

**Rother Development and Site Allocations Local Plan
Examination**

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

Statement by Rother District Council

17 April 2019

Please note all references to documents listed in this statement can be found
in the DaSA Examination Documents List at:
www.rother.gov.uk/dasa/examination

Introduction

1. This statement presents the Council's evidence in relation to the key issue raised by the Inspector concerning site selection, namely:

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

2. In responding to this key issue, attention is given to the specific questions raised by the Inspector.
3. In addition, at the end of this Statement, detail is provided of a change in circumstances affecting Policy WES4 that has arisen since the DaSA was submitted and a consequent Proposed Modification.

Q: Are the sites allocated the most appropriate sites based upon the evidence?

4. The allocated sites have been taken forward following detailed individual assessment, as explained further below, and in accordance with the overall spatial strategy of the adopted Core Strategy. The Core Strategy has been tested at Examination and is adopted, and therefore, the reasoning behind its spatial strategy is not for consideration at this point.
5. The Core Strategy identifies the overall quantum of housing and business floorspace required over the Plan period and sets out the spatial distribution¹. It identifies retail floorspace required over the Plan period for each of the towns. As both Battle and Rye are the subject of Neighbourhood Plans, the focus for the DaSA is on identifying suitable retail provision in Bexhill.
6. Chapter 8 of the DaSA explains how the allocations within the DaSA and Neighbourhood Plans will meet the residual requirements, taking into account what has been built and what is "committed" (has planning permission or is under construction²). For all settlements in the DaSA, the allocations are regarded as in line with the overall settlement strategy³. Paragraphs 8.19-8.22 address business land needs, and retail needs in Bexhill are addressed at paragraph 9.12.
7. The assessment of housing needs for gypsies and travellers is addressed in the Council's Matter 7 Statement.

¹ Core Strategy Policy OSS1, Figures 8 and 12.

² As at 1st April 2018

³ DaSA paragraph 8.14.

8. The Core Strategy sets out the distribution of development⁴, with which the DaSA aligns. This confirms that particular regard has been given to the role of settlements, and that most development is planned for in those locations offering a range of employment, services and facilities. However, it also takes account of the fact that some settlements (which may have reasonable service provision) are unsuited, mainly for environmental reasons, to accommodate any significant level of growth while other, smaller, settlements may benefit from growth to ensure their continued sustainability. In all cases, the distribution of development has been mindful of valuable environmental (including the High Weald AONB) and heritage assets, as well as infrastructure availability. The rural settlement “hierarchy” is set out at Figure 9 of the Core Strategy⁵. The Examination into the Core Strategy found the Plan’s approach to the distribution of development - prioritising higher order centres with a better range of services, having regard to environmental constraints - to accord with the principles of sustainable development set out in the NPPF⁶.
9. The overall spatial development strategy (Core Strategy Policy OSS1) is to maintain the existing settlement pattern. This is supported by background work including spatial studies such as the Rural Settlements Study (2008) which established a hierarchy of rural settlements; and the Strategic Housing Land Availability Assessment (SHLAA) Review (2013) which considered potential sites for housing delivery and indicates the potential for growth by settlement.
10. Sites identified in the SHLAA, as well as other residential sites submitted following publication of the SHLAA Review in 2013, and employment/retail sites have been further assessed through the DaSA, in accordance with the Council’s Site Assessment Methodologies Background Paper (Reference SB1) and the most appropriate, developable sites have been taken forward as allocations, having regard to the requirements of paragraph 47 of the NPPF (2012) that sites are justified, deliverable or developable. Sites have also been subject to Sustainability Appraisal⁷, and screening through the Habitats Regulation Assessment⁸, the results of which have informed the allocations.

Q: Is the site selection process based upon a sound process of sustainability appraisal and testing of reasonable alternatives?

11. As noted in the Site Assessment Methodologies Background Paper (reference SB1), the Council undertook a “call for sites” consultation over several years, which informed the preparation of its SHLAA, which in turn informed the Core Strategy.

⁴ Core Strategy paragraphs 7.32—7.50.

⁵ Core Strategy page 77.

⁶ Report on the Examination into the Rother Local Plan Core Strategy, 10/7/14, paragraph 15 (Reference PS14)

⁷ See Document References C6, C7, C8.

