

ROTHER DEVELOPMENT AND SITE ALLOCATIONS LOCAL PLAN

SUMMARY OF REPRESENTATIONS ON ADDITIONAL MODIFICATIONS

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Rother Development and Site Allocations Local Plan – Responses to Representations on Additional Modifications

Together with the consultation on Main Modifications and changes to Policies Maps to the Development and Site Allocations (DaSA) Local Plan, which ran for 6 weeks from Tuesday 30 July to Tuesday 10 September 2019, the Council also undertook a separate consultation on Additional (Minor) Modifications to the DaSA Local Plan. This separate exercise was distinct from the DaSA Local Plan Public Examination process, as the Additional Modifications do not relate to the soundness and legality of the Plan. Consequently, the representations to the Additional Modifications have only been considered by the Council and not by the Inspector.

During the 6 week-consultation, 12 duly-made representations by 5 respondents were made on the Additional Modifications. The below table provides a summary of these representations and the Council’s responses to them, including any proposed changes.

Views expressed in representation	RDC response and proposed changes
<i>AM9</i>	
Amendments to paragraph 4.10, re-numbered to 4.13, of the supporting text to Policy DHG1: Affordable Housing, should also specify that, in exceptional cases where financial contributions are to be sought in-lieu of on-site affordable housing, these financial contributions will be in relation to a Section 106 agreement. (Cllr John Barnes)	The wording of the modified supporting text reflects the terminology of NPPF policy. In its discussion of alternative arrangements to on-site provision, the NPPF [para 62a] describes the use of “off-site provision or an appropriate financial contribution in lieu”, without further specifying what constitutes an in lieu financial contribution. However, for the avoidance of doubt, a footnote will be added to paragraph 4.13 in order to clarify that financial contributions relate specifically to the use of S106 Agreements. Add footnote after “financial contributions” to read: “Financial contributions in-lieu of on-site provision will be required by S106 Agreement.”
<i>AM26</i>	
Support Modification (Environment Agency)	Noted
<i>AM27</i>	
Support Modification (Environment Agency)	Noted

<i>AM28</i>	
Support Modification (Environment Agency)	Noted
<i>AM34</i>	
In respect of viability considerations, it is asserted that Figure 19 of BEX1 is too prescriptive in respect of requiring buffers of at least 15m where indicated by Figure 19. Instead the policy/text should confirm that landscape buffers will be considered where they conform to statutory guidance. (SeaChange Sussex)	Figure 19 provides an indicative general layout of the site and is not intended to be prescriptive. This issue was discussed in detail at the DaSA Examination Hearings. Appropriate landscape buffers should be determined through detailed design considerations as part of reserved matters applications. (This has also been affirmed by the decision of Rother's Planning Committee to refuse Reserved Matters application RR/2018/2790/P for this site.) No change required
<i>AM35</i>	
The removal of the requirement for the appropriate sewage infrastructure to be provided "prior" to the development's occupation is supported. However, the policy as a whole places undue burdens on the development of this site: <ol style="list-style-type: none"> 1. Criterion (i)'s masterplan requirement; as it would preclude a more realistic flexible occupier led approach, and consequently reduce the demand from potential occupiers, thus affecting deliverability. 2. Criterion (v) requiring landscaped buffers to the extent 	The matters raised under this additional modification do not relate to AM35 or any other of the additional modifications set out as part of this consultation. Planning application RR/2018/2790/P was refused at Planning Committee 10/10/19 in part for its noncompliance with Criteria (i), (v) and (vi) of Policy BEX1. Criterion (i) is an important policy requirement, which stems from the NE Bexhill SPD and is repeated here. Criterion (v) is not prescriptive on the extent of buffers, but the provision of buffers as an integral part of detailed proposals is an important policy requirement. Criterion (vi) makes no reference to financial contributions, but does seek to ensure that the foul drainage system for this allocation contributes to the provision of a foul drainage strategy There is no policy requirement for the site to deliver 33,500sqm of floorspace. Both Policy BEX1 and the outline planning permission state "up to 33,500sqm of business floorspace is provided..."

<p>determined, does not conform to the existing outline permission, and would result in a floor area of less than 33,500sqm.</p> <p>3. Criterion (vi) is unprecedented in requiring the developer to contribute towards the provision of the foul drainage strategy for North Bexhill.</p> <p>(SeaChange Sussex)</p>	<p>No change required.</p>
<p><i>AM36</i></p>	
<p>The NBAR highway boundaries included as part of the Modification reflect the previously proposed boundaries, which have since been narrowed by the highways authority under a new S38.</p> <p>(SeaChange Sussex)</p>	<p>As a detail map, Figure 19 is merely indicative, and the boundary shown has no implications for the policy.</p> <p>The narrowed highway boundaries have not yet been adopted under a S38 Agreement.</p> <p>No change required.</p>
<p><i>AM42</i></p>	
<p>AM42s inclusion of NBAR in Figure 23 does not correspond with the highway alignment as shown in PMM1 of Policies Map Inset Map 1b.</p> <p>Modification to Figure 23 is inaccurate as it omits connections to Watermill Lane; northbound for cars, and southbound from the Pegasus crossing for equestrian and pedestrian traffic. Their inclusion would</p>	<p>Figure 23 is indicative and the boundary shown has no implications for the policy. The representation of NBAR has no implications on PMM1.</p> <p>The highway boundary has not yet been adopted under a S38 Agreement.</p> <p>Although the amendments made to Figure 23 do not show the connections to Watermill Lane northbound for cars and southbound from the Pegasus crossing for equestrian and pedestrian traffic, it was demonstrated and agreed at the Examination Hearings that the indicated boundary for the gypsy and travellers site does not impinge on the Pegasus crossing.</p>

necessitate narrowing the access shown for the proposed Gypsy and Traveller pitches. (SeaChange Sussex)	
<i>AM43</i>	
Support Modification (Sport England)	Noted
<i>AM54</i>	
Support Modification (Sport England)	Noted
<i>AM72 & AM73</i>	
Modifications to Appendix 2 consisting of additional footnote under AM72 and the removal of 2006 Local Plan Policy BT2 from ‘Superseded Local Plan 2006 Policies’ list under AM73, amount to a reinstatement of the Blackfriars allocation of Policy BT2; whereas the DaSA process has until now indicated that Blackfriars is no longer an allocated site as it is within a neighbourhood plan area. Para 1.27 of the DaSA makes it clear that the Blackfriars allocation would be considered separately as part of the Neighbourhood Plan process. (Kember Loudon Williams)	<p>This is a misunderstanding of the relationship between the DaSA and neighbourhood plan areas. Unless already developed, all 2006 Local Plan allocations in neighbourhood plan areas remain extant until the relevant neighbourhood plan is adopted. At no stage has the DaSA de-allocated the Blackfriars site.</p> <p>Paragraph 1.27 only mentions Bexhill and villages not covered by NPs, whereas Battle is a town.</p>