022 within the retail study, there is a demand for space. It is therefore reasonable to conclude that retailers may have found this space unsuitable for their needs.</p> <p>In our opinion there are two notable factors that present a barrier to greater uptake of retail space across the town and wider area.</p> <ol style="list-style-type: none"> 1. There is a misalignment between available space and property requirements with the average urban unit size being just 1,871

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	<p>sqft², which is considerably smaller than most of the retailer requirements, that we are aware and that were available at the time of the retail study.</p> <p>2. The space available is not suitable for retailer needs, as highlighted in the retail study there is an issue with persistence of certain units remaining empty, suggesting that this may be an issue with the suitability of units or their condition. Given the age of much of the stock in Bexhill Town Centre it is likely that some of these units may be difficult to bring back into retail use. It is also likely that Ravenside Retail Park may increasingly be seen as less attractive retail park location for new requirements given the age of units (1980s) at the park, access constraints and DIY heavy line up of retailers.</p> <p>In short, while there have been units available these appear to have been aging units that where available have not been well aligned to serve market demand, indicating that uptake may be constrained more by nature of the available space than demand.</p> <p>Concern over track record of current approach in meeting demand</p> <p>As noted above we are concerned that the space within the town and surrounding areas is not well aligned with the needs of retailers and that this misalignment may damage the potential for Bexhill to grow as a destination.</p> <p>We are concerned by the failure to attract more large multiple retailers that pull shoppers to the town as a retail destination. In terms of track record, the pattern of failing to convert requirements into retailer presence within the town is concerning as it appears none of the requirements outlined within table 1.5 of the Retail study have been accommodated within the town, while at the same time the town has lost several multiple retailers.</p> <p>This low conversion rate in terms of lettings across the town, is a further indicator that the market constrained more by nature of the available space than demand.</p> <p>Concern over loss of space to alternative uses</p> <p>As the identified housing need (national standard method) stands at 15,504 homes with allocations provided in the draft local plan for 8,427 meeting only 54% of need within the district.</p> <p>Our understanding is that based on draft policy text 3.23 is that there are no neighbouring local planning authorities currently in a position to</p>

² Based on figures taken from tables 96 and 97 of the Rother and Hastings HEDNA Update February 2024

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	<p>accommodate any unmet needs arising in Rother. This leaves an unmet housing accommodation need of 7,077 homes across the 17-year plan period or an annual housing accommodation shortage of 416 homes per annum, assuming no shortfalls or delays to delivery.</p> <p>With estimated need being 184% of delivery, it is likely that demand for housing will outstrip supply, driving up prices and commercial pressure for change of use on existing retail and employment premises and sites allocated for such uses at low density. Given the NPPF and National Planning Policy Guidance treat housing need as a minimum figure it is likely that RDC will have limited ability to oppose such applications unless it meets housing need.</p> <p>As recognised by National Planning Policy Guidance where such needs are not met affordability pressures increase, which will in turn place pressure on sites allocated for other uses and premises capable of conversion under permitted development rights. We would highlight that the towns existing supply of retail and other commercial spaces are likely to come under pressure via changes of use under permitted development class MA.</p> <p>We would suggest that this approach creates a need for the quantum of space allocated for commercial and employment uses, including retail, industrial, and offices, to be increased above the levels that would normally be identified by standard approaches to account for potentially higher losses to change of use than would typically be expected.</p> <p>We note that this draft policy seeks to provide for such eventualities through the widening of uses on this site, which we are supportive of. We would suggest that the retail study should be updated to take account of these factors in support of this approach and would be happy to provide supporting information to RDC in this regard.</p> <p>Concern over adequate provision for proposed and recent housing expansions within Northeast Bexhill</p> <p>Having reviewed Volume B: Assessment Appendices of the retail impact assessment we note that the methodology used to assess the retail needs based upon population growth bases this upon East Sussex County Council Projections which appear not to take new housing into consideration.</p> <p>This is evident as Table 1a utilises an estimated population increase of 1,446 people by 2039, despite the draft local plan allocating up to 2119 new homes in this area, and there already having been considerable expansion to housing stock locally.</p>

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	<p>Based on the average household size in the 2021 census for Rother of 2.17 people we would suggest that a population increase in the region of 4,598 people would be a more realistic population growth figure for this area, taking into account only the allocated sites, and not accounting for the bias towards larger family type dwellings within these developments.</p> <p>Our view is that underestimating the population growth in this location has led to an underestimation of the need to provide leisure and amenity uses alongside this expanding population. We would suggest that there is a need that has been missed because of underestimation in population forecasts, relied upon in the draft plans production.</p> <p>We believe that this need will largely be focussed in the Northeast Bexhill area given the extent of housing development both proposed and currently underway in the area, and the preference both in sustainable development terms and in shopper preference (as evidenced by the retail study survey responses) is for retail provision to be made locally.</p> <p>Summary</p> <p>In summary, we believe that the town’s retail offering will require some expansion to meet the needs of residents within the significant volumes of new housing allocated for the town, to avoid the creation of dormitory neighbourhoods on the edge of the settlement and the need for those working in employment sites allocated for the location to drive to access F&B offerings.</p> <p>Despite having marketed the sites in Bexhill primarily for traditional employment uses when we have opened the marketing up to other potential employment generating uses, demand from retailers seeking units that cannot be accommodated within existing units has been significant. We consider the site on Mount View Street the most suitable for retail development given existing road capacity, pedestrian and public transport infrastructure.</p> <p>A retail development in this area would have significant placemaking advantages, linking the employment allocations, to the neighbouring housing developments and the coombe valley hospital, providing an opportunity to form a neighbourhood that serves a mix of employment, leisure, health and housing needs.</p> <p>In short we believe that allowing retail on this site will meet a local need that has been underestimated within the evidence base, and are therefore supportive of this potential use being included within the allocation as part of a widening of the allocated uses.</p>

Question Number	Your Comments
4	<p>We believe that it is important that traveller provision is provided upon suitable sites with allocations focused upon suitable sites with willing landowners.</p> <p>We confirm that due to ongoing issues with unauthorised encampments across our landholdings we are not willing to make land within our ownership available for this use.</p>
5	<p>SCS would raise the need for utilities to be actively engaged with in the plan making process, with particular emphasis on UK Power networks given the scale of proposed electricity demand generated by the proposed developments.</p>
6	<p>We believe that the option of development within the strategic gap between Hastings, St Leonards and Bexhill, is an option that should be seriously considered given the integrated nature of the two local economies which is recognised within the HENDA.</p> <p>There are areas that have been allocated, protections within this that appear to artificially constrain settlements that would otherwise form part of a larger singular integrated conurbation.</p> <p>Given that the three settlements are heavily economically integrated the sustainability of retaining the strategic gap as a policy should be considered as it creates a pattern of development that encourages longer journeys and reliance on private cars.</p> <p>Given the nature of the strategic gap in some locations previously not considered for development due to this policy are otherwise well suited to sustainable development.</p>

Question Number	Your Comments
7	<p>Sea Change Sussex would urge caution in carrying forward employment densities from the DASA as these set densities at a level well below the normal range for commercial development and below the levels supported by the HEDNA.</p> <p>We would point out that the previous outline planning permission for the Bexhill enterprise park sites was reduced in density to comply with aspirations of the planning officers at the time to develop the park at rural densities. Such an approach is not consistent with the Evidence base prepared for this local plan or National Planning Policy requirements for the Making effective use of land (Chapter 11 – NPPF).</p> <p>For example, the development of phases 1 & 2 of the Bexhill Enterprise Park has been only 17.2% site density, and required grant assistance to come forward, with the overall outline planning permission reduced to an overall density of 23% across the site at local authority request. This density is significantly below market norms and the scenarios considered within the HEDNA. The current policy could therefore be said to deliver ultra-low-density development.</p> <p>We would suggest that densities permissible on should be reviewed in line with the principles of Making effective use of land contained within Chapter 11 – NPPF, with particular focus on the impact of ultra-low density development on servicing costs in line with requirements under paragraph 129 to consider local market conditions and viability, which have with the reduction in funding available and increase in construction costs made such ultra-low density patterns of development less viable.</p> <p>Having considered prevailing market conditions we would suggest that the adoption of the HEDNA’s 40% development density scenario across employment sites would better reflect the NPPF’s strong emphasis on making the effective and efficient use of land.</p> <p>A site coverage of 40% for employment development is consistent with the NPPF as it:</p> <ul style="list-style-type: none"> • Ensures that land is used efficiently without resulting in over-intensification that could compromise design quality, amenity, infrastructure, or operational functionality. • Aligns with the NPPF’s requirement that local plans support sustainable economic growth, including the provision of suitable land for business and industrial uses that meet objectively assessed needs • Allows for the delivery of appropriate operational space including yard space for HGV access, alongside green and blue infrastructure across the site. • It ensures that underutilised land is avoided and the capacity of allocated employment land is not diluted, which is a key consideration when authorities assess whether land should be re allocated to alternative uses (the PPG explicitly guides on such evaluations). <p>[gov.uk]</p>

