

Cabinet

Date and Time - **Monday 3 October 2022 – 6:30pm**
Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**

Councillors appointed to the Committee:

Councillor D.B. Oliver (Leader), S.M. Prochak, MBE (Deputy Leader), C.A. Bayliss, T.J.C. Byrne, K.P. Dixon, K.M. Field, A.K. Jeeawon, H.L. Timpe and J. Vine-Hall

AGENDA

1. MINUTES

To authorise the Leader to sign the Minutes of the meeting held on 5 September 2022 as a correct record of the proceedings.

2. APOLOGIES FOR ABSENCE

3. ADDITIONAL AGENDA ITEMS

To consider such other items as the Leader decides are urgent and due notice of which has been given to the Head of Paid Service by 9:00am on the day of the meeting.

4. URGENT DECISIONS

The Leader to give details of those reports that have been referred to the Chairman of the Council to consider designating as urgent, in accordance with Rule 17 of the Overview and Scrutiny Procedure Rules contained within Part 4 of the Council Constitution, and to which the call-in procedure will not therefore apply.

5. DISCLOSURE OF INTERESTS

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

6. TECHNICAL ADVICE NOTES - FIRST HOMES AND 100% AFFORDABLE HOUSING (Pages 3 - 56)

At the discretion of the Leader, the order of the items set out in the agenda may be varied

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Rother District Council putting residents at the heart of everything we do.

7. **LEASE OF RYE ALLOTMENTS** (Pages 57 - 62)
8. **LOCAL GOVERNMENT ASSOCIATION - CORPORATE PEER CHALLENGE** (Pages 63 - 82)
9. **FUTURE OF RAIL STATION TICKET OFFICES** (Pages 83 - 86)

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 23 September 2022

Rother District Council

Report to: Cabinet

Date: 3 October 2022

Title: Technical Advice Notes – First Homes and 100% Affordable Housing

Report of: Ben Hook, Director – Place and Climate Change

Cabinet Member: Councillor Vine-Hall

Ward(s): All

Purpose of Report: To consider the recommendations arising from the Overview and Scrutiny Committee meeting held on 29 September 2022, regarding the publication of Technical Advice Notes (TANs) to support the Adopted Development Plan (Core Strategy 2011-2028; Development and Site Allocations Plan; and made Neighbourhood Plans) and consider TANs relating to First Homes; 100% Affordable Housing; and Bexhill Town Centre Conservation Area. The report and recommendations arising are reproduced below and the Minutes of that meeting (Appendix 4) should be read in conjunction with this report.

Officer

Recommendation(s): **Recommendation to COUNCIL:** That:

- 1) amendments to the Planning Committee scheme of delegation, to enable proposed increases in affordable housing to be delegated to the Director – Place and Climate Change and determined in accordance with adopted planning policy, as detailed in the 100% Affordable Housing Technical Advice Note, be approved;
- 2) the publication of Technical Advice Notes, to support the Adopted Development Plan be agreed; and
- 3) the Technical Advice Notes relating to First Homes, 100% Affordable Housing and Windows in Bexhill Town Centre be supported.

Introduction

1. The Adopted Development Plan consists of the Core Strategy 2011-2028; the Development and Site Allocations Plan (DaSA); and made Neighbourhood Plans. Under Section 38(6) of the Planning & Compulsory Purchase Act 2004, planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.
2. Technical Advice Notes (TANs) can provide technical advice to developers and decision-makers (planning officers and the Planning Committee). They are not

adopted policy documents and cannot set policy. However, they can be used to explain how existing adopted policy should be interpreted in specific scenarios.

