

Report to	-	Cabinet
Date	-	19 December 2018
Report of the	-	Executive Director
Subject	-	Rye Neighbourhood Plan

Recommendation: It be **RESOLVED:** That the Executive Director be granted delegated authority to submit representations in accordance with the conclusions set out at paragraph 23 of this report, (together with any supporting material) for consideration by the Examiner in relation to the submitted Rye Neighbourhood Plan.

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor G.P. Johnson

The Chairman of Council has already agreed that, subject to the approval of Cabinet, this decision can be taken as an urgent decision to allow the Council to forward the Neighbourhood Plan to the Independent Examiner at the close of the consultation on 11 January 2019 with this Council's representations.

Introduction

1. The Rye Neighbourhood Plan (RNP) has been prepared by Rye Town Council following designation of the parish as a Neighbourhood Area in 2013. It is currently the subject of a statutory public consultation until 11 January 2019 during which period representations may be made. Duly-made representations will be considered by an independent Examiner to determine whether the Plan meets the 'basic conditions' required of it.
2. This report is to enable Cabinet to make representations on behalf of the Council as part of this process.

The Neighbourhood Plan

3. The Neighbourhood Plan, together with supporting documents, can be viewed on the Council's website at www.rother.gov.uk/rye-neighbourhood-plan. The submitted documents are:
 - Rye Parish Boundary Map
 - RNP Version 11 2016-2028 – Submission Version
 - RNP Version 11 2016-2028 – The Consultation Statement
 - RNP Version 11 2016-2028 – The Basic Conditions Statement
 - Sustainability Appraisal (incorporating Strategic Environmental Assessment (SEA))

Additional Documents

- The Evidence Background; supports the Plan Submission
- The Site Assessments

- The Flood Risk Sequential and Exception Tests, supports the SA/SEA
4. The Neighbourhood Plan has 20 Planning Policies and 20 Community Aspirations which are as follows:

List of RNP Planning Policies

H1: Housing Allocations
H2: Housing Mix
H3: Former Tilling Green School
H4: Rock Channel
H5: Winchelsea Road (East Side)
H6: Winchelsea Road (West Side)
H7: Former Freda Gardham School
H8: Former Lower School
D1: High Quality Design
F1: Reducing Flood Risk
B1: Enterprise and Employment Development
B2: Supporting Rye as a Visitor Attraction
B3: Convenience Store and Petrol Station
T1: Connectivity and Sustainable Transport
T2: Car Parking
I1: Community Facilities
E1: Strategic and Green Gaps
E2: Green Infrastructure
E3: Heritage
E4: Renewable and Low Carbon Energy

List of Community Aspirations

CA1: Heritage
CA2: Training
CA3: Town Promotion and Tourism
CA4: Green Tourism
CA5: Through Routes
CA6: Town Gateways
CA7: Ferry Road / Station Approach
CA8: Parking Strategy
CA9: Electric Car Facilities
CA10: Out of Town Bulk Delivery Facilities
CA11: Improved Road Signage
CA12: High Street
CA13: Inner Citadel
CA14: Speeding
CA15: Rail Connectivity
CA16: Rye and Camber Railway
CA17: Strand Water Project
CA18: Community Infrastructure and Services
CA19: Education
CA20: Health

5. The Neighbourhood Plan relates to the period 2016 – 2028, in line with the end date of the Core Strategy.

General conformity and other 'basic conditions' requirements

6. As stated in the National Planning Policy Framework 2012: '*Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.*' (paragraph 184). The same paragraph goes on to state:

'Neighbourhood plans should reflect these policies and neighbourhood plans should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.'

7. Other basic conditions relate to: having regard to national policies and advice contained in guidance issued by the Secretary of State; having special regard to the desirability of preserving any listed building (or its setting) or conservation area; contributing to the achievement of sustainable development; and compatibility with, EU obligations.