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	<p>A target plot ratio of 40% would also arguably bring commercial development densities more in line with densities established around the rest of the UK which are often 40% or above, helping to support the viability of infrastructure works required to service sites.</p> <p>While commercial development densities are less often studied than residential for context, we would refer the council to several studies that provide supporting evidence that 40% is a very typical employment development density.</p> <ol style="list-style-type: none"> 1. The London Employment Sites Database 2021³ cites a typical development density for industrial development in the leafy outer suburbs of 60% rising to 90% for office uses 2. Northumberland Employment Development Technical Paper June 2016⁴ typical cited development densities for B1c, B2 and B8 of between 40% to 60% 3. Coventry, Solihull & Warwickshire Sub Region Employment Land Study June 2007 adopted a density of 70% for out-of-town offices and 40% for industrial uses⁵ 4. Rochford District Council October 2008 Employment Land Study adopted 40% for industrial and 80% for offices.⁶ 5. Winchester City Council Employment Land Study July 2024 adopts A plot ratio of 0.7 (70%) for B1a office and 0.4 (40%) for all other uses⁷ 6. Employment and Economic Study Eastbourne and Wealden April 2022 adopts a 0.5 (50%) plot ratio for office, R&D and B8 uses with a 0.4 (40%) plot ratio for B1c and B2 industrial uses⁸. 7. Ashford Employment Land Review: Site Assessments (2016)⁹ also adopts a 40% plot ratio. 8. Shepway Employment Land Review adopts a 0.4 (40%) plot ratio for Industrial (B1c/B2/B8) uses and a 0.5 (50%) plot ratio for out-of-town Offices (B1a/b), raising to 2.0 for town centre locations (N.B. Shepway District Council was officially renamed Folkestone & Hythe District Council in April 2018)

³ [London Employment Sites Database 2021](#)

⁴ [\[northumber...and.gov.uk\]](#)

⁵ https://www.rugby.gov.uk/documents/d/guest/lp_16_coventry_solihull_and_warwickshire_employment_land_study_june_2007_-pdf?download=true

⁶ https://www.rochford.gov.uk/sites/default/files/2022-11/planning_evi_base_employment_land_study.pdf

⁷ <https://www.localplan.winchester.gov.uk/LibraryAssets/attach/188/Employment-Land-Study-July-2024.pdf>

⁸ https://www.lewes-eastbourne.gov.uk/media/2520/Eastbourne-and-Wealden-Economic-Study-Report-April-2022/pdf/Eastbourne_and_Wealden_Economic_Study_Report_April_2022.pdf?m=1685540033117

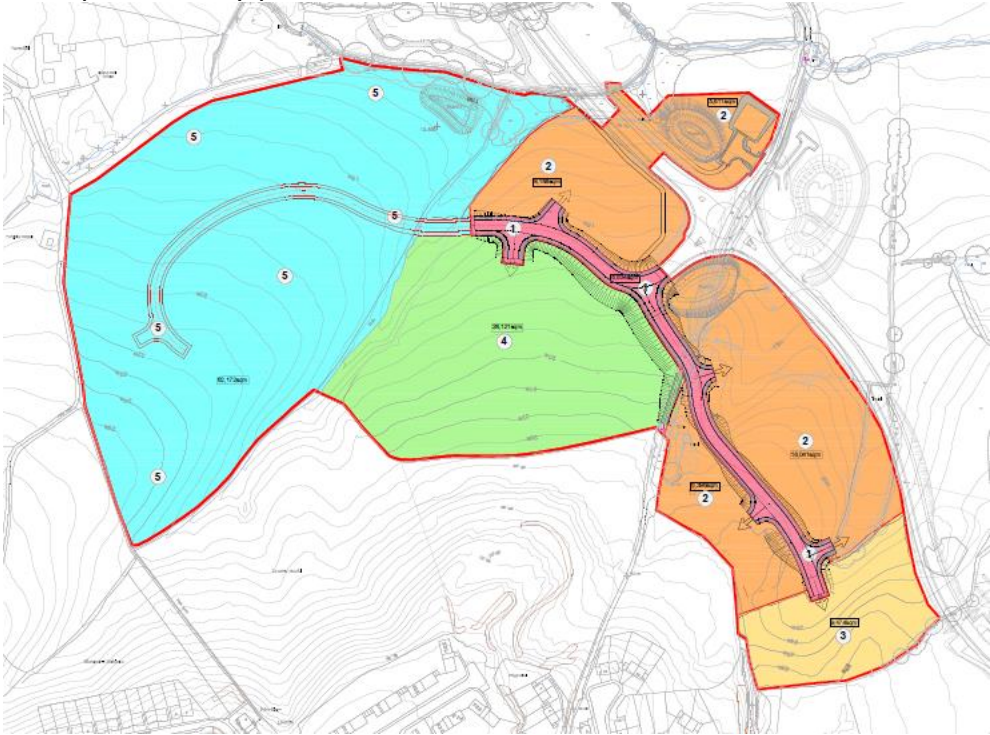
⁹ <https://www.ashford.gov.uk/media/xnhfhg3w/employment-land-review-site-assessments.pdf>

Question Number	Your Comments
	<p>9. The South Downs National Park Employment Land Review January 2026 also incorporates industrial land requirements based on a 40% plot ratio</p> <p>10. Northern West Sussex Economic Growth Assessment for Mid Sussex : Addendum - 10 February 2026 also assumes plot ratios of 40% for industrial use and 50% for office use.¹⁰</p> <p>We believe that these studies evidence that a 40% plot ratio is at the lower end of what has been considered appropriate across the Country and that the Development brought forward in line with previous DASA policies, is considerably below the density of development seen in all neighbouring local authorities.</p> <p>We would consider policy that encourages ultra-low-density development contrary to current national planning policy and therefore in need of review, and would highlight the duty under paragraph 129 to consider local market conditions and viability as part of this process highlighting that policies which impose Ultra-Low-Density patterns of development place the district's employment sites at a distinct commercial disadvantage over neighbouring authorities, all of which have adopted policies based on 40% plot ratios supported by their evidence bases.</p> <p>Given the competitive nature of the market in terms of attracting inward investment and retaining major employers we would strongly recommend consideration is given to adjustments to policy to allow development to make more effective use of land, so that the sites within the district are no longer placed at a competitive disadvantage to its neighbours, and to other local authorities across the UK.</p>
9	<p>As outlined within our response to question 3 we have concerns over the quantum of commercial space required to meet demands associated with the new housing and the corresponding population growth.</p> <p>We welcome the allocation of additional land but consider that more land may be required if sites are to serve as the commercial elements to an urban extension scale project such as this.</p> <p>In our view development at below 40% plot ratio as suggested in some parts of the HEDNA would be challenging in viability terms as the costs of servicing the sites would be excessive relative to the values unlocked.</p>

¹⁰ <https://www.midsussex.gov.uk/media/c0wofltr/ed7-economic-growth-assessment-update-2026.pdf>

