

**Rother District Council Development and Site Allocations Local Plan  
Further Statement by Sea Change Sussex  
17<sup>th</sup> April 2019**

**Matter 1 – Legal and procedural requirements**

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

Questions:

- Has the plan been prepared in compliance with the Statement of Community Involvement?
  - Are the likely effects of the Plan adequately and accurately assessed in the Habitats Regulations Assessment?
1. We are concerned as based on our own experience in submitting reserved matters applications that the proposed policy document will be used by the planning authority to attempt to retrospectively impose conditions on our site that is included within the BEX1 allocation in breach of the guidance contained within NPPG. We believe this policy should be amended to reflect the development boundaries, uses and conditions contained within the existing outline planning permission.

**Matter 2 – Compliance with the Core Strategy**

Issue : Whether the Plan gives effect to and is consistent with the Core Strategy

Question :

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

Overall we do not believe the strategic aims of the core strategy have been adhered to as there are departures from this in the following aspects;

1. The plan seeks to utilise development features as the basis of development boundaries for the extension of North East Bexhill in a departure from the objective to use physical features outlined in Policy OSS2
2. The allocations in North East Bexhill make poor use of existing and proposed infrastructure which is inconsistent with policies OSS3 and BX1 of the Core strategy and seek to position development boundaries in a position that would interfere with the delivery of the proposed allocations by limiting potential for services to be connected into the corridor created as part of the NBAR project.
3. It is unclear given the impact of the proposed additional restrictions on the form of employment development that are contained within the DaSA, that it will allow space to be delivered at sufficient pace to meet the identified need of at least 60,000 sqm of employment space in Bexhill.

**Matter 4 – Development Policies**

Issue : Are the development management policies sound, compliant with Core Strategy, national policy and evidence?

Questions :

Resource management. Policy DRM1 Water Efficiency

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

As no assessment has been undertaken by the local planning authority nor have they relied on one undertaken by others to assess the impact of this policy on the viability of commercial space we

request that this policy be restricted encouraging these features on commercial development only where it is practical and cost effective to. We ask that the policy be amended to reflect this and to ensure that the policy does not impact on the narrow margin of viability for commercial development within the area.

#### Communities – Policy DC01 Retention of Sites of Social or Economic Value

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

See comments on DEC3

#### Economy – Policy DEC3 Existing Employment sites and premises

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

There has been no current review of the employment space market conditions undertaken in the preparation of this plan despite NPPF 2012 guidance which states that Local Planning Authorities: ‘...should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should... understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability’.

It is clear from reviewing the proposed policies that have been based on evidence prepared in 2016 and 2011 that the evidence base is considerably out of date and fails to consider major economic changes in the way that the wider UK and South East Economy have been impacted by factors such as Brexit. In marketing the sites that we are currently developing in Bexhill we have identified a strong demand for modern industrial and office space that is available at rental levels affordable to local business which also remain sufficiently low to attract inward investment into the area.

One such area of demand we have identified through our marketing is a need for the provision of large bespoke manufacturing space. Bexhill and in particularly Sidley is well placed to benefit from this should manufacturing industries establish themselves within the area as the ward has an unusually high percentage of skilled workers (16.5% against a national average of 11.4% based on current NOMIS figures) who would be able to find employment within these sectors. Demand has also remained strong within the office and light industrial markets but there presently seems a limit on the levels of rent that the local market can support which generates only marginal levels of development viability.

While we are supportive of the retention of all existing sites allocated in their full extent we would suggest that a more current assessment of market demand would provide a more robust evidence base for these policies and may indicate the need for the allocation of additional employment land within the district.

Despite our overarching support for increased levels of employment space over and above those included within the DASA, there are aspects of the economic policy that are being brought forward within this plan that seem to clash with one and other. Policies DEC3 and DCO1 seem to overlap we would suggest that economic and community use policies are separated so that the DASA is able to respond to the need of these markets. We would also suggest that there are several conflicts in the council’s approach to policies aimed at delivering employment development on new sites and on existing sites which we believe should be examined and justified.

#### Environment – Policy DEN3 Strategic Gaps

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

We struggle to decipher the extent of the strategic gap surrounding Bexhill as this has been produced on a dated base map which lacks many of the Major new arterial roads that have been constructed in the area This map should be reproduced using current data and at a more legible scale, to enable the policy area to be properly identified.

Notwithstanding this, the area designated within the policy includes areas within our existing planning permission we therefore must point out that the inclusion of these areas would be unsound as the planning authority would need to take the decision to override the existing consents with these policies to implement them.