3. Three TANs have been drafted to respond to specific policy issues:

- First Homes – government policy direction
- 100% Affordable Housing – recent planning applications
- Windows in Bexhill Town Centre

TAN 1 – First Homes

4. The concept of First Homes was introduced by the Government through publication of a Written Ministerial Statement to set out plans for the delivery of “First Homes” on 24 May 2021. It also set out changes to planning policy. These changes came into effect on 28 June 2021. For further details, please refer to the [Written Ministerial Statement](#)¹ and [Planning Practice Guidance](#)².
5. First Homes are a specific kind of discounted market sale housing which meet the definition of ‘affordable housing’ for planning purposes. First Homes are the Government’s preferred discounted market tenure and are now required to account for at least 25% of all affordable housing units delivered by developers through planning obligations (i.e. Section 106 agreements)³.
6. The First Homes requirements apply regardless of local planning policy and it is not necessary for a local planning authority to publish guidance. However, in order to provide clarity on how First Homes will be applied by Rother District Council and to assist understanding by developers, officers and our community, a TAN is proposed.
7. The TAN explains what First Homes are; explains the eligibility criteria; and the requirements for developers, including exemptions. This is a summary of the national position, set out in the Written Ministerial Statement, paragraph 65 of the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.
8. It then sets out and comments on our relevant adopted local plan policy (DaSA Policy DHG1: Affordable Housing and Core Strategy Policy LHN1: Achieving Mixed and Balanced Communities) and how these policies are applied in relation to First Homes. Working examples are provided to aid understanding.

TAN 2 – 100% Affordable Housing

9. The Government’s Affordable Homes funding is awarded by Homes England to qualified investment partners, including registered providers of social housing⁴. However, it does not fund affordable homes secured through developer contributions (Section 106) – the anticipated mechanism of achieving affordable housing anticipated by the NPPF and Rother’s Local Plan. As a

¹ <https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hlws48>

² <https://www.gov.uk/guidance/first-homes>

³ Planning Practice Guidance Paragraph: 001 Reference ID: 70-001-20210524

⁴ Registered providers (often called RPs) are providers of social housing registered with the Regulator of Social Housing (RSH) - [List of registered providers – 14 June 2022 \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

result, registered providers are seeking to develop wholly affordable housing on major housing development sites in Rother. This is a shift from the expectation that affordable housing will be secured as a percentage requirement through DaSA Policy DHG1.

10. The TAN responds to this situation by summarising relevant adopted local plan policy and guidance in the NPPF; summarising the findings of the joint Hastings and Rother Housing and Economic Development Needs Assessment (HEDNA), August 2020; highlighting the Corporate Plan's commitment to delivering affordable housing; commenting on the role of the Community Infrastructure Levy; and explaining how local plan policy is applied in circumstances where up to 100% affordable housing is proposed on a site.
11. The TAN advises that where proposals come forward for greater levels of affordable housing than the minimum percentages set out in Policy DHG1 (up to 100%), such proposals may be supported in principle. It also notes that the HEDNA 2020 provides evidence that affordable housing need has significantly increased in recent years. It concludes that, whether or not specific schemes for up to 100% affordable housing can be supported will come down to their compliance with the adopted policies of the Development Plan as a whole.

TAN 3 – Windows in Bexhill Town Centre

12. This TAN provides advice on how the Council's adopted planning policies should be applied to planning applications for alterations to, or replacement of, windows and doors within the distinctive special character of the designated Bexhill Town Centre Conservation Area following a number of recent planning applications.
13. It explains the legislative background and summarises relevant planning policy and Historic England guidance. It highlights the Council's declaration of a Climate Emergency. It then provides a summary of the character and appearance of the Bexhill Town Centre Conservation Area. Information on the environmental impact of uPVC windows is also provided, in an appendix.
14. The TAN then discusses three scenarios. In short, these are:
 - Works affecting historic timber windows – where the Council will seek to retain them or, where the window is in such a deteriorated condition as to require replacement, require a like-for-like timber reproduction.
 - Works affecting existing modern timber windows – where the Council will seek to preserve good quality modern timber windows and seek timber sliding timber windows where an inferior timber window is present. In these circumstances, a sliding slash uPVC window will be considered where significant justification is provided.
 - Works affecting existing uPVC windows – where timber or uPVC sliding slash windows of suitable appearance, proportionality and opening method will be supported.