Question Number	Your Comments
10	<p>As outlined in our responses to questions 3 and 9, we believe that the total employment and commercial floorspace should be considered carefully taking into account the wider uses proposed on some allocations, and discrepancies in population forecast.</p> <p>We would question the status of the Combe Valley Countryside Park and how objectives will be achieved given its non-statutory status and the lack of public ownership across much of the designated area. Policy should consider providing suitable means for landowners to see benefit from participating in projects that seek to enhance the policy objectives.</p>
17 – BX35	<p>We support the retention of the remaining parts of this employment site, which has started to develop at pace following the completion of key services infrastructure to the site.</p> <p>There are however several ways in which we would suggest this policy may be improved to allow for a more responsive delivery of employment space in line with market demand. These include.</p> <ol style="list-style-type: none"> 1. Removal of site the wide master plan and site wide strategy ambitions from policy 2. Proposed development density of only 25% 3. The omission of Phase 3 from the draft allocation <p>Our position in respect to each of these areas of policy are outlined under the subheadings below.</p> <p>Removal of site the wide master plan and site wide strategy ambitions from policy</p> <p>The master planning and site wide strategy ambitions in relation to this site was introduced after the site originally gained outline planning permission and while accepted at for inclusion at the DASA local plan examination the concept of applying such requirements retrospectively to developments that had already gained planning permissions without master plan conditions attached to them was rejected by the planning inspectorate at appeal on the determination of the phases now on site.</p> <p>The existing permissions provide a pattern for much of the on-site infrastructure having addressed drainage ecology and other matters on a site wide basis, and the remaining land is sited in a largely self-contained area screened on most sides by trees or the previous phases of industrial development.</p> <p>The allocation therefore covers only some of the remaining portions of the site with the site infrastructure largely delivered to serve multiple phases of the development, meaning that this would create a policy requirement for a retroactive masterplan at a point where the primary benefits of master planning have already passed.</p> <p>In our view imposing a masterplan or other site wide requirements over a site at this stage would be counterproductive to delivering development and economic growth, with few if any benefits given that the sites ownership and control have already started to fragment given that development has already commenced.</p>

Question Number	Your Comments
	<p>We would highlight that the attempt to impose the masterplan requirement via the DASA has been one of the key delaying factors in the pace at which this development has moved forwards to date, and having been rejected as a requirement at appeal, has had no positive impacts but rather delayed progress, alienated key stakeholders, created barriers that have put funding at risk and posed a significant unnecessary burden upon the development.</p> <p>It is our view that the demand in this location will need to be supported by occupier and funder requirements with no public funding available for the foreseeable future, and suggesting that the development will need to be replanned despite established infrastructure and layout patterns across the site, will create unnecessary risk and complexity within the planning process that will be a deterrent to interest in the remaining sites.</p> <p>We believe that this is an unnecessary requirement carried forwards from historic allocations, and that master planning is a process that should only be considered for commercial development at the start of a development process and on a very flexible basis as it restricts ability to respond to rapidly changing demand. It is not appropriate on sites that are already part developed, with established infrastructure and connectivity in place.</p> <p>There is in our opinion no reason why such a requirement should be imposed upon a part complete development, and no advantage to master planning from this stage of development. As the site is being marketed as serviced parcels, proposals are likely to come from different parties on each of the development plots, who will not have the ability to agree site wide strategies, practical implementation of such a development policy would also be impractical and potentially impossible to achieve.</p> <p>Proposed development density of only 25%</p> <p>As outlined within our response to question 7 on densities we would caution against carrying forward the limiting ultra-low-density development policies of the DASA. The plot ratio of the proposed allocation carried forward is just 25% meaning that for the volume of land used the quantum of employment development delivered would be at least 37.5% below the quantum of employment delivered in any surrounding district on a comparably sized site, with a significantly larger differential to many areas i.e. 50% less office space than could be delivered on a similarly sized site in Eastbourne or Wealden.</p> <p>Allocating sites at such a low density fails to take account of NPPF requirements for the efficient use of land and places the sites and the district at a considerable disadvantage in the market to attract and retain major employers, and investment. In simple terms the impact of this policy is if a major employer were looking to build a new office in East Sussex and were choosing between sites in Bexhill or Eastbourne the amount of land associated servicing costs of developing in Bexhill are roughly twice that of developing the same size of office in Eastbourne.</p> <p>As many companies do consider these two settlements, as potential options with Eastbourne being a viable relocation option for many companies in Bexhill, the policy requirement for such low densities presents a barrier to investment and a significant risk in terms of retaining major employer in the town.</p>

Question Number	Your Comments
	<p>We would propose that it would be sensible to consider allowing developments at densities of 40% for industrial and other employment uses with higher densities considered for offices given their smaller footprint per sqm of employment space when arranged on multiple floors. This would bring the plot ratios for development in Rother District back within the normal commercial development density range seen across the country and place development land in the district on a level playing field with nearby alternative locations.</p> <p>In addition to removing the problematic commercial barriers to development implemented by the current DASA policies, there are notable sustainability advantages to developing buildings at conventional commercial development density vs. ultra-low-density commercial development as values in the commercial development market are driven by lettable area. As a result, higher density development is often capable of delivering higher quality development overall as costs associated with the construction of associated infrastructure are supported by higher gross development values per acre, this allows greater scope for the inclusion of sustainable building features into developments.</p> <p>The omission of Phase 3 from the draft allocation</p> <p>The site as included within the draft allocation omits phase 3 of development site shown yellow below, included within the outline planning permission. We believe that this is likely due to the inclusion of notional buildings within the Westcott Leach planning application on this plot at the request of the development control officers, which may have led to confusion occurring over the scope of development already permitted.</p>  <p>We have included this phase as an additional site we believe should be included within allocations in our responses to question 18, as this appear to us to be an omission.</p>

Question Number	Your Comments
17 – BX47	<p>We welcome the retention of this site within the local plan, and the widening of potential uses for the site given that it has been marketed for conventional office and industrial type employment uses for an extended period of over 10 years. During which time demand has been limited, having largely been met over that period by developments carried out on other parts of Bexhill Enterprise Park.</p> <p>At this point the site is well serviced with the initial NEBGR and NBAR phases of the project having delivered Mount view street and Haven Brooke Avenue, along with all necessary infrastructure to service the site, and provide public transport connections, making the land effectively a serviced development parcel, with all essential supporting infrastructure in place for development.</p> <p>Commercial Demand</p> <p>Despite having market this site for many years exclusively for office or industrial uses we have received repeated enquiries for from other commercial employment generating uses including retail.</p> <p>Having seen a notable reduction in office space demand post Covid-19, which included the shelving of plans proposed for this site, we recognised the need to keep these key sites in Bexhill moving forward to avoid the negative impacts of failing to deliver growth now in hope of marginally more growth in future. We have therefore revisited the interest and have started to explore alternate employment generating uses.</p> <p>We believe that retail and leisure are among highest employment generating use that could be delivered upon this site and have explored this opportunity following approaches from multiple national PLC retail outlets.</p> <p>We are aware that the retail study carried out in support of this plan indicates no need for this space, we have highlighted several issues with the assessment carried out in our response to question 3 which include.</p> <ul style="list-style-type: none"> • Significant changes in the market since the retail study was undertaken.