⁸ See Document Reference SG2.

12. An initial SHLAA was published in 2010, with an updated version published in 2013. This provided a key part of the evidence base for the Core Strategy in that it highlights opportunities to deliver the scale of development identified for the towns and villages. Hence, sites considered through the SHLAA process were included as part of the detailed assessment of options for housing allocation through the DaSA. In addition, the Council received a number of further site submissions from landowners and developers following publication of the 2013 SHLAA. These (subject to the site size threshold used for the SHLAA of 0.2 hectares/ 6 dwellings capacity) were also considered for inclusion in the DaSA. The DaSA Options and Preferred Options consultation and the Proposed Submission representation period have provided further opportunities to submit sites for consideration.
13. While employment sites could have been submitted as part of the earlier call for sites that led to the SHLAA, a later call for sites was specifically focussed on employment sites. Details of this are contained in the Employment Sites Review Background Paper (reference SF1)⁹. The identification of suitable retail provision in Bexhill has followed the sequential test in the NPPF (2012)¹⁰, informed by the Retail Capacity Study (reference SJ6) and earlier background studies¹¹.
14. Sustainability Appraisal (SA), incorporating Strategic Environmental Assessment (SEA) is part of the site assessment process. Sustainability Appraisals were undertaken as part of the overall site selection process at 'Options and Preferred Options' and 'Proposed Submission' stages of the DaSA, and the resulting reports published¹².
15. All sites meeting the size threshold, except those that are clearly not "reasonable alternatives" have been subject to an SA/SEA. Essentially, housing sites have been considered a "reasonable alternative" where they comply with the basic provisions of the Core Strategy, in that they reasonably relate to a settlement considered suitable for a housing allocation, or they are a brownfield site well related to another town or village with a development boundary¹³. All reasonable site options are assessed against the sixteen SA objectives, as set out in the Sustainability Appraisal Main Document (Reference C6). Reasonable distribution alternatives were considered at Core Strategy stage.

⁹ Paragraph 5.37

¹⁰ Paragraph 23

¹¹ Rother Shopping Assessment Update (Reference PS15), Testing of Retail Scenarios for Bexhill (Reference PS16)

¹² Document references C6-C8 and SA6-SA8

¹³ Further detail on reasonable alternatives is contained within the Site Assessment Methodologies Background Paper (reference SB1), paragraphs 2.18-2.25.

16. The SA process involved consideration of the effects of developing the various options on the sixteen sustainability objectives. To ensure a consistent approach to the assessment, “decision aiding questions”¹⁴ were used to establish how the effects should be graded (significant positive through to significant negative). This enabled the identification of likely significant effects of developing the various options. Where negative effects were identified, the SA allowed the consideration of whether these could be mitigated.
17. Thus, the SA process formed an important part of the “planning judgement” exercise which took place to establish the most appropriate sites for allocation. The Council is satisfied that the allocations set out in the DaSA are the most appropriate when considering reasonable alternatives.

Q: Is the methodology appropriate?

18. The methodology is set out in the Council’s Site Assessment Methodologies Background Paper (Reference SB1). Paragraph 2.1 of that document sets out the general approach to assessing the appropriateness, or otherwise, of putting a site forward as a development allocation. This includes ensuring that it accords with the development strategy of the Core Strategy; it is consistent with the strategic policies of the Core Strategy; it supports ‘sustainable development’ as defined by the NPPF and is otherwise consistent with its policies; it duly considers the deliverability of development; and the assessment has regard to the findings of the separate Sustainability Appraisal process.
19. The Background Paper goes on to set out those key policies of the Core Strategy which have been considered in site allocations. It then details notable site-specific considerations, listed under the headings of Environmental/Social and Community/Economic Factors (following the definition of “sustainable development” in the NPPF) which have been considered for each site¹⁵. It also includes Deliverability Factors, as it is crucial to ensure that sites proposed for development are realistically capable of being built within the plan period.
20. These factors are not specifically weighted. Rather, a balanced judgement has been made, taking all the relevant factors into account. Site assessments have been carried out by Council planning officers, advised by partner organisations as appropriate (e.g. the Highways Authorities) and specialist advisors, with advice from the Council’s Economic Regeneration Manager in respect of employment sites. Using the site-specific considerations listed in the Background Paper as a framework for the assessment of each site has ensured a consistent approach across the sites. The carrying out of SA for each site as part of the process, as detailed above, has also ensured consistency. The site assessments (including the SA) generally enabled a clear conclusion to be reached as to the constraints and potential opportunities of each particular site, the site’s likely acceptability for allocation, and any mitigation necessary.