Amendment to planning scheme of delegation

15. Currently, procedures require all applications proposing variations to affordable housing are reported to the Planning Committee for approval. This process was put in place so that applications for reduced levels of affordable housing were considered by the Planning Committee. Applications for a proposed uplift

in affordable housing were not envisaged when these procedures were put in place. The delegation of such applications to the Director – Place and Climate Change, will speed up the determination of such applications and give confidence to affordable housing providers seeking to take on sites.

Conclusion

16. The introduction of Technical Advice Notes (TANs) can assist understanding by applicants, officers, Councillors and our community of how planning decisions are made under our adopted planning policy.
17. It is recommended Cabinet be recommended to agree the publication of Technical Advice Notes (TANs), to support the Adopted Development Plan.
18. It is recommended that Cabinet be recommended to support the TANs relating to First Homes, 100% Affordable Housing and Windows in Bexhill Town Centre.
19. It is recommended that Cabinet be recommended to agree changes to Planning Committee procedures so that applications which seek to vary planning permissions to enable a proposed uplift in affordable housing be delegated to and determined in accordance with adopted planning policy, as detailed in the 100% Affordable Housing Technical Advice Note.

Financial Implications

20. There are minor production costs of creating Technical Advice Notes, but it is considered that these outweighed by the benefits of their provision.

Legal Implications

21. None – TANs reflect adopted Local Plan policy and do not affect the planning permission application decision process.

Environmental Implications

22. None - TANs reflect adopted Local Plan policy and do not affect the planning permission application decision process.

Human Resources Implications

23. There are minor resource implications of creating Technical Advice Notes, which fall on the planning policy team, but it is considered that these outweighed by the benefits of their provision.

Risk Management

24. While TANs reflect adopted Local Plan policy and text within each document would make clear that no new policy is introduced, it is possible that the documents could be challenged.

Equalities and Diversity Implications

25. Having regard to the Council's duty under Section 149 of the Equality Act 2010, there is not considered to be any implications for those with protected characteristics arising from the proposal.

Consultation

26. No consultation is proposed for the TANs, because they reflect adopted Local Plan policy.

| Other Implications | Applies? | Other Implications | Applies? |
|--------------------|----------|--------------------------|----------|
| Human Rights | No | Equalities and Diversity | No |
| Crime and Disorder | No | External Consultation | Yes |
| Environmental | Yes | Access to Information | No |
| Risk Management | Yes | Exempt from publication | No |

| | |
|----------------------------|--|
| Report Contact Officer: | Jeff Pyrah Planning Policy Manager |
| e-mail address: | jeff.pyrah@rother.gov.uk |
| Appendices: | Appendix 1: TAN1 Appendix 2: TAN2 Appendix 3: TAN3 Appendix 4: OSC Minute Extract - 29 September 2022 |
| Relevant Previous Minutes: | None |
| Background Papers: | None |
| Reference Documents: | None |

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Rother District Council

FIRST HOMES

Technical Advice Note 1

Overview and Scrutiny version - 29 September 2022

This information can be made available in large print, audio or in another language upon request.

Please telephone **01424 787668** or email **planning.strategy@rother.gov.uk**

Technical Advice Notes (TANs)

1. We have produced a series of Technical Advice Notes (TAN) to support the Adopted Development Plan (Core Strategy 2011-2028; Development and Site Allocations Plan; and made Neighbourhood Plans). TANs provide technical advice to developers and decision-makers but are not adopted policy documents and should not be read as such. TANs do not set out new planning policy. The TANs may be updated from time to time to reflect changing circumstances or best practice.