Question Number	Your Comments
	<ul style="list-style-type: none"> • The apparent underestimation of local population growth within the methodology used, and • The enquiries for over 290,000 sqft of space we have received. <p>In light of these issues, we consider the retail study’s assessment of demand no longer reflective of current market demand, and that there is demonstrable demand for such offering in this location.</p> <p>We are aware that most of the retailers that have approached us also consider this to be the only suitable site within the town currently available as their store sizes are significantly larger than any units available within the town centre or achievable on any existing sites within the town.</p> <p>We believe that the widening of uses considered on the site is in alignment with national planning policy, and a sensible step to allow development to come forward within relatively short timescales.</p> <p>While we support this allocation there are several concerns we have with some of the site-specific requirements, these primarily relate to policy requiring disproportionate development contributions from the site via site specific policy and though CIL rates that are among the highest in the country, and the use of blanket ecological buffer policies.</p> <p>Concern over development contributions</p> <p>The proposed draft policy in our opinion fails to recognise the site as part of a multi-phase development that has already contributed millions of pounds to local infrastructure, through the construction of the road network including Mount View Street, and provision of land for sewerage purposes that serve the wider urban extension.</p> <p>The policy as drafted seeks substantial contributions to infrastructure, highways, and seeks to specify the inclusion of a public car park use within development to serve the Countryside Park.</p> <p>We consider that the contributions sought under the draft policy to lack specificity and potentially excessive given those already made in previous phases, future CIL liabilities and consider the imposition of on-site use requirements to support infrastructure needs not generated by the site including the needs of the Countryside Park to be potentially unlawful.</p>

Question Number	Your Comments
	<p>We are also concerned about the management implications some aspects of this policy impose public use upon private property, and how the commercial funding markets may treat the additional risk that such a policy requirement would impose.</p> <p>Our concerns are expanded upon in the subheadings below.</p> <p><u>Concerns over lack of specificity to planning obligations</u></p> <p>The policy as drafted incorporates references to a number of unspecified infrastructure contributions including that proposals “<i>Make car and cycle parking available for visitors to the Combe Valley Countryside Park</i>” National Planning policy guidance states that “<i>Policy requirements should be clear so that they can be accurately accounted for in the price paid for land</i>”¹¹.</p> <p>No information is available on the scale of parking required and such information cannot be obtained by conventional assessment methods based upon the quantum of development as the need is entirely unrelated to any on site development. Without this level of detail, it is not possible for developer to take the cost of complying with this policy requirement into consideration. The policy therefore in this aspect fails to meet the requirements of NPPF paragraph 35 that plans should set out the contributions expected from development.</p> <p>This could be resolved by removing requirements from policy where the requisite level of information to include them in costings cannot be included in policy or reasonably be estimated based upon the development itself.</p> <p><u>Asset management concerns</u></p> <p>The requirements of this policy to provide car parking for the unrelated council development of the countryside park are highly unusual and would present issues in the funding and management of any development on the site.</p> <p>From a management and operational perspective most, commercial developments require parking in a retail setting to have a turnover to allow shoppers to easily access the property and leave within a reasonable time typically enforced by 3–4-hour parking restrictions.</p>

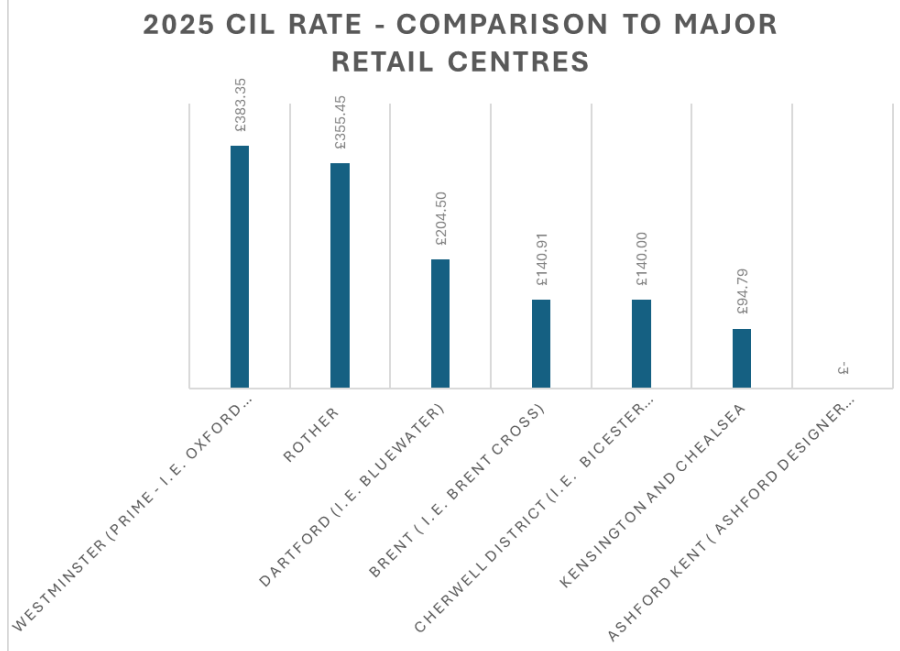
¹¹ <https://www.gov.uk/guidance/viability>

Question Number	Your Comments
	<p>Whereas office and other employment uses operate on basis of parking permits, access control, or in smaller business locations company knowledge of who has permission to park within their allocated spaces.</p> <p>Unregulated public parking within these estates often poses issues with risks of fly tipping abandoned vehicles and unauthorised encampments, all of which are viewed by occupiers as a drawback to the location.</p> <p>The lack of ability to manage and actively control such issues in the normal manner without council approval would be considered a material risk by funders and investors that would be reflected in investment yields reducing the market for such an investment, its viability, and deliverability very significantly.</p> <p><u>Viability</u></p> <p>The commercial development at North East Bexhill forms part of a multi-phase development which has included the construction of both Mount View Street and Coombe Haven Avenue, with millions of pounds of private sector funding for these infrastructure projects having been provided on the understanding that these phases were the advance provision of infrastructure to serve the Enterprise Park.</p> <p>All infrastructure was designed to meet the capacity needs of the enterprise park in full, as such any contributions sought should take account of the infrastructure provided and the costs associated with this provision within the contributions sought.</p> <p>In our opinion a multi-phase viability appraisal is appropriate for assessing the viability of any contributions on these sites, which should include developers' costs for all phases, costs of finance, future CIL liabilities and account properly for delays caused by the local planning authority failing to determine applications for key conditions.</p> <p>Given that this forms part of the largest strategic planning application for employment and commercial development across the plan it would be normal to carry out a site-specific viability assessment in relation to this policy in line with National planning guidance.</p> <p><u>Retail CIL viability Concerns</u></p>

Question Number	Your Comments																
	<p>Given that retail is considered one of the development options for this site we would highlight that consideration on development contributions should take into account the CIL rates for the area.</p> <p>Presently RDC seeks a Retail – out of centre comparison CIL charge of £363.64 per sqm, which would equate to a levy of £5,454,600 if developed to 15,000 sqm per the draft allocation. We would question if with pooled infrastructure contributions at this level further site-specific policies requiring contribution to other developments infrastructure would be viable or necessary in policy terms.</p> <p>For context the contribution via CIL for retail use on this site would be equivalent 256% of the CIL payments collected across the entire district as these are reported as £2,130,688.57 in the latest Rother District Council Infrastructure Funding Statement 2024/25. This rises to 272% if considered as a proportion of the 5-year average CIL receipts.</p> <p>We believe that it would be sensible for RDC to review its CIL policies which are based upon rates introduced a decade ago in 2016, as rates for out-of-town retail are not in line with the approach taken within the wider region. The charts below show a comparison of Cil rates between Rother District, neighbouring authority areas and major retail centres.</p> <div data-bbox="395 1245 1307 1805" data-label="Figure"> <p>The bar chart displays the 2025 CIL rate per square meter for various authority areas. Rother has the highest rate at £355.45, followed by Folkestone and Hythe at £138.65, Eastbourne at £120.31, and Wealden at £28.62. Tunbridge Wells, Ashford Kent, and Hastings have significantly lower rates, each at £2.</p> <table border="1"> <thead> <tr> <th>Authority Area</th> <th>2025 CIL Rate (£/sqm)</th> </tr> </thead> <tbody> <tr> <td>ROTHER</td> <td>£355.45</td> </tr> <tr> <td>FOLKESTONE AND HYTHE</td> <td>£138.65</td> </tr> <tr> <td>EASTBOURNE</td> <td>£120.31</td> </tr> <tr> <td>WEALDEN</td> <td>£28.62</td> </tr> <tr> <td>TUNBRIDGE WELLS</td> <td>£2</td> </tr> <tr> <td>ASHFORD KENT</td> <td>£2</td> </tr> <tr> <td>HASTINGS</td> <td>£2</td> </tr> </tbody> </table> </div>	Authority Area	2025 CIL Rate (£/sqm)	ROTHER	£355.45	FOLKESTONE AND HYTHE	£138.65	EASTBOURNE	£120.31	WEALDEN	£28.62	TUNBRIDGE WELLS	£2	ASHFORD KENT	£2	HASTINGS	£2
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HASTINGS	£2																

**Question
Number**

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We hope that the authority will note from this comparison that the rates charged within the district are dramatically out of line with those in the region, and significantly higher than most prime retail destinations in the southeast.

