

Mr David Marlow
Rother District Council
Town Hall,
London Road,
Bexhill-on-Sea,
East Sussex,
TN39 3JX

07 December 2018

Dear David,

East Sussex County Council Representations on the Proposed Submission Rother Development and Site Allocations (DaSA) Local Plan

The County Council wish to make the following representations which seek modifications to make certain aspects of the Proposed Submission DaSA Local Plan sound. We also have some other comments and observations which relate to certain points that we raised at the draft consultation stage.

Minerals and Waste Planning

The comments below are made by East Sussex County Council in our role as the relevant Minerals and Waste Planning Authority for the plan area.

Soundness – Policy DEN3: Strategic Gaps

As identified in our previous comments on the Options and Preferred Options DaSA, Pebsham Household Waste Recycling Centre and Waste Transfer Station, which is a strategic safeguarded waste site, and the Pebsham Waste Water Treatment Works are located within the Bexhill and Hastings/St Leonards Strategic Gap (Policy DEN3), but are not within the Combe Valley Countryside park (Policy HAS1).

The East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (WMP), adopted 2013, sets out the strategy for waste management within East Sussex, Brighton & Hove and the South Downs National Park. Policy WMP22 of the WMP supports proposals for increasing capacity within the boundaries of an existing waste management site and making the most efficient use of existing waste sites. This was a consideration in the identification of sites under the Waste and Minerals Sites Plan (2017).

The Council recognises the importance of retaining strategic gaps as set out in Policy DEN3. However, it is concerned that the stipulation that development may only occur within the strategic gap under exceptional circumstances undermines the ability of the WMP to make most efficient use of waste sites as supported by adopted Policy WMP22 of the WMP. This creates ambiguity between the two policies, and the Council therefore believes that Policy DEN3 is currently unsound on the grounds that it is not effective.

To resolve this soundness issue the County Council requests that the following text is inserted into the supporting text after paragraph 6.18:

“This Plan recognises that there are strategic waste facilities within the Gap. Proposals for the intensification of these facilities within their existing boundaries, as enabled by the Waste and Minerals Plan, are supported in principle and do not have to demonstrate exceptional circumstances, provided that the openness of the Gap is maintained.”

Requested Minor Modifications

Reference is made to the Waste and Minerals Plan and the Waste and Minerals Sites Plan in section 1 which is appreciated. However, there is no mention of the safeguarding of minerals sites, wharves and railheads within the Rother Local Plan area, as identified in policies SP8 and SP9 of the Sites Plan and policies WMP14 and WMP15 of the Waste and Minerals Plan as previously suggested in the County Council’s response to the Options and Preferred Options DaSA. It is requested that reference to these policies or to the safeguarding of mineral sites is made.

Presently, safeguarded waste and minerals sites do not appear to be referenced on the Rother Local Policies Map. It is requested that either the safeguarded minerals sites within the Rother Local Plan area are included in this Policies Map, or that reference to the Waste and Minerals Policies Map is made on the Rother Policies Map as required by article 9 of the Town and County Planning (Local Planning) (England) Regulations 2012 (as amended).

Paragraph 10.3 of the supporting text for policy HAS1 which concerns the Combe Valley Countryside Park refers to the continued use of land within the locality for waste collection, and states that such operations must be contained and should not conflict with the aims and objectives of the Combe Valley Countryside Park. This should refer to ‘waste management’ rather than waste collection.

Policy DEN3 states that development in a Strategic Gap will only be permitted in exceptional circumstances. Further clarity could be provided on what constitutes ‘exceptional circumstances’.

Other Comments

The reference to the National Planning Policy for Waste in paragraph 1.22 is welcomed.

In section 2, the inclusion of policy DHG7 External Residential Areas item (iii) Waste and Recycling is welcomed.

With regards to policy RHA2: Harbour Road Employment Area, Rye Harbour, the comments made by the County Council in response to the Options and Preferred Options DaSA have been taken into account. Paragraph 11.204 and policy RHA2 (vi) include text which requires proposals that could affect the wharf to demonstrate that capacity for landing, processing, handling and storage of minerals is safeguarded. This is **strongly supported**. Recognition of the waste management operation at Rye Oil is also appreciated.

