

Examination of the Rother Development and Site Allocations Local Plan

Matters, Issues and Questions

The role of the Rother Development and Site Allocations Local Plan (the Plan) is to set out policies to provide the basis for determining planning applications in the district and to identify sufficient land to deliver the spatial strategy set out in the Core Strategy. The key focus of an examination is on soundness and compliance with the necessary legal requirements.

In considering issues of soundness, the starting point is that the Local Planning Authority has submitted what it considers to be a sound plan. The focus of the examination is therefore whether the plan as submitted is sound rather than whether it would benefit from improvements. To be found sound, the Plan will need to be effective, positively prepared, justified and consistent with national planning policy, in the context of giving effect to the Core Strategy.

Matter 1 – Legal and procedural requirements

Issue: Whether the Plan meets the legal process and requirements?

Questions:

- Has the Council submitted robust evidence to demonstrate that it has met the duty to cooperate? Are there any outstanding strategic matters?
- Has the plan been prepared in accordance with the Local Development Scheme? How does the proposed substitution of policies DHG1, DHG2 and DEC3 relate to the Local Development Scheme?
- Has the plan been prepared in compliance with the Statement of Community Involvement?
- Has the plan been prepared on a sound process of Sustainability Appraisal?
- Are the likely effects of the Plan adequately and accurately assessed in the Habitats Regulations Assessment?
- Have all the procedural requirements for publicity been met?
- Does the Plan as a whole include policies designed to ensure that the development and use of land within the district contributes to the mitigation of, and adaptation of, climate change in accordance with the regulations¹?

¹ Section 19(A) of the Planning and Compulsory Purchase Act (as amended)

Matter 2 – Compliance with the Core Strategy**Issue: Whether the Plan gives effect to and is consistent with the Core Strategy**

Questions:

- Have the overall strategic aims and objectives of the Core Strategy been complied with?

Matter 3 – Relationship with Neighbourhood Plans**Issue: Whether the Plan is effective in the preparation of neighbourhood plans in the district.**

Questions:

- Has the Plan avoided duplicating the planning processes for non-strategic policies in accordance with paragraph 185 of the Framework?
- Does the Plan give an adequately clear brief to neighbourhood planning bodies about what they need to do to be in general conformity?
- Does the Plan propose any policy that will supersede a policy in a made Neighbourhood Plan? If so has this been clearly identified?

Matter 4 – Development Policies**Issue: Are the development management policies sound, compliant with the Core Strategy, national policy and evidence?**

Questions:

*Resource Management**Policy DRM1 Water Efficiency*

- Is there sufficient evidence to justify a policy requirement of 110 litres per day as opposed to the mandatory national standard of 125 litres per day, in accordance with Planning Practice Guidance?

*Communities**Policy DC01 Retention of Sites of Social or Economic Value*

- Is this policy intended to replace Policy EC3 of the Core Strategy? If not is there duplication or lack of clarity in respect of existing employment sites?

Housing

Policy DHG1 Affordable Housing

- Is it justified to use the threshold figures in the 2018 National Planning Policy Framework when this Plan is being examined against the 2012 National Planning Policy Framework in accordance with the transitional arrangements?

Policy DHG2 Rural Exception Sites

- Is the use of the term 'modest' sufficiently clear and understood so as make the policy effective?
- Would this provision ensure that the local housing needs objectives set out in paragraph 15.7 of the Core Strategy would be met?

Policy DHG3 Residential Internal Space Standards

- Is there sufficient evidence to justify the adoption of the nationally described space standard?

Policy DHG4 Accessible and Adaptable Homes

- Is there sufficient evidence to justify the requirement for all dwellings to meet M4(2): Category 2 – Accessible and Adaptable Dwellings?

Policy DHG6 Self Build and Custom Housebuilding

- Is the requirement for provision for 5-10% of the total number of dwellings on site of 20 or more dwellings to made available as serviced plots for self and custom housebuilders justified by the evidence?