There is a notable difference in approach between Hastings and Rother despite being considered to form part of the same Functional Economic Market Area by the HEDNA, in that Hastings has set its CIL rate for these uses at £0 due to viability concerns, and Rother currently operates one of the highest CIL rates in the country on out of town retail.

In the comparison we undertook last year we were only able to find examples of higher rates being charged in prime locations within Westminster such as Oxford Street and Regents Street, which the additional mayoral CIL rate was added to the local authority rate – with the local authority rate charged by Rother District Council significantly exceeding the Westminster CIL local authority rate for super prime locations.

While we know from our marketing, that there is a considerable retail demand in this location, we consider Hastings to be more closely comparable with Bexhill in retail viability terms than destinations with international pull such as Regents Street, and Bicester Village. As such we view the current CIL rate and additional development contributions sought in the emerging policy as a clear barrier to deliverability

Question Number	Your Comments
	<p>inconsistent with the NPPF paragraph 35 requirement that such policies should not undermine the deliverability of the plan.</p> <p>We appreciate that the CIL levy was not set by the current planning and policy team but would suggest that the discrepancies between the contributions sought for such uses, and local and national levels would suggest that the Community Infrastructure Levy and wider contributions sought require review.</p> <p>A levy set a decade ago at a rate exceeding many internationally prominent shopping destinations, and resulting in the potential for a 272% of average annual CIL contribution receipts for the district in the year they arise are to come from just one site, within the same Functional Economic Market Area as another authority has assessed any CIL contribution from such uses as unviable does not appear to be a policy position that is supported by sound up to date current evidence.</p> <p>We would suggest that a review of both policies is considered so that on and off-site contributions can be considered and set at levels that do not undermine the deliverability of the local plan policies.</p> <p><u><i>Potential unlawful aspects of policy</i></u></p> <p>As noted previously this site forms part of our wider Bexhill urban extension project, which included provision of road and all associated infrastructure for development of this quantum in previously delivered phases.</p> <p>We would object to the principle that commercial development that has already funded adequate provisions of infrastructure for itself should contribute towards additional infrastructure needs generated by housing and the expansion of public sector projects.</p> <p>We would object to the policy requirement that part of this site is utilised as a public car park for the council's countryside park project, which is wholly unrelated to the development of this site, with need generated by a non-statutory designation created by the Council.</p> <p>In this regard we would draw the attention of the council to the cases of <i>Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Limited (2017) UKSC 66</i>, and <i>Swindon BC v DB Symmetry & SSLUHC [2022] UKSC 33</i> which establish clear</p>

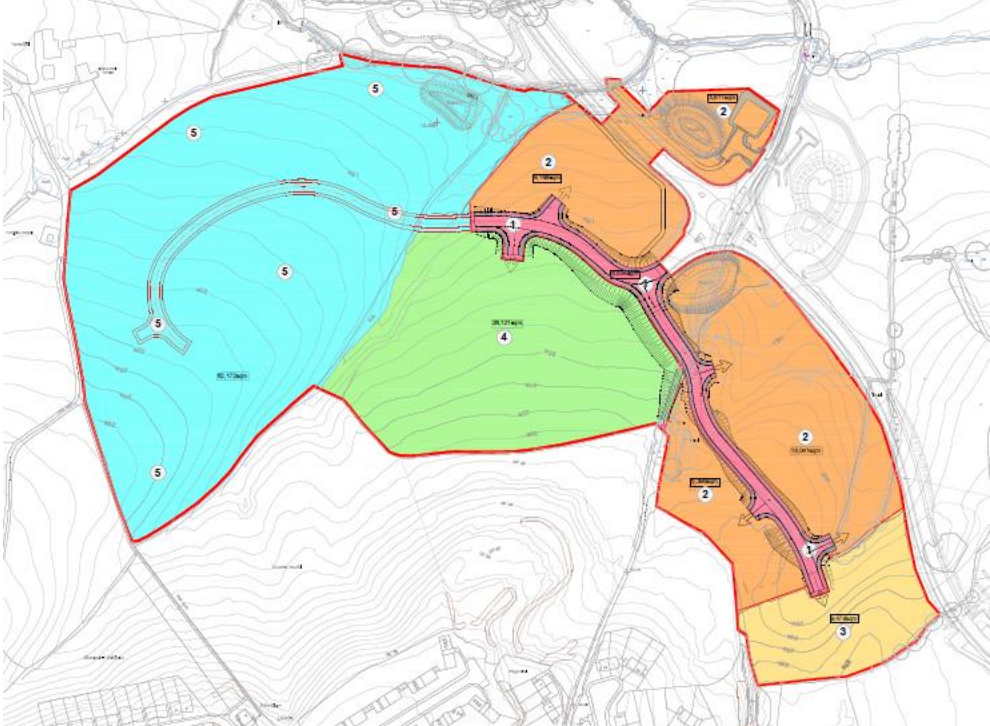
Question Number	Your Comments
	<p>legal precedence against the use of planning policy, conditions, and obligations to secure land or the use thereof without compensation to the landowner.</p> <p><i>Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Limited (2017) UKSC 66</i> - Reaffirmed the principle that infrastructure contributions cannot be secured by condition or planning obligation where the impact of the development on the infrastructure for which the contributions were sought was trivial and too remote to be relevant to the development in question. In the instance of this policy we would argue that several of the contributions sought are too remote from the development to be considered related to its impacts and are thereby unlawful.</p> <p><i>Swindon BC v DB Symmetry & SSLUHC [2022] UKSC 33</i> - reviewed the use of attempted use of planning conditions by Swindon BC to require the adoption of roads within one of DB Symmetry’s development with the Supreme Court noting that “<i>statutory provisions relating to planning conditions do not exist in a vacuum but fall to be interpreted in the context of the 1990 Act as a whole, including the provisions relating to planning obligations and compulsory purchase</i>” and that “<i>government policy and the law have rejected the “buying and selling of planning permissions” where a local planning authority makes exorbitant demands of a developer or a developer offers planning gain which is not sufficiently related to its proposal in the hope of obtaining planning permission</i>”</p> <p>The Supreme court concluded that “<i>a planning condition which purports to require a landowner to dedicate roads on its development site as public highways would be unlawful</i>” and that “<i>to hold otherwise would be to undermine a foundational rule of the planning system on which people have relied for decades and create uncertainty where there should be certainty</i>”. The Court held that the options for a planning authority which wants to require the dedication of roads within a development site as public highways are to negotiate an agreement with the developer or to exercise compulsory purchase powers.</p>

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	<p>We consider this case to highlight the need for reasonableness and proportionality in the contributions sought while also providing clear guidance that local authorities on the limits to the use of planning conditions, policy and obligations to compel landowners to grant public use of private land.</p> <p>The case highlights that acquisition of such rights should be governed by compulsory purchase legislation, which has been designed to weigh the rights of private landowners against the public interest, providing compensation when private rights must be infringed upon.</p> <p>In light of these cases, we believe that it would be inappropriate to seek on site provision in support of wider developments, and particularly the use of the property as a car park for the council's countryside park. In the case of the latter, imposing a restriction requiring effective use of the property be provided to the local authority that would otherwise need to be provided by compulsory purchase or negotiation of a land purchase or lease, would be <i>Ultra Vires</i>.</p> <p>This requiring the use of this land without compensation would exceed the powers contemplated under planning legislation as it would amount to effectively taking an interest in land without compensation, for a non-statutory local authority project. We believe that the powers to take interests in land remain governed by compulsory purchase legislation and would suggest that there would not be a compelling case for such acquisition if taken forward under the appropriate legal framework.</p> <p>We would therefore suggest that policy requirements for use of the property by the countryside park be removed, and other elements of the policy seeking contributions be reviewed to consider the capacity previously provided for by the site as it would be inequitable to ask the same development to fund capacity improvements as a result of wider developments not contributing adequately to infrastructure.</p> <p>We have within representations of other sites suitable for allocation suggested a potential site for development linked to the countryside park and would suggest that if there is an identified need for parking to serve this area that it would be more appropriately provided as part of a development linked to the Countryside Park.</p>