Introduction

2. This Technical Advice Note (TAN) sets out the key information relating to First Homes and how the requirement impacts on the implementation of relevant policies of the adopted Local Plan, that is:
 - Policy DHG1 (Affordable Housing) of the Rother District Development and Site Allocations (DaSA) Local Plan (2019)¹;
 - Policy LHN1 (Achieving Mixed and Balanced Communities) of the Rother Local Plan Core Strategy (2014); and
 - Relevant policies of the made Neighbourhood Plans.
3. This Technical Advice Note responds to changes in Government policy, pending the adoption of the new Rother Local Plan, which is currently being prepared by the Council, with the initial round of public consultation planned for early 2023.

Background

4. On 24 May 2021, the Government published a Written Ministerial Statement to set out plans for the delivery of “First Homes”. It also set out changes to planning policy. These changes came into effect on 28 June 2021. For further details, please refer to the [Written Ministerial Statement](#)² and [Planning Practice Guidance](#)³.

¹ Policy DHG1 supersedes Core Strategy Policy LHN2

² <https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hlws48>

³ <https://www.gov.uk/guidance/first-homes>

First Homes Definition

5. First Homes are a specific kind of discounted market sale housing which meet the definition of 'affordable housing' for planning purposes. First Homes are the government's preferred discounted market tenure and are now required to account for at least 25% of all affordable housing units delivered by developers through planning obligations (i.e., S106 agreements)⁴.
6. Specifically, First Homes are discounted market sale units which:
 - a) must be discounted by a minimum of 30% against the market value;
 - b) are sold to a person or persons meeting the First Homes eligibility criteria (see below);
 - c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and,
 - d) after the discount has been applied, the first sale must be at a price no higher than £250,000.
7. Local authorities and neighbourhood planning groups have the discretion to set a lower price cap than £250,000 for the first sale price if they can demonstrate a need for this. Any local price caps should be determined through the plan-making process with regard to local income levels, related to local house prices and mortgage requirements.⁵ The ability to set a lower price cap is being explored through the emerging Local Plan process and, if justified, would be introduced in the new plan.
8. Local authorities and neighbourhood planning groups also have the discretion to require a higher minimum discount of either 40% or 50% if they can demonstrate a need for this. A decision to increase the minimum discount should be informed by a housing need assessment undertaken as part of the plan-making process, to enable an evidence-based planning judgement to be made about the need for a higher minimum discount level in the area, and how it can meet the needs of different demographic and social groups.⁶ As above, if the evidence justifies it, a higher minimum discount would be introduced through the new plan.

⁴ Planning Practice Guidance Paragraph: 001 Reference ID: 70-001-20210524

⁵ Planning Practice Guidance Paragraph: 005 Reference ID: 70-005-20210524

⁶ Planning Practice Guidance Paragraph: 004 Reference ID: 70-004-20210524

First Homes Eligibility Criteria

9. First Homes must be prioritised for first-time buyers⁷ and not be sold to any household with a combined annual income in excess of £80,000. A purchaser of a First Home should have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price.
10. These national standard criteria should also apply at all future sales of a First Home.⁸
11. Through a section 106 agreement, local authorities or neighbourhood planning groups can apply eligibility criteria in addition to the national criteria described above. This may involve lower income caps (if this can be justified with reference to local average first-time buyer incomes), a local connection test, or criteria based on employment status (for example, to prioritise key workers). Any local eligibility criteria will apply for a maximum of 3 months from when a home is first marketed. If a suitable buyer has not reserved a home after 3 months, the eligibility criteria (including income caps) will revert to the national criteria set out above, to widen the consumer base. Local eligibility requirements will not apply to members of the armed forces.
12. A lower income cap will not be applied at this time. However, the Council is reviewing available evidence and may introduce a lower income cap in advance of the new Local Plan.
13. A local connection requirement will be included in section 106 agreements, consistent with that required for other low cost home ownership products regarded as affordable housing in planning terms (ie shared ownership). This requires owner occupiers to live, work or have family in the Rother area.
14. The Council may set an employment status criterion through section 106 agreements on a case by case basis where there is an identified local need: for example, for specific key worker professions, as allowed for by the Government's Planning Practice Guidance (PPG).