Alterations to the Sustainability Appraisal are noted, and references to Commercial & Industrial Waste and Construction, Demolition and Excavation Waste are appreciated.

Highway Authority

ESCC Cycling and Walking Strategy

Although the Cycling and Walking Strategy is briefly mentioned in the introduction section on page 13 we would request that a minor modification is made by adding the following text in the opening pages of the Bexhill site allocations chapter (pages 113-115) and the opening pages of the Hastings Fringes chapter (pages 175-178):

ESCC are in the process of developing a County wide Cycling & Walking Strategy, which will aim to deliver cycling and walking infrastructure on key corridors of movement between residential areas (including new developments) and key trip attractors, including education, employment, retail and leisure activities’.

Proposed site allocations

The County Council, in our role as the relevant Highway Authority for the plan area, have worked closely with Rother District Council in the production of the DaSA Local Plan and provided input at the Options and Preferred Options stage. For this reason, we do not wish to oppose the principle of the proposed allocations. However, we do seek some minor modifications to certain policies, and also wish to raise a soundness concern over one particular policy (BEX10). Despite this, we have set out below how we consider this soundness issue can be addressed by way of a modification to the policy in question.

It is recognised that a number of the proposed allocations have been, or are subject to planning applications that the Highway Authority has provided comment on (i.e. BEX1, BEX2, BEX7 and BEX9). In light of our involvement and our stated positions on the applications for these sites, alongside the evidence supporting the plan, we do not wish to object and raise concerns over the soundness of those particular proposed allocations.

BEX3: (Land at North Bexhill –Infrastructure) and sub-policies BEX3a, BEX3b, BEX3c

Policy BEX3c imposes a traffic calming requirement (criteria iii b) but Policy BEX3b doesn't. This does not suggest consistency across the three sites/sub-policies of BEX3 – as all traffic and most non-vehicular movement from the 3 sites reaches the proximity of Mayo Lane.

We therefore request that minor modifications are made to Policy BEX3 and BEX3c:
-that the policy criteria of Policy BEX3c (iii) (b) regarding traffic management is deleted from BEX3c and is instead written into the shared infrastructure policy (Policy BEX3).

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

We agree with policy text in point (v) regarding the transport assessment.

We recommend that there should be a masterplan/design brief as the uses are specific and sustainable transport/connectivity should be a key feature.

The main impact of this development from a highways perspective will be on the trunk road.

BEX10: Land at Northeye (Former UAE Technical Training Project)

From a transport perspective, we do not consider that the proposed allocation is in a sustainable location and a development on this site could be reliant on access to and from to be primarily made by private car. This is primarily the case due to the sites detachment from the main settlement of Bexhill (as recognised in paragraph 9.107 of the plan) and that few amenities, community facilities and employment opportunities exist within a reasonable

walking distance of the site. However, the County Council recognises the overarching development strategy set out in the Local Plan 'Core Strategy' 2014 and the fact that the site is partly brownfield. Given this we do not wish to object to the principal of the proposed allocation. Instead, we wish to ensure that any development in pursuant of this allocation is able to take full advantage of, as well as make improvements to sustainable transport measures in the locality, as well as seeking to implement measures that minimise the risk of travel by private car.

We therefore request that there is a modification to the policy that requires a Travel Plan to be submitted and approved by us for any planning application on the site. The Travel Plan will need to demonstrate how opportunities for walking and cycling can be fully utilised (there are existing cycle lanes either side of the A259), as well as other sustainable transport measures (e.g. possible car club, measures that encourage journeys to be made by bike and bus, etc).

We also request that an amendment is made to criteria vii) of the policy. It is not just the bus stops we would wish to see improved, we would also want to see improvements which aid the accessibility of the bus stops – i.e. widening of footways and an improved crossing point on the A259.

It is considered that such modifications are required to the policy in order for it to be effective and consistent with national policy (in reference to the tests of soundness).

FAC1: Land at Former Market Garden, Fairlight Cove

The supporting text for the policy notes that the access to the site will be on roads that are unadopted and privately maintained. It is highly unlikely that this road could be brought up to an adoptable standard. Although the County Council does not wish to oppose the proposed allocation, we would ask that reference is made within either the supporting text, or the policy itself, that consideration will need to be given to creating safe pedestrian routes to and from the site, which is particularly important given the lack of footway on the unadopted highway.