Policy DHG7 External Residential Areas

- Is the requirement for a minimum rear garden length of 10m justified by the evidence? Would it be effective in securing the objectives of the Core Strategy?

Policy DHG11 Boundary Treatments

- Is the policy consistent with Paragraph 109 of the Framework?

Economy

Policy DEC3 Existing Employment Sites and Premises

- Does the Policy effectively complement Policy DC01 and does it provide sufficient clarity to guide development decisions?
- Is the Policy justified in the light of the employment land review and allocation of sites in this Plan?

Environment

Policy DEN2 The High Weald Area of Outstanding Natural Beauty

- Is the Policy sufficiently clear about what is meant by 'small-scale' and by 'major' development?

Policy DEN3 Strategic Gaps

- Are the five strategic gaps and their extent justified with particular regard to Policy HF1 and RY1 of the Core Strategy? Should they include areas that are already developed?

Implementation

Policy DIM2 Development Boundaries

- Are the proposed changes to the development boundaries justified by the evidence?
- Will the proposed changes to the development boundaries be effective in ensuring that sufficient housing is provided for?

Matter 5 Selection of sites allocated for development – overall methodology and process

Issue: Has the overall site selection process been based upon a sound process and robust methodology within the context of the Core Strategy?

General Questions

- Are the sites allocated the most appropriate sites based upon the evidence?
- Is the site selection process based upon a sound process of sustainability appraisal and testing of reasonable alternatives?
- Is the methodology appropriate?
- Are the reasons for selecting the preferred sites and rejecting the others clear?
- Is the identified capacity of each site justified?
- Is the wording of each policy sufficiently clear so as to be effective?

Matter 6 Housing supply and delivery

Issue: Is the overall housing supply and delivery assumptions justified, effective and in accordance with the Core Strategy?

Policy OVE1 Housing Supply and Delivery Pending Plans

- Will the proposed allocations and other provisions ensure that the Core Strategy requirement of at least 5,700 net additional homes over the period to 2028 will be met?
- Is the proportional split of sites and expected provision between areas of the borough consistent with the targets, strategic objectives and spatial policies of the Core Strategy?
- Are the assumptions for the contribution of small sites in Figure 16 reasonable and justified by evidence?
- Are the assumptions for the delivery of sites with planning permission by 2028 justified? In particular in Bexhill large sites such as Worsham Farm and Preston Hall Farm have yet to commence according to the Housing Land Supply Document of October 2018, yet have capacity for nearly 1,300 dwellings.
- Does the residual requirement for Battle of 475-500 dwellings exclude the Rother District Plan 2006 allocated site of Blackfriars?
- Are there sufficient safeguards and provision in place in the policy to ensure that the requirement would be met if the preparation of and making of neighbourhood plans is delayed or frustrated?

Matter 7 Selection of sites allocated for development

Issue: For each area, are the individual sites selected sound?

Bexhill

Policy BEX3 Land at North Bexhill – Infrastructure

- a) Kiteye Farm and adjoining land
- b) Land west of Watermill Lane
- c) Land east of Watermill Lane

- Does the evidence indicate that there is a reasonable prospect that the sites are deliverable within the plan period?
- Is there robust evidence to indicate that there would not be a severe impact upon the Strategic Route Network? What measures need to be put into place?
- Are the sites viable with required contributions towards infrastructure?
- What is the rationale to justify allocating the Gypsy and Traveller site on BEX3c? What other site options were looked at and why were they discounted?

Policy BEX4 land at Former High School Site and Drill Hall, Down Road, Bexhill.

- Is the Policy sufficiently clear about what components will be allowed on the site? In particular, do all 8 criteria have to be met?

- Is the Policy sufficiently clear about the requirements for sewerage infrastructure?

Policy BEX6 Land adjacent to 276 Turkey Road, Bexhill and Policy BEX7 Land at Moleynes Mead, Fryatts Way, Bexhill

- Are the policies sufficiently robust in terms of assessing impact of development on the Pevensey Levels?