⁷ As defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers

⁸ Planning Practice Guidance Paragraph: 007 Reference ID: 70-007-20210524

Setting developer contributions for First Homes

15. A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. It is expected that First Homes (and the mechanism securing the discount in perpetuity) will be secured through section 106 planning obligations.
16. In accordance with paragraph 62 of the National Planning Policy Framework (NPPF), affordable housing is expected to be delivered on-site unless off-site provision or a financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.
17. Where cash contributions for affordable housing are secured instead of on-site units, a minimum of 25% of these contributions should be used to secure First Homes. This could be achieved, for example, by acquiring additional First Homes from market development, paying the developer a sum to offset the discount from market price, and securing the tenure through section 106 planning obligations.
18. Where a mixture of cash contributions towards affordable housing and on-site units are secured, 25% of the overall value of affordable housing contributions should be applied to First Homes.⁹

How should the remaining 75% of affordable housing be secured through developer contributions?

19. Once a minimum of 25% of First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the local plan. The remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy.

⁹ Planning Practice Guidance Paragraph: 012 Reference ID: 70-012-20210524

21. For example, if a local plan policy requires an affordable housing mix of 20% shared ownership units, 40% affordable rent units and 40% social rent units, a planning application compliant with national policy would deliver an affordable housing tenure mix of 25% First Homes and 40% social rent. The remainder (35%) would be split in line with the ratio set out in the local plan policy, which is 40% affordable rent to 20% shared ownership, or 2:1. 35% split in this way results in 12% shared ownership; and 23% affordable rent.
22. In another example, if a local plan policy requires 80% of units to be shared ownership and 20% to be social rent, a policy compliant application would deliver 25% First Homes units, 20% social rent and 55% shared ownership.
23. If a local authority has an up-to-date policy on cash contributions in lieu of onsite contributions, then a planning application compliant with national policy will align with this approach.¹⁰

Is there a transition period for decision making?

24. The transition period for decision making has now passed, meaning the First Homes policy requirement now applies to all applications for full or outline planning permission except in areas where local and neighbourhood plans are adopted/made under the transitional arrangements¹¹. In these areas, the First Homes requirements will not need to be applied when considering planning applications in the plan area until such time as the requirements are introduced through a subsequent update.¹²
25. This means that within Rother, the First Homes requirements will not apply to planning applications within Battle¹³ or Burwash¹⁴ parishes until such time as the requirements are introduced through a subsequent update to those Plans.

¹⁰ Planning Practice Guidance Paragraph: 015 Reference ID: 70-015-20210524

¹¹ Local plans and neighbourhood plans submitted for examination before 28 June 2021, or that have reached publication stage by 28 June 2021 and subsequently submitted for examination by 28 December 2021, will not be required to reflect the First Homes policy requirement.

¹² Planning Practice Guidance Paragraph: 019 Reference ID: 70-019-20210524

¹³ Battle NP: submitted for examination Nov 2020, made Nov 2021.

¹⁴ Burwash NP: submitted for examination August 2020, anticipated to be made June 2022 (subject to referendum on 16 June 2022)

26. The First Homes policy requirement does not apply to applications made under section 73 of the Town and Country Planning Act 1990, to amend or vary an existing planning permission, unless the amendment or variation in question relates to the proposed quantity or tenure mix of affordable housing for that development.¹⁵

Are there exemptions to the requirement for First Homes?

