

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

**Matter 7: Selection of sites allocated for development**

**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](http://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 the selection of sites allocated for development, namely:

***For each area, are the individual sites selected sound?***

2. In responding to this key issue, attention is given to the specific questions raised by the Inspector on the particular sites identified.

## 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

***Q: Does the evidence indicate that there a reasonable prospect that the sites are deliverable within the plan period?***

3. The Local Plan Core Strategy identifies North Bexhill as a broad location for future development at Bexhill, which is contingent upon the completion of the North Bexhill Access Road (NBAR). The NBAR has now been completed and has been open to traffic since March 2019. It provides access to the large business site to the east<sup>1</sup>, as well as providing a strategic connection between the link road to Hastings (known as Combe Valley Way - A2690) and the A269.
4. Paragraph 9.43<sup>2</sup> identifies the need for a major upgrade to the foul drainage system. The District Council, Southern Water (SW) and other interested parties are working together to accelerate a strategic drainage solution, which is set out in SW's Business Plan (2020-2025). Policy BEX3 (criteria (i))<sup>3</sup> requires that all the component areas at North Bexhill shall contribute to the shared infrastructure<sup>4</sup>, including provision of an overarching foul drainage strategy, in-conjunction with SW. SW have not raised an objection to this policy approach.
5. The three component development areas that form North Bexhill in totality have willing landowners who, in principle, support the allocation.

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<sup>1</sup> Policy BEX1

<sup>2</sup> Of the DaSA

<sup>3</sup> Land at North Bexhill – Infrastructure

<sup>4</sup> Policies BEX3a, BEX3b and BEX3c

6. East Sussex County Council highlight the need for consistency between the component policies that make up North Bexhill which are to be accessed off Mayo Lane<sup>5</sup>, the schedule of modifications sets out how this consistency can be achieved. In terms of the need for highway network improvements to the Strategic Road Network (SRN), these are set out in response to the question below.
7. Policy BEX3 clearly sets out the requirement for a comprehensive and integrated approach to the provision of housing and the associated infrastructure.
8. It is considered that there is a reasonable prospect that the sites can come forward within the plan period and the sites will be deliverable in line with the provisions set out in the NPPF<sup>6</sup>.

***Q: 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?***

9. The transport modelling (Reference: SJ7) undertaken to support the DaSA considers actual capacity of sites. It shows that the cumulative impact on the SRN from proposed allocations is within its capacity, subject to detailed site-specific transport assessments.
10. Paragraph 9.44<sup>7</sup> sets out that the cumulative impacts of additional movements on the existing highway network require a comprehensive and integrated approach. This is reflected in Policy BEX3 at criteria (iii).
11. The District Council along with East Sussex County Council are presently working with Highways England to provide further confidence in the transport modelling and in the policy provisions for relevant sites. Additional transport modelling has been commissioned to an agreed methodology with Highways England to assess the impact of proposed development in the DaSA at four specific junctions<sup>8</sup> on the SRN.

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<sup>5</sup> BEX3b and BEX3c

<sup>6</sup> 2012

<sup>7</sup> Of the DaSA

<sup>8</sup> A259/Little Common roundabout, A259/a269 London Road (signal controlled crossroads), A259/Dorset Road (signal controlled crossroads), and A259/Glyne Gap roundabout

***Q: Are the sites viable with required contributions towards infrastructure?***

12. The relevant site typology tested in the Local Plan Viability Assessment (Reference: SH2) is typology 3<sup>9</sup>, at full cumulative policies, including costs for delivering site infrastructure, which was found to be viable<sup>10</sup>. The infrastructure costs identified within the policy are accounted for within the allowance for external works, site opening costs and for s106/278 and CIL<sup>11</sup>.

***Q: 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?***

13. The Core Strategy identifies the need for pitches over the plan period (2011-2028) through Policy LHN5<sup>12</sup>. Between 2011- 2018, 5 pitches have been granted permanent planning permission and been implemented, leaving a remaining requirement of 6 pitches up to 2028. The Core Strategy also sets out the policy criteria<sup>13</sup> for site selection through the DaSA and for determining planning applications for Gypsy, Traveller and Travelling Showpeople sites.
14. In considering sites for Gypsy and Traveller pitches through the DaSA, deliverability was one of the key considerations, with the most likely source of sites being those already owned by a Traveller, publicly-owned sites, willing landowners or those part of a comprehensive scheme.
15. The sites considered through the work followed the methodology set out in the Site Assessment Methodology - Gypsy and Traveller Sites Background Paper<sup>14</sup>. The sites have also been subject to Sustainability Appraisal<sup>15</sup> (SA), and screening through the Habitats Regulation Assessment<sup>16</sup>(HRA), the results of which have informed the allocations.
16. Twenty sites were considered as reasonable options for Gypsy and Traveller sites within the District<sup>17</sup>. The sites considered are spread throughout the District. The reasons for the sites being discounted can be found in Appendix 3<sup>18</sup>.

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<sup>9</sup> Local Plan Viability Assessment Table 5.1

<sup>10</sup> Local Plan Viability Assessment Table 6.1

<sup>11</sup> Local Plan Viability Assessment paragraphs 5.23 – 5.76.

<sup>12</sup> Sites for the needs of Gypsies and Travellers

<sup>13</sup> Policy LHN6

<sup>14</sup> Reference PS24

<sup>15</sup> See Document References C6, C7, C8.

<sup>16</sup> See Document Reference SG2.

<sup>17</sup> Page 337-341 of the DaSA Options and Preferred Options.