¹⁴ Document reference C6, Table 3.

¹⁵ Paragraph 2.12

21. Sites in and around villages were treated as options for meeting the Core Strategy's housing targets for individual settlements from new sites and were presented, both in map form and written assessment, in the DaSA 'Options and Preferred Options' document (Reference SA5) for public consultation. Further consideration was then given to the 'preferred sites', including an appropriate form, mix and layout of development in order to establish key development principles to be included within any site allocation.

Q: Are the reasons for selecting the preferred sites and rejecting the others clear?

22. Appendix 3 of the DaSA Options and Preferred Options (Reference SA5) includes assessments of all the sites that had been considered at that stage, together with confirmation of whether each site was preferred or not. The assessments follow the methodology set out in the Background Paper (Reference SB1). Document Reference SA5 includes maps showing the location of assessed sites in the relevant settlement chapter.
23. Assessments of sites submitted at subsequent stages of the DaSA (including any resubmissions of sites previously assessed, or alternative proposals for sites) are contained within the Proposed Submission Consultation Statement (reference C14) and the Initial Responses to Representations (Reference RDC-DaSA-004).
24. These assessments are supported by the Sustainability Appraisals carried out at the Options and Preferred Options (References SA6-SA8) and Proposed Submission stages (References C6-C8)¹⁶.
25. The supporting text for each allocation policy within the DaSA Proposed Submission explains the reasons each particular site is suitable for allocation.

Q: Is the identified capacity of each site justified?

26. As noted in the Council's Site Assessment Methodologies Background Paper (reference SB1)¹⁷, the starting point for assessing suitable sites for housing is the target for each town and village identified in the Core Strategy. The preferred sites have been chosen to, as far as possible, meet the target for the particular settlement (in combination where there is more than one site).

¹⁶ Volume 3, Appendix 4

¹⁷ Paragraph 2.19

27. In general, the capacity of each site has been maximised, having regard to any site specific limiting factors as detailed below. However, capacity has not been calculated using any particular minimum density as there are no locally determined policies on density. Notwithstanding this, higher densities have been proposed, where appropriate, on those sites which offer greater opportunities for sustainable transport (e.g. North Bexhill). Minimum density standards have not been adopted throughout the District; the reasoning is set out in the Core Strategy¹⁸:

“development should respond to its setting and accord with the principles of good design. This includes looking at higher densities in more accessible locations. Minimum standards can also lead to inappropriate cramming, although unduly low densities may also be inappropriate in failing to make effective use of development land”.

28. The effect of other local policy requirements has also been considered, e.g. minimum garden sizes, housing mix, space standards.
29. To determine appropriate density a number of factors have been considered, including: the capacity of relevant existing development schemes (on the site itself, or on other sites where a comparison can be drawn); the character of the surrounding area; site constraints including the suitability of the access, its relationship with adjacent properties, and any particular environmental constraints such as ecological features, landscape impact or areas of flood risk. This approach accords with Policy OSS4 (v) of the Core Strategy and advice within the Planning Practice Guidance¹⁹.

Q: Is the wording of each policy sufficiently clear so as to be effective?

30. Policies are written in a positive manner, setting out clear criteria to be met. Each policy includes preceding supporting text which explains the background context and policy requirements in more detail where necessary.
31. Where the Council is proposing minor changes for clarity, these are set out in the Schedule of Proposed Modifications (Reference RDC-DaSA-005).

¹⁸ Paragraph 7.72

¹⁹ Planning Practice Guidance: Housing and economic land availability assessment, paragraph: 017
Reference ID: 3-017-20140306

Changes in circumstances affecting Policy WES4, post-submission of the DaSA.