Question Number	Your Comments
	<p data-bbox="395 280 826 315">Concern Over Habitat Buffers</p> <p data-bbox="395 344 1353 651">We would object to the inclusion of the requirement to <i>“Include provision for the retention and future management of a buffer zone of semi natural habitat, at least 15 metres wide on the northern and eastern boundaries of the site, between the edge of development and the Priority Habitat, Local Wildlife Site and ancient woodland”</i> on the basis that there is no evidential basis for the inclusion of such additional buffers within the site.</p> <p data-bbox="395 680 1353 898">The site itself sits approximately 25m from the ancient woodland, and having recently been assessed through a preliminary ecological assessment contains no irreplaceable habitats, with most of the vegetation on the site boundaries being willow scrub and other vegetation that has regrown following historic site clearances.</p> <p data-bbox="395 927 1385 1099">While we recognise that were the site within 15m of ancient woodland this would be a suitable buffer to trigger further examination of the impact on mature trees, this site does not fall within that buffer zone, as such the proposed 15m buffer distance appears to be arbitrary.</p> <p data-bbox="395 1128 1385 1346">While the intention to safeguard ecological assets is fully supported, the proposed blanket buffer is not justified by evidence, not aligned with national guidance, and risks undermining the effectiveness and deliverability of the Local Plan. A more proportionate, evidence-led approach is recommended.</p> <p data-bbox="395 1375 1385 1503">Priority Habitats and non-statutory local wildlife sites vary substantially in their sensitivity to adjacent development. Research demonstrates that ecological disturbance thresholds depend on factors such as:</p> <ul data-bbox="395 1532 938 1771" style="list-style-type: none"> <li data-bbox="395 1532 938 1570">• species behaviour and ecology; <li data-bbox="395 1599 938 1637">• habitat structure and condition; <li data-bbox="395 1666 938 1704">• topography and screening; <li data-bbox="395 1733 938 1771">• noise, lighting and hydrology. <p data-bbox="395 1800 1385 1964">Given this variability, a universal 15m buffer is ecologically arbitrary. For many Priority Habitats—such as Hedgerows, Traditional Orchards or Lowland Meadow—there is no established evidence indicating that a 15m separation distance is necessary to avoid adverse effects. In some</p>

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	<p>cases, meaningful mitigation may require more than 15m; in many others, substantially less.</p> <p>A fixed distance therefore cannot reliably protect ecological function, whereas a site-specific ecological assessment can.</p> <p>National standards do not support standardised buffer distances Key documents guiding ecological input to the planning system—including:</p> <ul style="list-style-type: none"> • BS 42020:2013 Biodiversity – Code of Practice for Planning and Development, • CIEEM EcIA Guidelines (2018), and • National guidance on Biodiversity Net Gain <p>all emphasise proportionate, evidence-based assessment. None advocate blanket buffers. Instead, they require mitigation measures to be tailored to the specific features and impacts of each site.</p> <p>The Local Plan’s proposed fixed buffer is therefore inconsistent with established national methodology and risks being challenged at application or examination stage.</p> <p>Priority Habitats commonly occur adjacent to existing development, many Priority Habitats occur within settled or managed landscapes where buildings, roads and commercial uses exist in close proximity. Examples include:</p> <ul style="list-style-type: none"> • hedgerow networks adjacent to industrial estates, • traditional orchards within villages, • grassland habitats next to agricultural or commercial buildings. <p>These habitats have persisted or even improved under proximity conditions far closer than 15 metres. This demonstrates that coexistence is achievable, provided appropriate mitigation and management are in place.</p> <p>Given the linear nature of the old railway site and the lack of mature irreplaceable habitats along the boundary between the site and the proposed allocation along with the relative lack of significant on-site habitats and connectivity due to historic uses and clearance, targeted</p>

Question Number	Your Comments
	<p>feature specific avoidance and mitigation measures developed as part of an application would offer greater potential ecological advantages.</p> <p>We would therefore recommend this part of the policy is amended to replace the fixed 15m buffer with a requirement that:</p> <p>“Appropriate habitat avoidance and/or mitigation measures should be determined through site specific ecological assessment, proportionate to the evidenced sensitivity of the habitat and the nature of the proposed development.”</p> <p>Such an alternate requirement would secure a package of measures appropriate to the species, habitats, and nature of the adjoining development.</p>
<p>17 – BX48 – BEPSX</p>	<p>We welcome the addition of this site to the employment allocations in the area. Most criteria set out within the policy as proposed are appropriate. The site offers a logical expansion area for commercial developments in this location, comprising primarily of well screened land that is continuous with the existing employment developments.</p> <p>We would however note that the connection to Glovers Lane via the footbridge bridge appears to relate to site BX49, as site BX48 cannot provide the connection referred to as it is not continuous with the bridge with differing ownership structure. We would suggest that this requirement is removed and placed solely upon the developments within site BX49.</p>
<p>18 – BX35 – Remainder of BEPN</p>	<p>We note that draft allocation BX35 omits phase 3 of development site shown yellow below, included within the outline planning permission. We believe that this is likely due to the inclusion of notional buildings within the Westcott Leach planning application on this plot at the request of the development control officers, which may have led to confusion occurring over the scope of development already permitted.</p>

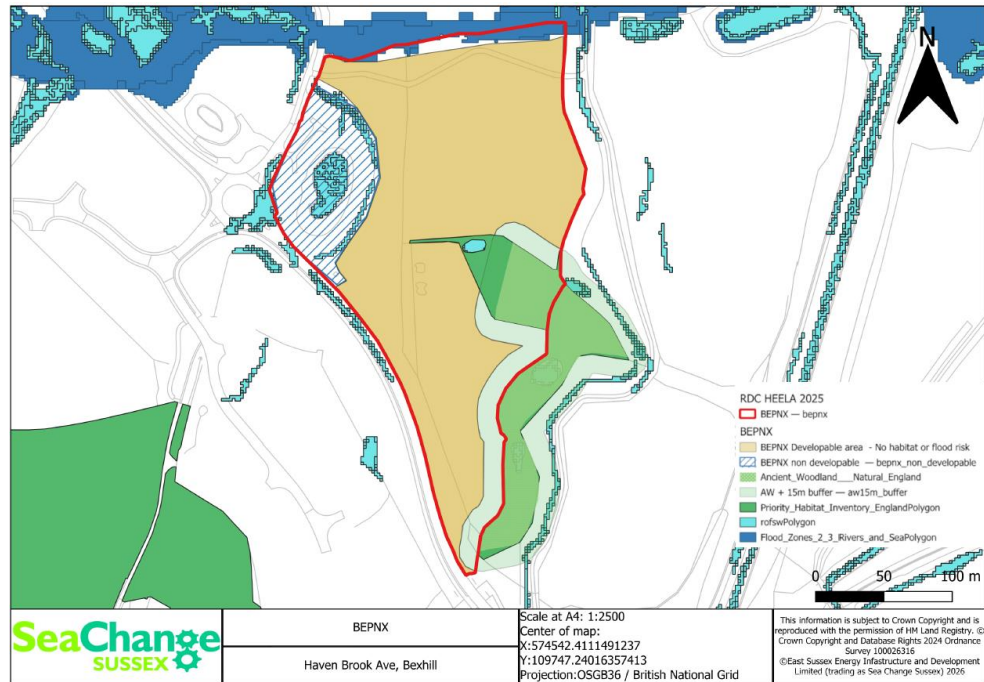
Question Number	Your Comments
	 <p data-bbox="395 1010 1369 1182">As this phase is not continuous with the BX35 allocation we believe that it would be sensible to allocate it as a separate site. We would regard it as appropriate to consider development of this site which will be very well visually contained once planting matures at a density of 40% in line with our comments on density across the district.</p>
18 - BEPNX	<p data-bbox="395 1238 1385 1350">We believe that consideration should again be given to the allocation of the site immediately north of Bexhill Enterprise Park North previously submitted as part of the HELAA call for sites.</p> <p data-bbox="395 1357 1385 1559">The HELAA appears to have dismissed the site without considering that uses proposed upon the site were intended to be complementary to the countryside park, including parking and visitor provision. It also in our view significantly overstates the sites constraints and attributes unsubstantiated levels of potential harm as resulting from any development on this site.</p> <p data-bbox="395 1565 1385 1767">We believe considering the need for facilities such as parking identified under draft policy BX47, and shortfalls in provision of other commercial space or facilities to access the countryside park from Bexhill, development of such facilities alongside complimentary uses to support viability on this site would be sensible.</p> <p data-bbox="395 1774 1385 1966">As the site is visually contained nature of the site from the remainder of the strategic gap and countryside park, but benefits from direct access to bridleways that run through the Countryside Park it is well located for such uses. The site is also fully serviced and positioned along strategic infrastructures making at one of several sites across the district that could</p>

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be considered suitable for sustainable development if sites within the strategic gap are considered for allocation.
In the sections below we have addressed the comments made in the HELAA, and illustrated how a number of these have been afforded significantly more weight than due to them in the HELAA's rejection of the site.