<sup>18</sup> DaSA – Options and Preferred Options –pages 422-429

17. Two preferred site options<sup>19</sup> were set out in the DaSA Options and Preferred options, although the North Bexhill site was not explicitly identified at the time of the consultation. Work undertaken after the publication of the DaSA Options and Preferred Options identified the site now included as the allocation.
18. This small traveller site is well located in terms of accessing day-to-day services within Sidley (shops, schools, and the doctors surgery), with public transport links to Bexhill, and there are local employment opportunities within North Bexhill. This area is relatively contained in the wider landscape and part of the wider BEX3 allocation set out in the DaSA.
19. The principal reasoning behind the allocation being identified at BEX3c, is that in addition to its suitability; the site can be accessed from Watermill Lane (East Sussex County Council have not raised an objection to the site access); and the site could come forward independently of the wider BEX3c site. In addition, the site is no longer needed for mitigation for the North Bexhill Access Road (NBAR) as the attenuation pond has now moved to the western side of Watermill Lane.

**Policy BEX4: Land at Former High School Site and Drill Hall, Down Road, Bexhill**

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

20. Paragraph one of Policy BEX4 confirms that the site is allocated for a mixed use development comprising of a wet/dry leisure facility, housing, hotel, restaurant space and associated car parking. The policy criteria set out the size of the leisure facility (criteria (i)), alongside complementary commercial development (criteria (iii)) and, at criteria (ii), two options for the residential element of the policy, one comprising of 35 houses, the other for 36 flats and 18 houses. As noted at criteria (vi) and (vii), if the Drill Hall is included as part of any future planning application, the current users should be relocated to an alternative location and, should the Drill Hall be demolished, a further archaeological record should be undertaken, in line with the recommendations set out in the level 4 Standing Building Assessment (Reference: SJ3). Further policy criteria (iv and v) set out the need for car parking (including a car/coach drop-off area for the adjacent school), electric charging points, and a transport assessment to inform vehicular access and linkages to wider transport infrastructure, including for cyclists and pedestrians. The need for boundary planting along the northern boundary is also set out at criteria (viii). An additional criterion relating to sewerage infrastructure (discussed below) is set out in the Council's Initial Responses to Representations (Reference: RDC-DaSA-004).

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<sup>19</sup> Land adjacent to High Views, Loose Farm Lane, Battle (1 pitch) and as part of the North Bexhill strategic allocation (5 pitches)

21. It is expected that all 8 criteria (9 including the proposed amendment set out in Council's Initial Responses to Representations (Reference: RDC-DaSA-004)) should be met, unless the Drill Hall is not proposed to be demolished as part of any proposals, whereby criteria (vi) and (vii) would not need to be adhered to. This is explained in the supporting text at paragraph 9.58. The approach to the way the policy wording is set out is consistent with other mixed use policies within the Plan (BEX5, BEX10, & BEX14 for example). However, amended wording is set out below to clarify how the uses can be accommodated on the site.

Proposed Modification:

22. Amend paragraphs 9.55 and 9.56 as follows:

*9.55 The Council aspires for a combined wet and dry sports and leisure facility in the town and this centrally located site allows the opportunity to create a "landmark" destination for leisure and complementary facilities. It is envisaged that this would be on the frontage of the site, with the ~~as, potentially, may be complementary~~ restaurant space and a hotel, ~~also~~ taking advantage of the prominent roadside position.*

*9.56 The site's redevelopment will ~~There is also~~ include scope for residential elements ~~in the central and northern parts of the site. This may take~~ taking one of two forms; either as a total of some 35 houses or a combination of circa 18 houses and 36 flats, totalling 54 dwellings. It is envisaged that this would occupy the central and northern parts of the site.*

***Q: Is the Policy sufficiently clear about the requirements for sewerage infrastructure?***

23. This is addressed in the Council's Initial Responses to Representations (ref. RDC-DaSA-004). Additional explanatory text and a policy criterion are proposed in the Schedule of Proposed Modifications (ref. RDC-DaSA-005)<sup>20</sup>.
24. This is a standard requirement at sites where SW's (the service provider) assessments have shown limited capacity in the sewer network to accommodate additional development. There are similar requirements at a number of other sites (e.g. Policies BEX6, HAS2, BRO1, FAC1, FAC2).
25. SW has advised the Council that developers now pay a flat rate (the "New Infrastructure Charge") for any network reinforcement required as a result of development related growth, which is also part funded through SW's Capital Works programme. The policy requirement alerts the developer to the need for discussions with SW to ensure the work can be programmed appropriately with the site's occupation and not adversely impact on the deliverability of the site.

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<sup>20</sup> Page 13

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

***Q: Are the policies sufficiently robust in terms of assessing impact of development on the Pevensey Levels?***

26. Both Land adjacent to 276 Turkey Road (Policy BEX6) and Land at Moleynes Mead, Fryatts Way (Policy BEX7) are located within the Pevensey Levels Hydrological Catchment Area (PLHCA), and this should be highlighted within the policy. The Council's Initial Responses to Representations (Reference: RDC-DaSA-004) clarifies this<sup>21</sup>. The proposed policy amendment sets out the need for an Appropriate Assessment (AA) under the Habitats Regulations, undertaken in accordance with the policy, to demonstrate beyond reasonable scientific doubt that these developments can be delivered on the sites without harming the integrity of the Pevensey Levels Special Area of Conservation (SAC)/RAMSAR site. This is consistent with the approach to other sites within the PLHCA. This approach is considered robust and will ensure that special consideration is given to the impact of the proposals on the Pevensey Levels through the AA process. Natural England have not raised an objection to this policy approach where it is used as criteria for other sites within the DaSA.
27. In addition, with reference to Moleynes Mead, Natural England have advised that in regard to the current outline planning application<sup>22</sup>, that they *“do not consider that a proposal of this nature and scale, in this location, would result in a likely significant effect on the Pevensey Levels Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) through impacts to water quality or quantity. As this proposal is unlikely to result in direct discharge of surface water into watercourses feeding into the Pevensey Levels, we do not consider that two stages of SuDS would be required. Should planning permission be granted, we consider that a suitably worded condition such as that indicated below would be appropriate for this scheme, together with measures to manage construction impacts”* (Reference PS20).

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<sup>21</sup> Pages 71-73

<sup>22</sup> RR/2017/2452/P - Outline: Redevelopment of land with 24no. unit residential development including new access road, associated parking and external amenity areas.