WES4: Land between Moor Lane and the A28, Westfield

The indicative parking area for the proposed allotments is located opposite a 4 way junction. Therefore it will be important to fully consider highway safety at planning application stage. It would be hazardous for vehicles to reverse out of the site into the main road and therefore the parking area should be designed in a way that removes the need to reverse out. It is suggested that reference is made to this requirement in paragraph 11.237 of the supporting text to the policy.

Ecology

Energy from biomass (Paragraph 2.17)

It should be noted that because Ancient woodland requires ongoing management it does have some potential as a source for biomass energy.

Policy DHG2: Rural Exception Sites

We request the following minor modification: That biodiversity is added to Point (vi) of the policy i.e. to state that 'the development does not significantly harm biodiversity'.

Locally designated sites (Paragraph 6.3.4)

We request the following minor modification:

Delete the reference to 'East Sussex County Council' in this paragraph. This is because the Sussex Biodiversity Record Centre is the main contact for information on locally

designated sites (the Sussex Local Wildlife Site Initiative and the Sussex Geodiversity Partnership are both hosted by the Record Centre).

Biodiversity and Green Space (Page 60)

We request that a minor modification is made:

Mention should be made of Habitats and Species of Principal Importance, as listed under Section 41 of the Natural Environment and Rural Communities Act 2006. The S41 lists are used to guide decision-makers, including local authorities, in implementing their duty under Section 40 of the Act to have regard to the conservation of biodiversity in England, when carrying out their normal functions. S41 habitats within Rother include woodland, maritime cliff and slopes, hedgerows and lowland meadows, and s41 species include hedgehog, common toad, house sparrow, brown-banded carder bee and pennyroyal.

Biodiversity opportunities in development: Paragraph 6.43

We request that the following minor modifications are made (additional words in italics and underlined) to paragraph 6.43 on page 84:

Ecological surveys and reports will be required to be submitted with planning applications for major development or where the development *may impact* on any designated sites, priority habitat of protected *or notable* species.

Housing allocation policy detail maps:

Policy detail maps show indicative layouts, but these may need to be adapted depending on the ecological constraints and opportunities. Site masterplans for allocated sites should be informed by an Ecological Constraints and Opportunities Plan (in line with BS42020:2013).

Lead Local Flood Authority

The Lead Local Flood Authority (LLFA) recognises that the Local Plan 'Core Strategy' was supported by a Strategic Flood Risk Assessment (SFRA) and that the DaSA sets out non-strategic policies within the overarching development strategy for the district. Recognising the content of paragraph 156 of the NPPF, it is not a requirement for the DaSA to be supported by an up-to-date version of the SFRA. Nevertheless, the LLFA would wish to place on record that when Rother District Council review their Core Strategy, it will be required to be supported by an up-to-date version of the SFRA. This is particularly paramount given that since the 2008 version has been produced, a significant amount of evidence has been collated by the LLFA on local flood risk matters in the district.

The LLFA notes that the DaSA has been informed by site assessments and a number of background evidence studies. This has included surface water flooding information and flood zone mapping provided by the Environment Agency.

In light of the above, the LLFA does not wish to challenge the soundness of the DaSA and oppose the principle of the proposed allocations. However, we would request that the plan acknowledges that in avoiding areas of flood risk and ensuring that appropriate drainage proposals are delivered on the allocated sites (in the form of SuDS) that the quantum of growth set within each proposed policy allocation may need to be compromised in some instances. This is considered essential given that the LLFA has yet to see detailed masterplanning that identifies the potential land-take for whatever the appropriate drainage method will eventually be implemented. We would therefore suggest that the terms

“approximately” or “circa” are used prior to the stated amount of residential development allocated to the site in question.

The County Council is aware that Rother District Council intends to formally submit the DaSA Local Plan to the Secretary of State in January 2019. The County Council supports this course of action as we consider that the matters raised in this representation can be suitably addressed and resolved during the Examination in Public into the DaSA Local Plan.

Should you require any further information on these points please do not hesitate to contact myself.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E Sheath', enclosed within a thin black rectangular border.

Edward Sheath

Head of Planning and Environment