32. Policy WES4 allocates a narrow strip of undeveloped land in Westfield for use for allotments. The land was set aside by its current owners, East Sussex County Council (ESCC), for the construction of a bypass, but plans for that were abandoned a number of years ago and the land has remained vacant. The Open Space, Sport and Recreation (OSSR) Study (2007) identified a shortfall of allotments in the village (it has no allotment provision), a finding supported by more recent discussions with Parish Council representatives. Consequently, the site was found to offer an opportunity for the provision of allotments.
33. However, it has come to the Council's attention that the landowner, ESCC, has now decided to sell the site, either as a whole or in lots on the open market²⁰. The precise timescales are unknown but ESCC has advised that its decision to pursue marketing, via a commercial agent, has been ratified.
34. In the report to its Lead Member²¹, ESCC notes that part of the land at its eastern end is considered to have potential for a small number of housing plots while the north-western boundaries adjoin a number of residential properties, and several local residents have expressed interest in potentially securing part of the land for extended gardens. The landowner suggests that the residual land, south of Greenacres, "could offer improved footpath access²² through this part of the village, with the Neighbourhood Plan [*sic*] suggesting possible alternate uses such as allotments"²³.
35. Although ESCC's report makes reference to possible allotments on part of the site, it is unclear how these would now be achieved with the necessary pedestrian access and vehicle parking provision if access from the northern part of the site is prevented through the sale of plots for houses/ garden extensions.
36. This recent change in circumstances suggests that regrettably, the site is no longer deliverable for the allotment use proposed under Policy WES4 because the landowner is now not prepared to make it available for that use. In this respect, the allocation is no longer considered to be sound, and the Council proposes to delete Policy WES4 and its accompanying text and Maps from the DaSA.

²⁰ East Sussex County Council Lead Member for Resources Minutes, 22-1-2019 (Reference PS17)

²¹ East Sussex County Council Report on Land south of Greenacres Road, Westfield to Lead Member for Resources, 22-1-2019 (Reference PS18)

²² The use of this land for a pedestrian/cycle link was the subject of an earlier proposed allocation at DaSA Options and Preferred Options stage (Document Ref. SA5, pages 313-315) but was subsequently found to not be readily achievable, as noted at paragraph 11.236 of the DaSA Proposed Submission.

²³ The reference to a Neighbourhood Plan is erroneous as Westfield is not subject to a Neighbourhood Plan.

37. It should also be noted that Westfield Parish Council (WPC) has confirmed that it wishes to withdraw its support for Policy WES4 and has advised the District Council that it is supportive of ESCC selling the land on the open market²⁴. The minutes of the Parish Council meeting (March 2019) confirm that although there has been a proven historical need for allotments in Westfield, the last time that WPC properly investigated this need was in 2010 and that it has only received 2 or 3 enquiries for allotments in the last 2 years. The minutes confirm that WPC has agreed to look at this again in their next Local Action Plan which is planned for later in the year (2019), if there is still a need for allotments WPC could perhaps find a more suitable site.
38. Given the latest information from WPC, it is considered that while the removal of Policy WES4 will maintain the current shortage of allotments in the village, the matter does not appear to be particularly pressing and can be appropriately examined by WPC in their forthcoming Local Action Plan.

Proposed Modifications:

- Delete the title “Site Allocation: Land between Moor Lane and the A28, Westfield” on page 258 of the DaSA Proposed Submission.
- Delete paragraphs 11.236 to 11.239 inclusive and amend the numbering of subsequent paragraphs accordingly.
- Delete Policy WES4 (yellow box) on page 259.
- Delete Figure 60: Policy WES4 Detail Map.
- Amend Policies Map Inset Map 14: Westfield (page 260) to delete the text and image indicating Policy WES4 and also the “Allotments” notation in the Key (amended Policies Map attached at Appendix 1)
- Delete the reference to Policy WES4 from the list of Site Allocation Policies on page 7 of the DaSA Proposed Submission.
- Delete the reference to Figure 60 from the list of Figures on page 10 of the DaSA Proposed Submission.

²⁴ C19-03 Minutes of the Westfield Parish Council Meeting, 6th March 2019, items 5 and 8 (Reference PS19), and email correspondence dated 28-3-19 (Reference PS22)

Appendix 1: Amended Policies Map Inset Map 14: Westfield