## **Policy BEX 9: Land off Spindlewood Drive, Bexhill**

*Q: 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?*

28. The Pevensey Levels has a large hydrological catchment area (the PLHCA), extending far beyond the SAC/ Ramsar site and encompassing the western part of Bexhill together with other settlements to the north and intervening countryside, extending into Wealden District and developed areas on the eastern side of Eastbourne Borough. In this context the allocation of this site for residential development in principle is considered to be reasonable and justified. Natural England has raised no objections to the principle of development allocations within the PLHCA but, in accordance with the Habitats Regulations, it is necessary to ensure that development does not result in harm to the integrity of the SAC/Ramsar site.
29. Land at Spindlewood Drive is located within the PLHCA. The policy sets out that in accordance with policy DEN5 'Sustainable Drainage', at least two forms of appropriate SuDS are incorporated and an AA under the Habitats Regulations demonstrates beyond reasonable scientific doubt that these can be delivered on the site without harming the integrity of the Pevensey Levels SAC/RAMSAR site (criteria (xi)). This approach is considered robust and will ensure that special consideration is made to assess and mitigate the potential impact of the proposals on the Pevensey Levels through the (AA) process. Natural England have not raised an objection to this policy approach through the HRA AA undertaken for the Council in preparing the Submission DaSA and the identification of proposed site allocations.
30. The Policy requires (criteria xi) that in line with Policy DEN5: Sustainable Drainage, at least 2 forms of Sustainable Drainage (SUDs) are incorporated<sup>23</sup>. This is in line with the findings of the HRA which supports the DaSA (Reference SG2). The DaSA HRA found, at screening stage, that development proposals for this site could affect the integrity of the SAC/Ramsar and so the next stage of the HRA, "Appropriate Assessment" was undertaken. This found that DaSA Policy DEN5 (Sustainable Drainage) would provide an adequate protective framework to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites. Consequently, it is appropriate to cross-reference the relevant part of Policy DEN5 for the avoidance of doubt.

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<sup>23</sup> The incorporation of at least two forms of SuDs enables surface water runoff to be slowed down to greenfield rates and for at least one additional stage of filtration to remove potential pollutants to be incorporated.

***Q: 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?***

31. Policy BEX9, criteria (ii), sets out the requirement that highway access should be from both Spindlewood Drive and Barnhorn Road and that off-site highway works will be required to make the development acceptable in highway terms.
32. Highways England set out in their representations to the DaSA, that in respect of this site, the existing access onto the A259 Barnhorn Road will need to be upgraded as well as provide an access to Spindlewood Drive on the local road Network. This is necessary to avoid 'severe' impact at the A259 Little Common Roundabout.
33. The site is subject to a current planning application<sup>24</sup> (presently undetermined) which largely reflects the Proposed Submission DaSA allocation. During the consideration of the current planning application, Highways England have set out in response to the planning application<sup>25</sup> that they are content that the off-site highways works that are proposed as part of that planning application adequately take account of the proposed development's own impacts on the SRN.

**Policy BEX10: Land at Northeye, (Former UAE) Bexhill**

***Q: 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?***

34. As noted above, the Pevensey Levels has a large hydrological catchment area (the PLHCA), extending far beyond the SAC/ Ramsar site and encompassing the western part of Bexhill together with other settlements to the north and intervening countryside, extending into Wealden District. Natural England has raised no objections to the principle of development allocations within the PLHCA but, in accordance with the Habitats Regulations, it is necessary to ensure that development does not result in harm to the integrity of the SAC/Ramsar site.

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<sup>24</sup> Reference RR/2017/1705/P

<sup>25</sup> Reference PS25

35. Land at Northeye is located within the PLHCA. The policy sets out the need for an AA under the Habitats Regulations to demonstrate beyond reasonable scientific doubt that the development can be delivered on the site without harming the integrity of the Pevensey Levels SAC/RAMSAR site (criteria (iv)). This approach is considered robust and will ensure that special consideration is made to the impact of the proposals on the Pevensey Levels through the AA process. Natural England have not raised an objection to this policy approach.
36. Criteria (iv) of the Policy also makes reference to Policy DEN5 of the DaSA (Sustainable Drainage), requiring that at least 2 forms of appropriate Sustainable Drainage (SUDs) are incorporated. This is in line with the findings of the Habitats Regulation Assessment (HRA) which supports the DaSA (Reference SG2). The DaSA HRA found, at screening stage, that development proposals for this site could affect the integrity of the SAC/Ramsar and so the next stage of the HRA, "Appropriate Assessment" was undertaken. This found that DaSA Policy DEN5 would provide an adequate protective framework to ensure that the development site would not lead to an adverse effect on the integrity of any internationally designated sites. Consequently, it is appropriate to cross-reference the relevant part of Policy DEN5 for the avoidance of doubt.

***Q: 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?***

37. Land at Northeye is a part brownfield site located outside the development boundary to the west of Bexhill. The site is a former prison and was more recently used as a technical training facility for the United Arab Emirates. The facility is no longer in use and the landowners have indicated that the site is available for redevelopment. In the interests of positive planning, the District Council sought to achieve a sensitive redevelopment of the site given its exposed nature in the wider landscape.
38. The Core Principles<sup>26</sup> set out in the Framework indicate that development should be focused in locations which are or can be made sustainable, making the fullest possible use of public transport, walking and cycling. The site is located next to an existing enclave of housing which was originally built to house those who worked at the prison. Whilst the site is outside any development boundary<sup>27</sup>, there are existing bus stops on Barnhorn Road around 310 metres from the site entrance. There are frequent existing bus services to Eastbourne and Bexhill, which would allow residents to access places of work, schools and other everyday needs, including everyday services at Little Common District Centre. The Policy sets out the need for improvements to existing local bus stop infrastructure including a financial contribution towards improvements to the local bus service.