We also see no merit in the inclusion within the strategic gap of the land identified within our initial representations as this is serviced land, with sufficient highways capacity, that is visually contained by the physical features of the landscape, namely the reverse slope from the ancient woodland topped ridgeline facing Bexhill. We believe that this is a logical location for the situation of the additional 3,000sqm of employment space that are envisioned within Policy HF1 and given the features of the site development in this location would be consistent with Policy OSS2.

#### Implementation- Policy DIM2 Development Boundaries

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

The amendments to development boundaries to pose a significant threat to the delivery of housing and employment development within the North East Bexhill Urban Extension. The North Bexhill Access Road project was expanded to incorporate the delivery of a spine of services along the road to enable development to come forward on both sides of the road consistent with the principles of making best use of existing infrastructure set out in core strategy policy BX1. The services corridor was routed to the north of the road to minimise the cost of infrastructure delivery by making use of natural landscape features and topography to allow water and sewerage routes that are reliant primarily on gravity rather than on pumping stations. Given the route of infrastructure development to the north of the proposed development boundary will be required to facilitate connections into this corridor to service the proposed allocations.

There are also planning permissions (RR/2017/2181/P and RR/2013/2166/P) that have established the principle of development on land north of the A2691 and augments to suggest that portion of the land to the north of the road would be the logical location for employment development envisioned within policy HF1. As the road represents a weak boundary that will be breached by developments that have already been permitted, we would suggest in accordance with policy OSS2 that the development boundary is amended to follow the boundary of the treeline to the north of the road.

#### **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?

- Are the sites allocated the most appropriate sites based upon the evidence
- Are the reasons for selecting the preferred sites and rejecting the others clear?

- Is the identified capacity of each site justified?
- Is the wording of each policy sufficiently clear so as to be effective?

Having ownership of several sites allocated within the DaSA it is appropriate for us to respond to this question on a site by site basis and address our concerns with the approach taken by the Local Planning Authority in compiling the information required to support this plan. As such Our concerns are set out in by allocation below;

#### Site BEX1

- Are the sites allocated the most appropriate sites based upon the evidence?

While the BEX1 allocation is located in more or less the same location as the existing BX3 allocation we are concerned about a number of changes to the details of this policy that will significantly reduce our ability to deliver this allocation. These changes to the uses permitted and the method in which the delivery of this allocation is sought, seem to have no basis in evidence brought forward in support of the DaSA and if implemented without significant modification threaten the deliverability of this allocation and will substantially impact our ability to attract new jobs to the area for residents.

Our main objections in the council's approach to changes made in this allocation are;  
1) The lack of an appropriate study of market demand

While the Employment Sites Review looked at demand in 2016, few would argue that the commercial property market in the south east has not been significantly altered as a result of the Vote to leave the European Union. As such it is a surprise to us that no studies have been carried out to update the council's understanding of the local commercial property market and inform their decisions on the mix of uses that are currently in demand.

the NPPF 2012 states that Local Planning Authorities: '...should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should... understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability'. It is clear from the contents of the proposed submission that Rother District Council's planning department do not understand business need nor have they attempted to undertake any current work to understand these instead relying solely on outdated work carried out within the Rother Employment Sites Review Background Paper (Nov 2016) and the Hastings and Rother Employment Strategy and Land Review Update (Aug 2011).

This has led to policy decisions that are ill informed and fail to reflect current market demand for development incorporating provision for current market requirements such as bespoke manufacturing premises and affordable quality offices and light industrial units with the flexibility to be adapted to meet the needs of both large occupiers along with the varied needs of local businesses. As these properties must be delivered at a price point accessible to the local market development viability is marginal, a fact that has not been reflected within the employment allocation policies.

Our main concerns over the BEX1 policy relate to the following parts of the policy

*(i) proposals conform to a masterplan covering the entire area;*

And

*(ii) up to 33,500sqm of business floorspace is provided, to be predominantly light manufacturing and offices, falling within Class B1 of the Use Classes Order;*

1. This allocation covers part of a site that currently has outline planning permission 33,500 sqm NIA of B1 a/b/c and B” development under planning permission ref (RR/2017/2181/P)
2. We do not think it appropriate the council seek to use the DaSA to impose conditions that were not imposed on the planning permission, which didn’t include a masterplan.
3. Master planning a commercial development including manufacturing uses is entirely impractical on a site of this nature. As noted in the viability appraisal for the DaSA commercial development differs from residential development, and often comes forward in areas where traditional viability appraisals are unable to produce figure that would be attractive for speculative development with owner occupiers being a primary source of such demand.
4. Given the marginal viability of commercial development in the area and the varied nature of enquiries we have received we view the flexibility to produce, bespoke units and respond to changes in market demand as critical to the delivery of the employment space allocated within this site. Given the nature of this market we will need to produce buildings that are designed and delivered around identified occupier requirements which we are unable to forecast for the entirety of this development given its scale comparative to the size of the local market, as a result of these market conditions master planning this development is not a realistically feasible option to ensure development is delivered within the plan period.