Policy BEX 9 Land off Spindlewood Drive, Bexhill

- Is the allocation justified given its location within the Pevensey Levels SAC/Ramsar Hydrological Catchment? Is the approach to Sustainable Drainage set out in the Policy effective in ensuring that there would be no harm to integrity of the Pevensey Levels SAC/Ramsar Site?
- Is the site deliverable in the light of the highway requirements including the need, identified by Highways England, to avoid severe impact at the A259 Little Common Roundabout?

Policy BEX10 Land at Northeye, (Former UAE) Bexhill

- Is the allocation justified given its location within the Pevensey Levels SAC/Ramsar Hydrological Catchment? Is the approach to Sustainable Drainage set out in the Policy effective in ensuring that there would be no harm to integrity of the Pevensey Levels SAC/Ramsar Site?
- Is the policy justified and effective in accordance with the National Planning Policy Framework (2012) core principle of focusing development in locations which are or can be made sustainable?

Policy BEX14 Land South East of Beeching Road Bexhill

- Is the site deliverable and viable for the proposed uses given the level changes and other physical constraints on the site?

Policy BEX17 Little Common and Sidley District Centres

- Is the part of the policy which is concerned with takeaway uses in Sidley District Centre justified by the evidence and sufficiently clear to be effective?

Hasting Fringes

Policy HAS3 Land north of the A265, Ivyhouse Lane, Hastings.

- Is the site within the AONB? If so should the policy refer to this?

Policy HAS4 Rock Lane Urban Fringe Management Area

- Should the policy refer to its inclusion within the AONB?

*Villages**Broad Oak*

Policy BR02 Land at the Rainbow Trout Public House

- How will the local sewer network reinforcement requirements impact on the deliverability of the site and how should this be reflected in the policy?

Camber

Policy CAM1 Land at the former Putting Green Site, Old Lydd Road, Camber

Policy CAM2 Land at the central Car Park Old Lydd Road Camber

- Are these two Policies consistent with the Core Strategy objectives for Camber and will they be effective in ensuring that there are sufficient and suitable arrangements for replacement car parking?
- Are the Policies sufficiently clear in terms of how they are expected to contribute to the implementation of the SARMS?

Catsfield

Policy CAT1 Land west of B2204, Catsfield

- Is the site viable with a requirement for 40% affordable housing and village green?
- Should the policy require an appropriate assessment?

Fairlight Cove

Policy FAC1 Land at the Former Market Garden, Lower Waites Lane, Fairlight Cove

- What is the impact of the evidence of protected species on the site in terms of deliverability and viability?

Policy FAC2 Land East of Waites Lane, Fairlight Cove

- Is the site deliverable and viable given the requirements of the Policy for housing for older persons, 40% affordable housing, a doctors surgery and other elements? Is the requirement for these justified?

Iden

Policy IDE1 Land South of Elmsmead, Iden

- How does the archaeological interest of the site, the requirement for 40% affordable housing and the need to secure an access across third party land impact on the viability and delivery of the development?

Northiam

Policy NOR1 Land South of Northiam Church of England Primary School, Northiam

- How does the archaeological interest of the site, the requirement for 40% affordable housing and the need to retain protected trees impact on the viability and delivery of the development?

Policy NOR2 Land south of the Paddock/Goddens Gill, Northiam.

- Does the evidence support the proposed density, affordable housing provision and deliverability of the site given that the extant planning permission for a similar number of dwellings is unlikely to proceed (para 11.16)?

Peasmash

Policy PEA1 Land south of Main Street, Peasmash

- Does the evidence indicate that the site is deliverable within the plan period given the need to acquire land to secure access?

Rye Harbour

Policy RHA1 Land at Stoneworks Cottages, Rye Harbour

- Does the policy sufficiently address the issues of adequate surface water protection measures in ensuring that there would be no adverse impact on the integrity of the Dungeness Romney Marsh and Rye Bay SPA/Ramsar site?

Westfield

Policy WES1 Land at Westfield Down, Westfield

- Does the Policy make sufficient provision for protecting the character of the AONB?