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<sup>26</sup> Pages 5-6

<sup>27</sup> Some 320 metres beyond the development boundary for Bexhill

39. Notwithstanding that the site is well served by the existing bus service in close proximity to the site, there are other sustainable transport modes<sup>28</sup> recognised by the NPPF that provide efficient, safe and accessible means of transport with overall low impact on the environment, including low and ultra-low emission vehicles<sup>29</sup>, car sharing and public transport.
40. It is considered appropriate to make a modification to criteria (vii) of the Policy to require a Travel Plan intended to promote the use of sustainable transport modes to encourage the use of public transport, car sharing and low and ultra-low emission vehicles in compliance with Core Strategy Policy TR3. This would ensure a genuine choice of travel modes, and promote sustainable travel modes that limit future car use.

Proposed Modifications:

41. Amend paragraph 9.122 as follows:

*Notwithstanding that the site is served by the existing bus service in close proximity to the site the site should take advantage of other sustainable transport modes recognised by the NPPF, that provide efficient, safe and accessible means of transport with overall low impact on the environment, including electric, low and ultra-low emission vehicles, car sharing and public transport. The original public footpath which crossed the site before the development of the site as a prison should be reinstated to give enhanced access to the countryside and the Levels to the north. This would provide an alternative to the poorly used path 59a. This would also provide better access to footpath 12b which links Coneyburrow Lane to Little Common.*

42. Amend criteria (vii) as follows:

*a travel plan is included to promote the use of sustainable transport modes to encourage the use of public transport, car sharing and electric, low and ultra-low emission vehicles in compliance with Core Strategy Policy TR3, to*  
*improvements are made to existing local bus stop infrastructure and a financial contribution towards improving local bus services is provided;*

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<sup>28</sup> NPPF, Annex 2, page 57

<sup>29</sup> NPPF (2012) Paragraph 35

## **Policy BEX14: Land South East of Beeching Road Bexhill**

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

43. The entirety of the allocation is in the freehold ownership of the District Council and although there are multiple leases across the site, the Council has been working to assimilate some of the leasehold interests in recent years. Most recently<sup>30</sup> the Council has acquired the lease for the northern part of the allocation set out on the detail map<sup>31</sup> and the Council now has full control of this part of the site. The Council also owns Wainwright Road car park as well as the coach and lorry park within the site<sup>32</sup>. In addition, the Council has had some initial discussions, with the head leaseholder of the former Grahams site<sup>33</sup> about acquiring this interest.
44. In principle, the District Council is willing to make the land available within the area marked on the detail map available for the implementation of the allocation (subject to a satisfactory planning application, in due course).
45. It is acknowledged that there are two culverts<sup>34</sup> which run through the site and that these will have some impact on the site layout within any scheme. An amendment to the Policy has been proposed to clarify this<sup>35</sup>. However, there is sufficient scope within the site area to accommodate the required easements and not have an overall impact on site layout<sup>36</sup>.
46. With regards to the site levels, the majority of the site outlined in the allocation is substantially level. There is a change in levels onto the site from Beeching Road via Wainwright Road. This forms the existing access to this area and it is envisaged that this would provide the access to the site as indicated on the detail map. The south-eastern corner of the allocation fronting Terminus Road, which currently forms part of the Beeching Park estate, is at a higher level than the remainder of the site, but is also substantially level. This area would most likely form part of the parking, circulation and access spaces serving the site and the difference in levels to the remainder of the site is therefore not considered to be a significant obstacle to development.
47. It is acknowledged that the site suffers from surface water flooding and redevelopment here provides a 'multi-functional' opportunity reduce the causes and impacts of flooding through the use of SuDS in line with Policy DEN5.

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<sup>30</sup> December 2018

<sup>31</sup> Page 163 of the DaSA

<sup>32</sup> Appendix 1 shows freehold and head leasehold interests within the allocation

<sup>33</sup> Shown as Other head lease: B on the map in Appendix 1.

<sup>34</sup> Appendix 2 shows a map detailing the culverts which run through the site

<sup>35</sup> Reference RDC-DaSA-005 Schedule of Proposed Modifications (6 Mar 2019), page 10

<sup>36</sup> The map at Appendix 2 shows the routes of the culverts and includes the 8metre easements.

## **Policy BEX17: Little Common and Sidley District Centres**

*Q: 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?*

48. According to figures from the East Sussex Joint Strategic Needs & Assets Assessment (JSNA), Sidley is the most deprived ward within Rother District and amongst 10% of the most deprived in East Sussex. Evidence from Public Health England (PHE) demonstrates that local authorities with higher deprivation have a greater density of fast food outlets<sup>37</sup>:
49. Sidley district centre currently has 9 takeaway outlets which accounts for 19% of the total shops. PHE data shows that in 2016, there were 7 takeaway outlets. Therefore, the increasing number of takeaway outlets is a pertinent issue in Sidley.
50. Consultation undertaken by the Heart of Sidley<sup>38</sup> highlighted concerns from locals regarding the number of takeaways in Sidley, where residents indicated that they would like to see less takeaways/fast food restaurants. They expressed concerns with the effect this has on the high street, given that they are generally closed in the day and the limited access to healthier food choices which impacts on health. Takeaway food is generally not 'healthy' and is likely to offer food that is higher in saturated fat, salt and sugar and generally low in fibre, vitamins and minerals.
51. Figures from the East Sussex JSNA show that 53 4-5 year olds and 72 10-11 year olds in Sidley were classified as obese in the 2013/14 – 2015-16 academic years. Childhood obesity prevalence in Sidley is similar to East Sussex, however this still means that 1 in 4 reception year pupils and 1 in 3 year 6 pupils in Sidley are overweight. East Sussex in Figures<sup>39</sup> shows that in Rother, Sidley has the highest number of children in these age brackets as being overweight
52. Across a number of indicators around income deprivation and other wider determinants of health, Sidley is significantly worse compared to East Sussex. The policy seeks to resist a further concentration of takeaway uses within Sidley District Centre given their existing prevalence within the most deprived area of Rother. The Policy reflects the current public health evidence base around this issue and statistics that are specific to Sidley.