Key Core Strategy policies and housing provisions

8. The overall spatial strategy for development across the district is set out in Policy OSS1 of the Core Strategy. Part (iii) of this policy is to:

Identify suitable sites in accordance with the following spatial distribution:

(b) Provide for some development in Battle and Rye that helps maintain their small market town roles and is consistent with their respective environmental constraints and settings

9. The Strategic Objective with regard to Rye and Rye Harbour Village is:

'To improve the economic and social well-being of Rye and Rye Harbour, including in relation to its market town role, tourism and the Port of Rye, whilst fully respecting and sensitively managing its historic character, vulnerability to flooding and ecologically important setting.'

10. This spatial strategy is elaborated upon for Rye and Rye Harbour through Core Strategy Policy RY1: Policy Framework for Rye and Rye Harbour, which states as follows:

Policy RY1: Policy Framework for Rye and Rye Harbour

Proposals for development and change in Rye and Rye Harbour Village will:

- i. Promote efficiencies and improvements to the strategic transport network to improve connectivity between Rye and other major urban centres.*
- ii. Support traffic management on the local road network, promote sustainable alternatives to the car and implement the objectives stated in Local Transport Plan 3 and the Rye Local Area Transport Strategy.*
- iii. Preserve and enhance the character and historic environment of the Citadel and wider Conservation Area, and the distinctive landscape setting of the town.*
- iv. Retain the centre of Rye as the main focus for retail and services for the town, and increase the choice of convenience shopping in Rye by facilitating the increase of some 1,650sqm net additional convenience floorspace within or adjacent to the town centre.*

- v. *Provide between 355-400 dwellings net additional dwellings between 2011 and 2028. Opportunities for growth will primarily be sought within the built up area of Rye.*
- vi. *Seek to secure and maintain effective flood defences for Rye and Rye Harbour, whilst also minimising and managing flood risk, including in relation to the location of new development in accordance with other criteria.*
- vii. *Promote at least 10,000sqm of employment floorspace at Rye Harbour Road industrial estate to promote economic regeneration and job creation, having particular regard to protecting the integrity of internationally designated habitats.*
- viii. *Maintain and enhance navigation on the River Rother and the viability of the Port of Rye as a working harbour, having particular regard to protecting the integrity of internationally designated habitats.*
- ix. *Promote green tourism initiatives, including careful management of Rye Harbour Nature Reserve and, where feasible, new habitat creation and green infrastructure linkages, that protects and enhances the integrity of the internationally important ecological interests.*
- x. *Tackle social exclusion and promote opportunities for young people to access education, community facilities, employment and leisure.*
- xi. *Maintain and enhance the community, cultural and tourism assets of both Rye and Rye Harbour village.*
- xii. *Maintain a strategic gap between Rock Channel and the industrial estate at Rye Harbour Road.*

Consideration

- 11. The RNP only covers Rye and is a comprehensive, well-researched document covering a wide range of complex issues which sets out a blueprint for the town to 2028.
- 12. Through its extended preparation, there has been considerable discussions and interaction between Council officers and the Rye Neighbourhood Group's Vice Chair and its Consultant. This, together with inputs other statutory bodies, consultees, together with public comments at Regulation 14 consultation stage, has meant that the RNP has evolved into a document which is considered to be in general conformity with the Council's adopted Local Plan Core Strategy.
- 13. Moreover, the inclusion of 'community aspirations' (although not planning policies and hence not part of the RNP 'development plan') provides a wider framework for community action.
- 14. The allocation of sufficient, deliverable housing allocations is, inevitably, a key matter in relation to general conformity with the Core Strategy. At the base date of the RNP, the outstanding housing requirement for Rye to be met through allocations was 67 – 112 dwellings (April 2016 - March 2028), assuming that 40 dwellings are built on a proposed allocation at Rye Harbour. Of course, the latter is still subject to consideration through the DaSA Local Plan.
- 15. RNP Policy H1 identifies six sites with a total housing potential of 160 dwellings. While this appears notably more than the requirement, there is considered to be varying degrees of uncertainty around their delivery. As well as the need to manage flood risks, they are all at least partially brownfield,

four of which will involve the relocation of existing uses. This may influence the timing as well as deliverability of development, while the Freda Gardham School site is also contingent upon the construction of the Eastern Tidal Walls flood protection scheme.