*(v) existing landscaped boundaries around and within the site are maintained and reinforced, including along the NBAR frontage, and proposals for structural open spaces, landscape and woodland belts and buffers are developed and implemented as an integral part of the proposals, as indicated on the Detail Map;*

We are concerned that the detail map included on this policy significantly reduces the Net developable area of the site. Given the proposed quantum of development will likely result in a development density of less than 18%, we are concerned the lack of density will result in significant urban sprawl and impact on the viability of providing infrastructure to buildings within the allocation and the quantum of development deliverable.

Development of this nature including extensive landscaping features would result in an estate layout that is highly inefficient and costly to maintain, as business occupiers are concerned with the overall cost of occupation and maintenance costs for these features would be passed to them through estate charges the extensiveness of the features suggested within the DaSA would suppress rents and damage the viability of delivering the employment space needed within the district. This form of development would also suppress rents damaging the long term appeal of the area to commercial developers and institutional investors.

*(vi) contributes to the provision of an overarching foul drainage strategy for North Bexhill, in conjunction with Southern Water*

This element of the policy is unnecessary as Southern water have acknowledged their responsibility of the delivery of the strategic main and all developer contributions are governed by the Ofwat regulations introduced on 1<sup>st</sup> April 2018, we therefore suggest it is deleted.

### **Site BEX3c**

- Are the sites allocated the most appropriate sites based upon the evidence?
- Are the reasons for selecting the preferred sites and rejecting the others clear?
- Is the identified capacity of each site justified?
- Is the wording of each policy sufficiently clear so as to be effective?

We consider the allocation of this site as traveller pitches to be in appropriate for a number of reasons namely;

1. The site presently forms part of the land acquired to provide landscape mitigation for the NBAR road project and as this is an existing consent with mitigation measure to be implemented on the land, it is unlikely that we will be able to make this land available for the envisioned within this allocation.
2. As adjoining land owners are unlikely to willing provide access via their land within the proposed residential allocations, the logical route of access to the site is directly onto NBAR, an access at this point was not envisioned and as such the road layout and supporting structures have not been designed to accommodate this. Were an access to be created it would also compromise elements of the proposed noise mitigation for the site leaving it open to noise levels above those that would likely be considered acceptable for the proposed use.
3. We are concerned that as the site would be discrete and self-contained that this would create a segregated area separate from the settled community, which is clearly contrary to current national planning policy objectives in relation to sites of this nature.
4. Overall we are unconvinced that there are not more appropriate parcels of land on which to place this allocation that would result in a greater probability of delivery and a higher quality of pitch provision for the travelling community.

### **Matter 6 – Housing supply and delivery**

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

Policy OVE1 Housing Supply and Delivery Pending Plans

- Will the proposed allocations and other provisions ensure that the Core Strategy requirement of at least 5,700 net additional homes over the period to 2028 will be met?
- Are the assumptions for the delivery of sites with planning permission by 2028 justified? In particular in Bexhill large sites such as Worsham Farm and Preston Hall Farm have yet to commence according to the Housing Supply Document of October 2018 yet have capacity for nearly 1,300 dwellings.
  - In relation to these questions we would like to raise our concerns in relation to the council approach to excluding the land that will be required for the development of services to a number of these developments from inclusion within the draft DASA.
  - As noted within the outline planning permission for our own development and the emerging proposals for strategic drainage presented by southern water, it is necessary to develop number of pumping stations to the north of the North Bexhill Access Road and given the authorities current approach this development will conflict with their policies on development boundaries (which also conflict with Core Strategy Policies and Existing Planning permissions.

- Given the overriding uncertainty that the proposed development boundaries create in relation to these policies we would suggest that the development boundaries are modified as suggested within our response on Policy DIM2.

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

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

Policy BEX3 land at North Bexhill - Infrastructure

- 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 in place.
- Are the sites viable with required contributions towards infrastructure?
- What is the rationale to justify allocating the Gypsy and Traveller site on BEX3c? What other site options were looked at and why were they discounted.

Please refer to comments on matter five in relation to this.