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<sup>37</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/741555/Fast\\_Food\\_map.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741555/Fast_Food_map.pdf)

<sup>38</sup> The Heart of Sidley (HoS) Partnership seeks to improve the education, living conditions, environment and community wellbeing of the local Community and workforce. HoS is funded by Big Local.

<sup>39</sup>

<http://www.eastsussexinfigures.org.uk/webview/index.jsp?catalog=http:%2F%2F10.128.25.249:80%2Fobj%2Fcatalog%2FCatalog276&submode=catalog&mode=documentation&top=yes>

53. In terms of the effectiveness of the Policy, it is considered that to include the “acceptable” number of takeaways or any other use in this area would be too prescriptive. Therefore, the policy is worded to ensure that a further concentration of takeaway uses is restricted.

### **Hastings Fringes**

#### **Policy HAS3: Land north of the A265, Ivyhouse Lane, Hastings**

*Q: Is the site within the AONB? If so should the policy refer to this?*

54. The site is located within the High Weald AONB and the supporting text is proposed to be amended to clarify this. The Council’s Initial Responses to Representations (Reference: RDC-DaSA-004) confirms this<sup>40</sup>. The Policy (as proposed to be amended) sets out that development of the site should not intrude in to wider views of the AONB.

#### **Policy HAS4: Rock Lane Urban Fringe Management Area**

*Q: Should the policy refer to its inclusion within the AONB?*

55. The site is located within the High Weald AONB and the supporting text (paragraph 10.38) confirms this. It is not necessary to also state this in the policy itself. This approach is consistent with other site allocations within the AONB where the designation is referred to in the supporting text but not the policy wording (e.g. many of the village allocations including those at Beckley, Broad Oak and Catsfield). In any event, the Development Plan should be read as a whole and DaSA Policy DEN2: The High Weald Area of Outstanding Natural Beauty is also relevant.
56. It is considered that paragraph 10.40 adequately defines what appropriate development in this locality would be acceptable in terms of improving landscape quality and formal access (Reference: RDC-DaSA-004 refers)<sup>41</sup>.

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<sup>40</sup> Pages 88-89

<sup>41</sup> Page 90

## Villages

### Broad Oak

#### **Policy BRO2: Land at the Rainbow Trout Public House**

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

57. This is addressed in the Council's Initial Responses to Representations (Reference RDC-DaSA-004)<sup>42</sup>. Additional explanatory text and a policy criterion are proposed in the Schedule of Proposed Modifications (ref. RDC-DaSA-005)<sup>43</sup> in response to the representation, which was made by the service provider SW. The proposed text and policy criterion align with the approach that has been taken on other sites on which SW had made the same comment at an earlier stage of the DaSA (e.g. Policies BEX6, HAS2, BRO1, FAC1, FAC2). SW has not submitted any negative comments on the wording for these other policies and the Council therefore understands the wording to be acceptable.
58. Local sewer network reinforcement is a standard requirement at sites where SW's assessments have shown limited capacity in the sewer network to accommodate additional development. There are similar requirements at a number of other sites, as detailed above.
59. SW has advised the Council that developers pay a flat rate (the "New Infrastructure Charge") for any network reinforcement required as a result of development related growth, which is also part funded through SW's Capital Works programme. The policy requirement alerts the developer to the need for discussions with SW to ensure the work can be programmed appropriately with the site's occupation and not adversely impact on the deliverability of the site.
60. Using a cashflow viability model, the Local Plan Viability Assessment (Reference SH2) has tested a number of residential "site typologies" at full cumulative policies, including costs for delivering site infrastructure, finding no issues with the viability of Typology 8 which is most similar to Policy BRO2<sup>44</sup>. It makes a number of assumptions, including that "external works", which incorporates all additional costs associated with the site curtilage including connections to the strategic infrastructure such as sewers and utilities, will represent 15% of the build cost<sup>45</sup>, and also makes an allowance for Section 106/278 costs and CIL.

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<sup>42</sup> Pages 94-95

<sup>43</sup> Page 13

<sup>44</sup> Local Plan Viability Assessment, Table 5.1

<sup>45</sup> Local Plan Viability Assessment, paragraphs 5.23-4

## **Camber**

### **Policy CAM1: Land at the Former Putting Green, Old Lydd Road, Camber and Policy CAM2: Land at the Central Car Park, Old Lydd Road, Camber**

***Q: Are these two Policies consistent with the Core Strategy objectives for Camber and will they be effective in ensuring there are sufficient and suitable arrangements for replacement car parking?***

61. The Core Strategy identifies the potential for Camber to enhance its tourism offer and expand its role as a modern all year round leisure and tourist destination<sup>46</sup>, noting particular opportunities for upgraded tourist accommodation and facilities<sup>47</sup>. It also identifies a potential for limited housing growth<sup>48</sup>.
62. Policies CAM1 and CAM2 both impact on areas currently used for car parking. The effect is considered in the Council's Initial Responses to Representations (Reference RDC-DaSA-004)<sup>49</sup>. This acknowledges that while the sites' redevelopment will result in a small reduction in public car parking capacity, the benefits (specifically to the housing supply for Policy CAM1 and to the tourist offer for CAM2), outweigh the loss. Furthermore, the traffic management scheme required through Policy CAM2 (iii) will be effective in managing impacts as far as possible, and if practicable, could include the measures detailed in paragraph 11.79.
63. The policies are in line with the proposals for these sites detailed in the adopted Camber Village Supplementary Planning Document (SPD)<sup>50</sup>.

***Q: Are the Policies sufficiently clear in terms of how they are expected to contribute to the implementation of the SARMS?***

64. This is addressed in the Council's Initial Responses to Representations (ref. RDC-DaSA-004)<sup>51</sup> and additional explanatory text and policy criteria are proposed in the Schedule of Proposed Modifications (Reference RDC-DaSA-005)<sup>52</sup>.

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<sup>46</sup> Core Strategy paragraph 12.30

<sup>47</sup> Core Strategy paragraph 16.33

<sup>48</sup> Core Strategy Policy RA1 and Figure 12.