Site constraints overstated within the HELAA



The figure above maps the site constraints mapping the risks referred to within the HELAA and the remaining developable areas of the site. Each of the constraints referred to within the HELAA are dealt with below.

- Flood Risk from Rivers and Sea – Dark Blue

Described by the HELAA as “an area of Flood Risk Zone 2 and 3 along and within the north boundary” as illustrated above in dark blue all flood zones on the site are limited to a narrow strip along the relatively steep banks of the coombe haven. Most of the site falls within flood zone 1 for planning purposes (the lowest risk category).

Given the nature of the site and proximity to a watercourse this is not considered a significant constraint to development on the site. Flood risk on the edge of a watercourse is to be expected and is very limited in this instance.

- Surface Water Flood Risk – Light Blue

The HELAA states that “There are ponds in the east and west of the site with associated areas at high risk of surface water flooding”

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	<p>When the areas of flood risk are mapped out as they have been in light blue on the figure above these appear limited to areas within the existing ponds, ditches and surfaces water drainage infrastructure on site. This illustrates that the High risk referred to is that the attenuation features on the site will fill with surface water, as intended by design. These do not pose risk to the developable area shaded yellow on the site.</p> <ul style="list-style-type: none"> <li data-bbox="443 573 1082 607">• <u>Ancient Woodland and Priority Habitat – Green</u> <p>The HELAA states “<i>There is an area of Priority Habitat and Ancient Woodland within the east of the site</i>” where in fact only a small portion of the site hatched green, is ancient woodland with a small amount of priority woodland habitat (Dark Green) extending beyond this.</p> <p>The constraints map shows how significant development can be accommodated around this while maintaining the recommended 15m buffer from all ancient woodland.</p> <p>We believe that while the HELAA has accurately stated the presence of these features within the site they have been overstated as constraints on development. When risks are mapped on constraints plans many such risks impact only a small proportion of the site. These are constraints are all manageable within the site, with some being the mapping of infrastructure constructed to manage such risks.</p> <p>We suggest that the evidence does not support the HELAA conclusions that these pose significant barriers to development on this site.</p> <p>Prior planning use afforded undue weight</p> <p>the HELAA cites that “<i>part of the site comprises ecological mitigation land for the construction of Haven Brook Avenue, secured through the planning permission for the road. Its development would be contrary to that planning permission and harmful to biodiversity</i>” among the reasons that the site may be unsuitable for development.</p> <p>While true that this site has been incorporated into planning as part of the NBAR road scheme’s approved plans, this does not restrict the potential for future uses to come forward on the land, subject to planning approval, appropriate surveys, and if required licences and mitigation in respect to future proposals.</p> <p>There is long established principle that planning permission can be granted for change of use, as such use as part of prior planning permission is not appropriate grounds to suggest that this site is unsuitable for development. Comments within the HELAA that changes to the use of this land would be harmful to biodiversity are unsubstantiated and not supported by any current evidence. While we accept that survey would be required previous</p>

Question Number	Your Comments
	<p>use of land for environmental mitigation does not equate to the land becoming irreplaceable habitat or place the land into a category in which there is a presumption against sustainable development.</p> <p>National Policy and Guidance reflect the need for an evidence-based approach and recognises that policy must reflect the situation on the ground currently, and that decisions and policy must be made upon up-to-date evidence. Holding to this standard harm to biodiversity cannot reasonably be assumed to be caused by development in these circumstances.</p> <p>In any event mitigation uses are not intended to indefinitely preclude land from use within future developments. Such an approach would prevent the intensification of development within existing settlements, and result in the need to continuously expand settlements into the open countryside to meet population needs. The intent of such mitigation policy is a project specific approach, that allows for development to also be carried out subsequently.</p> <p>We would suggest that the land and its current characteristics are the material consideration for plan making and not historic planning permissions. We would also suggest that the assumption of biodiversity harm not be taken forward as there is no current and sound plan making evidence to support this assertion.</p> <p>Compatibility with Strategic Gap and Countryside Park Policies</p> <p>As illustrated by the LIVA verified view submitted alongside the initial site submission (which is provided for reference). We would suggest that this site is visually contained from the wider strategic gap and capable of supporting limited development within the site without impacting the separate identity and distinctiveness between settlements, the strategic settlement pattern, having adverse impact upon the landscape area in accordance with Policy DEN3.</p> <p>We believe several of the proposed uses within our submission to the HELAA call for sites are consistent with the establishment and maintenance of the area as a key recreational, amenity resource for Bexhill and Hastings and their wider catchment; can provide for the proper conservation measures relevant to this site's constraints. As such we do not view proposals for such development as contrary to Policy HAS1: Combe Valley Countryside Park.</p> <p>Development Needs</p> <p>As outlined through our representations the district has several identified needs that are not capable of being met within the sites allocated for development within the draft plan.</p> <p>These include visitor infrastructure for the countryside park which cannot be accommodated on the commercial site proposed on in the draft plan</p>

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	<p>policies without significant adverse impacts upon deliverability, a significant undersupply of housing, and potential undersupply of some categories of commercial space.</p> <p>We believe that this site offers a potential to meet a number of these needs including housing with a provision of visitor infrastructure with good access to the countryside park being provided for alongside the potential for other uses on site such as residential to meet an identified need and support the viability of delivering some facilities for visitors to the countryside park.</p> <p>Overall potential for development</p> <p>We would suggest that this is a site that has been rejected primarily due its location within the countryside park, and assumption made on the impacts of constraints that, in actuality, impact only a small portion of the site. There have also been characteristics attributed to the site based on assumptions which have no basis in current evidence and may not reflect the situation when development proposals may come forward over a plan intended to extend out to 2042.</p> <p>This is in our opinion a site that would suit lower density development, sensitive to its location and the sites constraints, such a development could offer benefits in linking the countryside park to the surrounding area and delivery of associated infrastructure subsidised by higher value uses for which there is a need locally.</p>
24	<p>We believe that there should be a policy and decision-making recognition that significant contributions to infrastructure have already been made by the Enterprise park (BX35, BX47, BX48, and BX49), in the form of roads, cycleways, water, electrical and sewerage and drainage infrastructure.</p>

Should you require further space to respond to make comments please continue on a separate page or sheet of paper as necessary.

Consultation Questions: Draft Rother Local Plan 2025–2042 – Development Strategy and Site Allocations

Part 1, chapter 2:

1. Do you have any comments on the amended Rother Local Plan Strategic Spatial Objectives shown in Figure 1?

Part 2, chapter 3 - Development Needs

2. Do you have any comments on the Council's proposed housing target for the Local Plan of 8,427 dwellings over the 17-year plan period, or 495 dwellings annually?
3. Do you have any comments on the identified employment needs, or needs for retail and main town centre uses?
4. Do you have any comments on the identified accommodation needs of gypsies, travellers and travelling showpeople?