16. Given these factors, together with the relatively high affordable housing need in the town, it is believed that there should be some “headroom” in the capacity of the Rye allocations to provide requisite flexibility.
17. Policies are put forward for the individual housing sites. Of note, the Freda Gardham School site proposes both a housing allocation, for up to 30 dwellings of which 10% should be self/custom build, and a petrol filling station and small convenience store on the frontage.
18. The former Lower School site, which previously had a planning permission for a supermarket in line with Core Strategy Policy RY1(iv), is now promoted for housing. Given that recent retail trends have shown a clear tailing off of demand for supermarket sites, evidenced locally by the lack of operator interest in the permitted site, it can be surmised that there is no reasonable expectation that any allocation would be taken up in the foreseeable future. For these reasons, it is agreed that no supermarket allocation need be put forward in the RNP.
19. There is an apparent tension between some allocations, notably H6 for Winchelsea Road (West Side), which is allocated for *‘up to 20 dwellings and B1 employment’* and Policy B1 which seeks to safeguard existing employment and business floorspace. This is explained in the latter policy, which states that the safeguarding applies *‘unless ... it is shown that there is no prospect of new employment and business occupiers being found or no relocation to more modern facilities in Rye Harbour.’* For consistency, as well as the maintenance of employment opportunities, it is considered necessary to insert cross references in the supporting text to relevant site allocations.
20. The RNP is accompanied by a Sustainability Appraisal/Strategic Flood Risk Assessment, together with a supporting paper on flood risk. These help justify the choices of proposed development sites, having regard to the economic and social needs of the town, and the related flood risk Policy F1. A clarification in relation to the latter is suggested, to explain that the allocation of sites through the RNP meets the sequential test.
21. The RNP identifies 10 areas as ‘local green spaces’ at Policy E2, these being important for their environmental character, the local recreational facilities which they provide and as a source of biodiversity. Of note, one of these is *‘F: Gibbett Marsh – Green Space (overspill car park)’*. It is questionable whether the overspill car park meets the ‘local green space’ (LGS) definition in the National Planning Policy Framework. Moreover, concern is expressed at the implications of an LGS designation on the continued use of at least some of the land for car parking. If this were restricted, then it would compound existing car parking issues in Rye, particularly in the summer when visitor numbers are greatest, with implications for its economy. At the same time, it is agreed that the river corridor is an important green space and should be protected as such. Hence, an amendment of the LGS extent is proposed to reflect both car parking and amenity open space functions.

22. A strong heritage and urban design policy is put forward, which relates not only to development but also to works by the highway authorities and utilities. To avoid unrealistic expectations, it may be appropriate to clarify, although a non-major amendment, that these bodies have certain permitted development rights.

Discussion

23. It is recommended that the Council submits representations relating to the RNP in relation to:
- a) the assessment that the submitted RNP is in general conformity with the Council's strategic policies contained within the adopted Rother Local Plan Core Strategy;
 - b) support for the scale and location of housing allocations, for the reasons set out above;
 - c) support for the non-allocation of a supermarket within the RNP;
 - d) an amendment to the LGS proposed in Policy E2 to ensure that the use of the overspill car park is not prejudiced, while at the same time ensuring the retention of an amenity open space corridor alongside the river;
 - e) a clarification be made in respect of Policy F1 to explain that the Sequential Test does not need to be applied for individual developments on sites which have been allocated in the RNP, in line with the planning practice guidance (Paragraph: 033 Reference ID: 7-033-20140306); and
 - f) clarifications be added to relevant site allocations regarding the relocation of employment uses, where appropriate, being considered also in accordance with Policy B1 of the RNP.
24. If Cabinet agrees the above representations, it is recommended that the Executive Director be given delegate authority to submit such representations (together with any supporting material) for consideration by the Examiner in relation to the submitted RNP.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

The District Council has a key role as Local Planning Authority in helping to bring forward and, ultimately, to make Neighbourhood Plans. Hence, it is vital that proper consideration is given to the form and content of such plans that come forward at this stage in order that they are robust and meet the basic conditions.

It is noted that the Habitat Regulations Assessment recently undertaken principally for the DaSA Local Plan also found that there were no likely adverse impacts on the integrity of international ecological sites as a consequence of this Neighbourhood Plan.