<sup>49</sup> Page 97, 98-99

<sup>50</sup> Camber Village SPD, September 2014 (Reference PS21)

<sup>51</sup> Pages 95-98

<sup>52</sup> Pages 13-14

## Catsfield

### **Policy CAT1: Land west of B2204**

#### ***Q: Is the site viable with a requirement for 40% affordable housing and village green?***

65. Using a cashflow viability model, the Local Plan Viability Assessment (Reference SH2) considered a typology of sites at full cumulative policies, including costs for delivering affordable housing and site infrastructure. The relevant typology for Policy CAT1 is Typology 13<sup>53</sup>.
66. Typology 13 includes an allowance for 40% affordable housing. The infrastructure costs are accounted for within the allowances for external works, S106/278 and CIL<sup>54</sup>. In determining viability for Typology 13, the assessment also assumes that approximately 25% of the site area<sup>55</sup> will be required for non-residential land (such as public open space), which generally supports no direct revenue to the development<sup>56</sup>. The village green, at 0.3ha, represents less than 25% of the gross site area (of 1.65ha)<sup>57</sup>. Consequently, neither the requirements for affordable housing nor a village green represent abnormal development costs and should not have any adverse effect on the viability of the site.
67. Should the costs for mitigation extend beyond the included standard development cost then it is anticipated that the value of the land would be reduced to account for such “abnormal” costs and therefore the viability of the site would not be at risk.

#### ***Q: Should the policy require an appropriate assessment?***

68. Advice has been received from Natural England<sup>58</sup>. This confirms that while the PLHCA just crosses into the north-western corner of the site, it would appear that the areas of the site falling within the PLHCA largely comprise a tree belt which, in accordance with the Policy, is to be retained and enhanced. The topography of the site falls to the south-east; therefore, discharge from this small area is unlikely to significantly affect the PLHCA. Therefore, it is not necessary to apply part (vi) of Policy DEN5 to this site, but parts (i) to (v) of Policy DEN5 would be applicable to any future proposal, and a sustainable drainage strategy developed in accordance with these criteria should be satisfactory. Natural England has advised that at planning application stage, project level HRA would still be necessary to demonstrate that development would not have an adverse effect on integrity of the Pevensy Levels SAC.

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<sup>53</sup> Local Plan Viability Assessment Table 5.1

<sup>54</sup> Local Plan Viability Assessment paragraphs 5.23-5.76

<sup>55</sup> Gross site area minus net site area, shown in Local Plan Viability Assessment Table 5.1

<sup>56</sup> Local Plan Viability Assessment paragraph 5.6

<sup>57</sup> The developable area (where the dwellings would be accommodated) is a little over 1ha, as noted in DaSA paragraph 11.92

<sup>58</sup> Email from Natural England dated 8/3/2019

## Proposed Modification

69. To highlight this matter, the Council propose an additional modification to the DaSA in the form of the following additional supporting text at the end of paragraph 11.99 (which has been agreed with Natural England<sup>59</sup>):

*Drainage would need to be considered in accordance with Policy DEN5, and although the site's development is unlikely to have any adverse effect on the integrity of the Pevensy Levels Special Area of Conservation (SAC), this would need to be confirmed through a project-level Habitats Regulation Assessment (HRA).*

## **Fairlight Cove**

### **Policy FAC1: Land at the Former Market Garden, Lower Waites Lane**

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

70. As noted at paragraph 11.108 of the DaSA, the site is subject to an outline planning application, delegated to approve. As such, the site has been subject to ecological survey work which has indicated that badger and reptiles could be affected by development. The planning application recommendation includes conditions and a legal agreement to address the impacts and these are reflected in the Policy at part (iv).
71. The relevant site typology tested in the Local Plan Viability Assessment (Reference SH2) is Typology 8, which it found to be viable with 40% affordable housing<sup>60</sup>. The infrastructure costs, including ecological requirements of Policy FAC1, are accounted for in the "other development costs" which include external works, professional fees<sup>61</sup>, S106/S278 and CIL. Furthermore, the developer's acceptance of the mitigation measures through the planning application supports the conclusion that protected species are not a constraint on deliverability.

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<sup>59</sup> Email from Natural England dated 13/3/2019 (Reference PS23)

<sup>60</sup> Local Plan Viability Assessment Table 6.2

<sup>61</sup> Local Plan Viability Assessment paragraphs 5.23-5.27

## **Policy FAC2: Land east of Waites Lane**

***Q: 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?***

72. The relevant site typology tested in the Local Plan Viability Assessment (reference SH2) is Typology 10 which it found to be viable with 40% affordable housing<sup>62</sup>. The infrastructure costs identified within the policy are accounted for within the allowances for external works, S106/S278 and CIL. The assumed net to gross site area<sup>63</sup> would allow sufficient land for other uses such as a doctors surgery.
73. The requirement and demand for age-restricted housing is justified by the older age-profile of the Parish<sup>64</sup> and supported by background evidence gathered in support of the (now abandoned) Neighbourhood Plan<sup>65</sup>. Further evidence shows that Fairlight Parish has a smaller average household size<sup>66</sup> than the District and County averages, and that the average house size is larger, with a higher proportion of larger houses<sup>67</sup>. This data supports the Neighbourhood Plan survey finding of a demand for smaller properties to meet residents' future housing needs.
74. The policy provides flexibility as to the form of older people's housing (not requiring, for example, communal facilities/care). The only policy requirements are that it is appropriately designed (and DaSA Policy DHG4 requires all new dwellings to meet M4(2) standard in any event, which has been shown to have little impact on viability<sup>68</sup>), and age-restricted, i.e. occupancy is limited to older people. Whilst age-restricted units have a more limited market, they often command higher prices due to exclusiveness and given the evident demand, the requirement should have no adverse effect on sales value or viability.

