

## **Statement of Representation**

In response to:

Rother District Council Development and Site Allocations (DaSA)

Examination Hearing Statement

**Matter 5 – Selection of sites allocated for development – Overall methodology and process.**

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

Prepared by Mr S Finnis, MA MRTPI

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## Introduction

1. This hearing statement is submitted on behalf of the owners of the land located to the western side of Ninfield Road and between St Mary's Lane. This submission has been prepared in response to Hearing Session Matter 5 which is scheduled for consideration. The statement also provides further representations and evidence in response to the Council's responses to the previous representations that were made. This statement builds upon our previous representation submission.



Figure 1 – Land between St Mary's Road and Ninfield Road

2. The Council's comments regarding land to the west of the A269 state the following –

*'Land to the west of Ninfield Road is not considered appropriate for inclusion within the allocation. The Sustainability Appraisal details how development to the west of the A269 would erode the countryside setting of this part of Bexhill and the green gap to The Thorne.'*

*The area west of Ninfield Road is considered part of the rural gap on the fringes between Bexhill and Lunsford Cross/The Thorne. Development in this location would expand built development and increase the size of the settlement at Lunsford Cross/The Thorne. This would compromise the purposes of RA2 and EN2 to seek to protect the rural character and open landscapes between defined settlements, substantially changing the character of the area in this location. In landscape terms,*

*this area forms part of the countryside rural fringe between settlements and is an important location gap to which paragraph 107 promotes protection. It should also be noted that development in location was previously dismissed on appeal (APP/U1430/W/16/3163559 refers).'*

3. The Council refers to the Sustainability Appraisal undertaken in 2016 as a background paper to the Plan submission. The Council seem to be referring to the following sentence *'Further considered that development west of the A269 would erode the countryside setting of this part of Bexhill and green gap to The Thorne'*. However, when assessing the Sustainability Appraisal it is clear that the site is included within Option 1 of the assessment and has no major negative criteria. In fact it has the least negative criterion than any other site option being considered under the 16 sustainability objectives outlined. Additionally, when the site was assessed against other site options such as options 2 and 3 it is stated that these other sites *'lack the general containment achieved by option 1'*. We consider that this clearly indicates that the Council considered the development of the site would remain contained at that time and is at odds with the Council's subsequent view that its redevelopment would erode the green gap and have a detrimental impact on the character of the countryside.
4. As we have already stated in our initial representations the Council's current position on this site and its removal from allocation under BEX3 is not qualified in any way and arguably would also be contrary to the evidence supplied in the following.
5. Report 2 of the North Bexhill Appraisal and Recommendation of Development Options 2016 is relevant. In this instance, the site was included in all 3 of the options tabled and formed part of the preferred development option 1. Figure 3 of the document identifies the entire area.



Figure 2 – Fig 3.3 of Report 2 of the North Bexhill Appraisal and Recommendation of Development Options 2016

6. The report concludes that *'the preferred Development Option is well located in relation to the existing settlement edge of North Bexhill and to the North Bexhill Access Road.'* At no point in the recommendations for further work was the identified site considered to require further examination with regard to its suitability nor was there any indication that development to the west of the A269 would erode the countryside setting.
7. The site was also originally identified as a preferred site BX124 in the Issues and Options Local Plan Submission 2016. The Sustainability Appraisal did not assess site BX124 instead focusing on site BX133. No explanation was given for this and so clarification is welcome.
8. In their response the Council also refer to maintaining a rural gap between Bexhill and Lunsford Cross/The Thorne and which is considered to be a green gap. In this regard we note that this area of land has not been identified as a strategic gap under Policy DEN3 as set out in the 2016 Strategic Gaps Landscape Assessment, March 2016. We consider that the reason the site to the west of the A269 was not included within the assessment was because of the localised value of the land identified in the landscape assessment and in view of the level of development being proposed to the east of the site as part of the wider urban expansion of Bexhill which will obviously have a significant impact on the character. When viewed from the west the level of development from BEX 3 would be clearly visible and there would not be a visible break between the two built up areas of north Bexhill and The Thorne.

9. It is our view that to exclude the land identified from the allocations is The inclusion of this site for additional housing allocation would appear contiguous with the development being proposed within Policy BEX3.
10. Rother have Local Plan policies for housing provision expressed as an 'at least' number, it is incumbent on the authority to be proactive in seeking to identify opportunities for additional housing development. The land between St Mary's Lane and Ninfield Road as identified would offer an opportunity to exceed the requirements of the current Plan submission and remain in line with the requirements of the NPPF 2018 which seeks to maximize the use of land where appropriate.
11. The Council also refer to a dismissed appeal (APP/U1430/W/16/3163559). This scheme was an outline submission for 6 no dwellings within the northernmost part of the site. The character of the area was referred to and the impact any development would have. However, it must be clarified that this related to part of the site and the Inspector could only assess the submission in relation to how that part of the site related to the wider area. This assessment would be entirely different were it the entire area being forwarded. Additionally the Inspector, in line with para 216 of the NPPF confirmed that the emerging Plan was at an early stage and so gave limited weight to the draft DaSA, including Policy BEX3. The DaSA Plan and policy context has now advanced and surrounding built form has also changed with the completion of the NBAR. As such we consider the considerations for the site would now differ and the Council's position on this decision is weakened somewhat.

### Conclusion

12. Rother District Council needs to ensure that a suitable range of sites, of varying sizes and scales, are allocated in the Emerging Plan to ensure the delivery of a sufficient number of new homes to address the under delivery against the 5 year requirements. The Council needs to ensure that the Plan is flexible and able to meet the demands on it both in terms of providing for need but also delivering at a sufficient rate.
13. To conclude we offer the following points to some of the general questions raised by the examiner.

### **Are the sites allocated the most appropriate sites based upon the evidence?**

14. Unknown - The evidence and appraisals as noted above would offer a contrary view to that which has been reached by the Council in their final assessment of this site. It has not been made clear how the site, once considered suitable, is now not considered so. Therefore we are unable to reach a conclusion that the sites as selected are the most appropriate

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

15. No – as above in this instance and in view of the above considerations we consider that it is unclear how the decision was reached that the site is no longer considered suitable for allocation given the lack of evidence to the contrary.
16. We would welcome the Inspector to review the Council's reasoning behind this.