Part 2, chapter 4 – Infrastructure Needs

5. Do you have any comments on infrastructure needs or priorities to support the proposed Development Strategy?

Part 3, chapter 5 – Preparing the Development Strategy

6. Do you have any comments on the Council's assessment of the additional Development Strategy Options?
7. Do you have any comments on the preferred approach for housing density shown in Figure 9, or on the updated Density Study (2026)?

Part 3, chapter 6 – Development Strategy for Rother

8. Do you have any comments on the Council's proposed Overall Development Strategy?
9. Do you have any comments on the proposed growth opportunities in the sub-areas as shown in Figure 10?
10. Do you have any comments on the proposed Vision and development strategy for Bexhill, including the development figures shown in Figures 13 and 14? (Please note that comments on individual sites should not be made in response to this question, please see questions 17 and 18 instead)
11. Do you have any comments on the proposed Vision and development strategy for Southern Rother and the Hastings Fringes, including the development figures shown in Figures 17 and 18? (Please note that comments on individual sites should not be made in response to this question, please see questions 26 to 35 instead)
12. Do you have any comments on the proposed Vision and development strategy for Battle and Surrounding Settlements, including the development figures shown in

Figures 20 and 21? (Please note that comments on individual sites should not be made in response to this question, please see questions 36 to 41 instead)

13. Do you have any comments on the proposed Vision and development strategy for Rye and the Eastern Settlements Cluster, including the development figures shown in Figures 23 and 24? (Please note that comments on individual sites should not be made in response to this question, please see questions 42 to 52 instead)
14. Do you have any comments on the proposed Vision and development strategy for Northern Rother, including the development figures shown in Figures 26 and 27? (Please note that comments on individual sites should not be made in response to this question, please see questions 53 to 63 instead)
15. Do you have any comments on the proposed Vision for the Countryside?
16. Do you have any comments on the proposed strategy for Gypsies, Travellers and Travelling Showpeople? (Please note that comments on individual sites should not be made in response to this question, please see question 64 instead)

Part 3, chapter 7 – Site Allocations

17. Do you have any comments on the proposed site allocations in Bexhill?
18. Do you consider that there are any other possible sites in Bexhill which should be allocated for development in the Local Plan?
19. Do you have any comments on proposed Policy BX1: Bexhill Urban Area?
20. Do you have any comments on proposed Policy BX2: Bexhill Cultural Area?
21. Do you have any comments on proposed Policy BX3: London Road – Sackville Road Enhancement Area?
22. Do you have any comments on proposed Policy BX4: Beeching Road Enhancement Area?
23. Do you have any comments on proposed Policy BX18: West Bexhill Growth Area – Infrastructure Policy?
24. Do you have any comments on proposed Policy BX29: North Bexhill Growth Area – Infrastructure Policy?
25. Do you have any comments on proposed Policy BX30: Land south of Haven Brook Avenue – Infrastructure?
26. Do you have any comments on the proposed site allocations in Crowhurst Parish, detailed in Policies CR1 to CR3?
27. Do you have any comments on the proposed site allocation in Fairlight Cove, detailed in Policy FA1?
28. Do you have any comments on the proposed site allocations in the Hastings Fringes (Guestling Parish), detailed in Policies GU1 and GU2?

29. Do you have any comments on proposed Policy GU3: Rock Lane Urban Fringe Management Area?
30. Do you have any comments on the proposed site allocations in Guestling Green, detailed in Policies GU4 and GU5?
31. Do you have any comments on the proposed site allocation in Three Oaks, detailed in Policy GU6?
32. Do you have any comments on the proposed site allocations in Icklesham, detailed in Policies IK1 and IK2?
33. Do you have any comments on the proposed site allocations in the Hastings Fringes (Westfield Parish), detailed in Policies WS1 and WS2?
34. Do you have any comments on the proposed site allocations in Westfield, detailed in Policies WS3 to WS5?
35. Do you consider that there are any other possible sites in the Southern Rother and Hastings Fringes sub-area (which includes the parishes of Crowhurst, Fairlight, Guestling, Pett, Westfield and Icklesham (west)) which should be allocated for development in the Local Plan?
36. Do you have any comments on the proposed site allocations in Battle, detailed in Policies BT1 to BT11?
37. Do you have any comments on the proposed site allocation in Brightling, detailed in Policy BRI1?
38. Do you have any comments on the proposed site allocations in Catsfield, detailed in Policies CT1 to CT3?
39. Do you have any comments on the proposed site allocations in Netherfield, detailed in Policies NE1 and NE2?
40. Do you have any comments on the proposed site allocations in Sedlescombe, detailed in Policies SD1 to SD11?
41. Do you consider that there are any other possible sites in the Battle and Surrounding Settlements sub-area (which includes the parishes of Ashburnham, Battle, Brightling, Catsfield, Dallington, Mountfield, Sedlescombe and Whatlington) which should be allocated for development in the Local Plan?
42. Do you have any comments on the proposed site allocations in Beckley, detailed in Policies BC1 to BC3?
43. Do you have any comments on the proposed site allocations in Broad Oak, Brede, detailed in Policies BR1 to BR3?
44. Do you have any comments on the proposed site allocations in Camber, detailed in Policies CM1 to CM3?
45. Do you have any comments on the proposed site allocations in Iden, detailed in Policies ID1 and ID2?

46. Do you have any comments on the proposed site allocations in Northiam, detailed in Policies NR1 and NR2?
47. Do you have any comments on the proposed site allocations in Peasmarsch, detailed in Policies PE1 to PE5?
48. Do you have any comments on the proposed site allocations in Playden, detailed in Policies PL1 and PL2?
49. Do you have any comments on the proposed site allocations in Rye, detailed in Policies RY1 to RY9?
50. Do you have any comments on the proposed site allocation in Rye Harbour, detailed in Policy RH1?
51. Do you have any comments on proposed Policy RH2: Employment Land, Harbour Road?
52. Do you consider that there are any other possible sites in the Rye and the Eastern Settlements Cluster sub-area (which includes the parishes of Beckley, Brede, Camber, East Guldeford, Iden, Northiam, Peasmarsch, Playden, Rye Foreign, Rye, Udimore and Icklesham (east)) which should be allocated for development in the Local Plan?
53. Do you have any comments on the proposed site allocations in Burwash, detailed in Policies BW1 to BW4?
54. Do you have any comments on the proposed site allocations in Burwash Common, detailed in Policies BWC1 and BWC2?
55. Do you have any comments on the proposed site allocations in Etchingham, detailed in Policies EC1 to EC3?
56. Do you have any comments on the proposed site allocations in Hurst Green, detailed in Policies HG1 to HG4?
57. Do you have any comments on the proposed site allocations in Robertsbridge, detailed in Policies RB1 to RB6b?
58. Do you have any comments on the proposed site allocations in Staplecross, Ewhurst Parish, detailed in Policies SC1 and SC2?
59. Do you have any comments on the proposed site allocations in Flimwell, Ticehurst Parish, detailed in Policies FW1 to FW3?
60. Do you have any comments on the proposed site allocations in Ticehurst, detailed in Policies TC1 and TC2?
61. Do you have any comments on proposed Policy TC3: Bewl Water?
62. Do you have any comments on the proposed site allocations in Stonegate, Ticehurst Parish, detailed in Policies SG1 and SG2?
63. Do you consider that there are any other possible sites in the Northern Rother sub-area (which includes the parishes of Bodiam, Burwash, Etchingham, Ewhurst, Hurst

Green, Salehurst and Robertsbridge and Ticehurst) which should be allocated for development in the Local Plan?

64. Do you have any comments on the proposed site allocations for Gypsies, Travellers and Travelling Showpeople, detailed in Policies GYP1 to GYP6?

65. Do you consider that there are any other possible sites for Gypsy, Traveller or Travelling Showpeople sites which should be allocated in the Local Plan?

Local Plan Appendices

66. Do you have any comments on the proposed changes to Policy LWL7 (A) (i) (Streets for All)?

67. Do you have any comments on the Appendices?

Sustainability Appraisal

68. Do you have any comments on the Interim Sustainability Appraisal in support of the Regulation 18 stage consultation on the Development Strategy and Site Allocations (January 2026)?

Other comments

69. Are there any other issues, options or other matters you would like to raise?