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<sup>62</sup> Local Plan Viability Assessment Table 6.2

<sup>63</sup> Local Plan Viability Assessment Table 5.1

<sup>64</sup> DaSA paragraph 11.102

<sup>65</sup> DaSA paragraph 11.119

<sup>66</sup> Household means the number of people (not necessarily related) living at the same address who share cooking facilities and share a living room or sitting room or dining area.

<sup>67</sup> 2011 census data on average household size, average number of rooms and households by number of rooms, East Sussex in Figures. This shows that the average household size in Fairlight Parish is 2 people, compared to 2.2 people for both the District and County averages, and that the average number of rooms per household in Fairlight is 6.1, compared to 5.7 for the District and 5.5 for the County. Higher proportions of households in Fairlight were larger (with 6, 7, or 8 rooms) compared to the District and County as a whole, and fewer Fairlight households were smaller (with 3 or 4 rooms) compared to the same.

<sup>68</sup> DaSA paragraph 4.36

75. It is expected that a doctor's surgery will be largely self-financed and essentially, a viable commercial operation. There is evidence of interest from a local GP in developing a surgery at this location<sup>69</sup>. It would replace the part-time surgery currently held at the village hall, and is appropriate, having regard to the older age profile of the parish.

## **Iden**

### **Policy IDE1: Land south of Elmsmead**

*Q: 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?*

76. The relevant site typology tested in the Local Plan Viability Assessment (reference SH2) is Typology 8<sup>70</sup> which it found to be viable with 40% affordable housing. The cost of archaeological work would form part of the usual "professional fees" development costs<sup>71</sup>.
77. The County Archaeologist has considered all of the allocation sites and assigned them a red/amber/green rating, whereby red sites are likely to carry significant archaeological constraints which could adversely affect their development potential, amber sites should be subject to further survey work, and green sites contain no constraints. This site (and that subject to Policy NOR1 below) was graded "amber". Therefore, while it is acknowledged that the development of any site carries a small risk that important archaeological remains could be discovered during development, resulting in costly mitigation or development not proceeding, this risk has been scoped out as far as possible, resulting in a policy requirement to carry out an archaeological assessment being reasonable, and unlikely to harm the site's deliverability or viability.
78. Should the costs for mitigation or access extend beyond the included standard development cost then it is anticipated the value of the land would be reduced to account for such "abnormal" costs and therefore, viability would not be at risk.

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<sup>69</sup> A GP surgery forms part of the proposal subject to Planning application RR/2018/2726/P which is supported by information from the GP

<sup>70</sup> Local Plan Viability Assessment Table 6.2

<sup>71</sup> Local Plan Viability Assessment paragraph 5.25: professional fees represent 8% of the build cost

## Northiam

### **Policy NOR1: Land south of Northiam Church of England Primary School**

*Q: 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?*

79. The relevant site typology tested in the Local Plan Viability Assessment (reference SH2) is Typology 12 which it found to be viable with 40% affordable housing<sup>72</sup>.
80. The cost of archaeological work would form part of the usual “professional fees” development costs<sup>73</sup>.
81. The County Archaeologist has considered all of the allocation sites and assigned them a red/amber/green rating, whereby red sites are likely to carry significant archaeological constraints which could adversely affect their development potential, amber sites should be subject to further survey work, and green sites contain no constraints. This site (and that subject to Policy IDE1 above) was graded “amber”. Therefore, while it is acknowledged that the development of any site carries a small risk that important archaeological remains could be discovered during development, resulting in costly mitigation or development not proceeding, this risk has been scoped out as far as possible, resulting in a policy requirement to carry out an archaeological assessment being reasonable, and unlikely to harm the site’s deliverability or viability.
82. The protected trees are on the site boundaries<sup>74</sup> which lessens their potential impact on the layout. The need to retain them has been factored into calculating the site density. Their protection would not represent any abnormal development cost and would form part of the usual “external works” development costs<sup>75</sup>.
83. Should the costs for mitigation or access extend beyond the included standard development cost then it is anticipated the value of the land would be reduced to account for such “abnormal” costs and therefore, viability would not be at risk.

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<sup>72</sup> Local Plan Viability Assessment Table 6.2

<sup>73</sup> Local Plan Viability Assessment paragraph 5.25: professional fees represent 8% of the build cost

<sup>74</sup> See DaSA Figure 52 – Policy NOR1 Detail Map

<sup>75</sup> Local Plan Viability Assessment paragraph 5.25: professional fees represent 8% of the build cost

**Policy NOR2: Land south of The Paddock/ Goddens Gill, Northiam**

*Q: 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?*

84. The extant permission is for a specialist scheme for older people, proposed by a housing association as “downsizer” housing. It is understood there are a number of reasons that scheme is unlikely to proceed but these are not related to the site itself, rather, external funding factors for the developer previously involved.
85. This is a greenfield site within a village, with no abnormal development costs, and there is no planning reason that its development (including 40% affordable housing) would not be viable<sup>76</sup> or deliverable. The extant permission and a previous permission for 52 units illustrate the density that can be achieved if an older person’s scheme is pursued. If a non-age-restricted scheme is pursued, increased space requirements for gardens and parking (for example) would reduce the density, as reflected in the Policy. Density is further considered in the Council’s Initial Responses to Representations (Reference RDC-DaSA-004)<sup>77</sup>. While age-restricted units have a more limited market, they often command higher prices due to exclusiveness. Importantly, the older persons housing could still come forward as “normal” units (just age restricted) as the policy does not require additional care/facilities etc. Therefore, viability would not significantly change between open market and age restricted dwellings.

**Peasmarsh**

**Policy PEA1: Land south of Main Street, Peasmarsh**

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

86. As noted at DaSA paragraph 11.178, access will be from Main Street via land currently occupied by “Pippins”, which would be demolished. The site is being promoted by the landowners, including the owner of “Pippins”. No additional third party land would be necessary to secure access.
87. There is no evidence to suggest that the site is not deliverable within the plan period.

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<sup>76</sup> See Local Plan Viability Assessment Table 6.2, typology 10.

<sup>77</sup> Pages 115-116

## **Rye Harbour**

### **Policy RHA1: Land at Stoneworks Cottages**

*Q: 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?*

88. This is addressed in the Council's Initial Responses to Representations (ref. RDC-DaSA-004)<sup>78</sup> and additional explanatory text and a policy criterion are proposed in the Schedule of Proposed Modifications (ref. RDC-DaSA-005)<sup>79</sup>.

## **Westfield**

### **Policy WES1: Land at Westfield Down, Westfield**

*Q: Does the policy make sufficient provision for protecting the character of the AONB?*

89. This is addressed in the Council's Initial Responses to Representations (ref. RDC-DaSA-004)<sup>80</sup>. Housing development is restricted to the lower (south-western) section of the site, which is more visually contained than the north-eastern part. Policy criterion (iii) requires boundary tree planting to help screen the site, as noted at paragraph 11.219. The Local Plan will be read as a whole, and proposals will be required to accord with DaSA Policy DEN2.
90. The High Weald AONB Unit has not raised an objection to the allocation.
91. Furthermore, since the base date of the DaSA (1 April 2018), Reserved Matters approval<sup>81</sup> has now been granted for the 39 dwellings subject to the outline permission referred to in DaSA paragraph 11.214.

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<sup>78</sup> Pages 124-125

<sup>79</sup> Pages 15-16

<sup>80</sup> Pages 129-130

<sup>81</sup> Reference RR/2017/1293/P

# Appendix 1: BEX14 Ownership information regarding Land South of Beeching Road



# Appendix 2: BEX14 Culverts

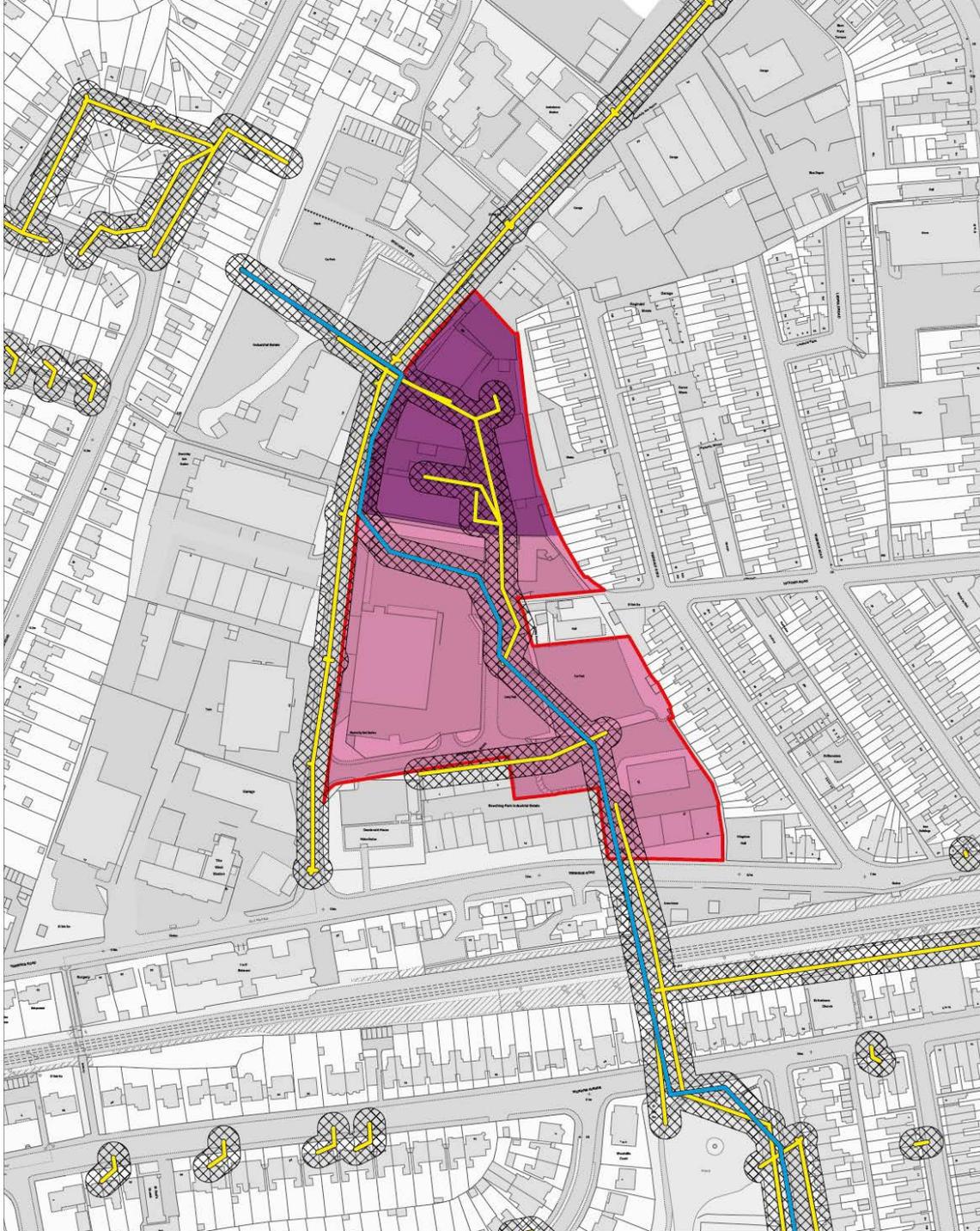
MATTER 7  
 Policy BEX14: Land south-east of Beeching Road, Bexhill

SCALE @ A4  
 1 : 2,500

0 20 40 60 80 100 m

↑ N

|     |                           |                     |                 |                |                     |             |
|-----|---------------------------|---------------------|-----------------|----------------|---------------------|-------------|
| KEY | BEX14 allocation boundary | Proposed employment | Proposed retail | Stream culvert | Surface water sewer | 8m easement |
|-----|---------------------------|---------------------|-----------------|----------------|---------------------|-------------|



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