27. The [Written Ministerial Statement](#)¹⁶ confirms that Paragraph 65 of the NPPF sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products, unless one of the exceptions applies. First Homes are an affordable home ownership product. Where specific developments are exempt from delivering affordable home ownership products under paragraph 65 of the NPPF, they shall also be exempt from the requirement to deliver First Homes. Those exemptions are where the site or proposed development:
- a) provides solely for Build to Rent homes;
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or
 - d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

Relevant Local Plan Policies

Policy DHG1: Affordable Housing

28. On housing sites or mixed-use developments, this policy in the adopted DaSA Local Plan (2019) requires the following percentages of affordable housing within the district:
- i. In Bexhill and Hastings Fringes, 30% on-site affordable housing on schemes of 15 or more dwellings (or 0.5 hectares or more);*

¹⁵ Planning Practice Guidance Paragraph: 022 Reference ID: 70-022-20210524

¹⁶ <https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hlws48>

- ii. *In Rye, 30% on-site affordable housing on schemes of 10 or more dwellings (or 0.3 hectares or more);*
 - iii. *In Battle, 35% on-site affordable housing on schemes of 10 or more dwellings (or 0.3 hectares or more);*
 - iv. *In the Rural Areas:*
 - a) *In the High Weald Area of Outstanding Natural Beauty, 40% on site affordable housing on schemes of 6 dwellings or more (or 0.2 hectares or more); or*
 - b) *Elsewhere, 40% on-site affordable housing on schemes of 10 or more dwellings (or 0.3 hectares or more).*
29. The supporting text to Policy DHG1 confirms that to meet this policy requirement, where the affordable housing requirement results in a number of units which is not a whole number, the number of units required on-site will be rounded down to the nearest whole figure. The ‘unmet’ proportion of a unit will be funded through an in-lieu contribution equivalent to the cost of providing that part unit on-site.¹⁷
30. The tenure mix for affordable housing is set out in Policy LHN1 of the Rother District Local Plan Core Strategy (2014):
- Policy LHN1: Achieving Mixed and Balanced Communities
31. In order to support mixed, balanced and sustainable communities, this policy states that housing developments should (inter alia):
- v. *In relation to affordable housing, contribute to an overall balance of 65% social/affordable rented and 35% intermediate affordable housing;*
 - vi. *Ensure that affordable housing is integrated with market housing, where practical.*
32. The supporting text to Policy LHN1 confirms that the evidence for the 65%/35% split comes from the Strategic Housing Market Assessment (SHMA, 2010), which recommends this broad split, although indicates there should be flexibility in this split. The supporting text also notes that in some rural areas, it may be appropriate to seek all affordable housing as 100% social/ affordable rented accommodation given the shortage of social rented homes in these areas.¹⁸

¹⁷ Paragraph 4.17

¹⁸ Paragraph 15.15

33. The introduction of the First Homes policy means that 25% of affordable housing provision should be for First Homes, with 75% remaining for other tenures. The Written Ministerial Statement and Planning Practice Guidance state that once a minimum of 25% First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the local plan. 65% social rent is normally required, in line with Policy LHN1 of the Core Strategy.
34. Therefore, from 28th June 2021 the tenure mix for affordable housing under Policy LHN1 is:
- 25% First Homes
 - 65% Social Rented Housing
 - 10% Intermediate Affordable Housing.
35. The National Planning Policy Framework (NPPF)¹⁹ sets a requirement that where major development is proposed, at least 10% of homes should be available for affordable home ownership. First Homes can make up or contribute to this 10%. Planning Practice Guidance advises: “If a planning application for a major housing site in which 25% of the affordable homes are First Homes does not deliver enough First Homes to meet the 10% affordable home ownership expectation in the NPPF, additional affordable home ownership homes may be provided on top of the First Homes provision, in order to meet this expectation”.²⁰
36. Where additional affordable home ownership homes are needed to meet the 10% NPPF requirement, then applicants should provide additional affordable home ownership products such as ‘shared ownership’ homes to enable those in housing need to access an alternative affordable home ownership model.

¹⁹ Paragraph 65

²⁰ Planning Practice Guidance: Paragraph: 023 Reference ID: 70-023-20210524

Example 1: A scheme for 25 dwellings in Bexhill

37. METHOD RESULT: 30% affordable housing requirement through Policy DHG1: $25 \times 30\% = 7.5$ (7 affordable homes, with the remaining value of 0.5 dwellings secured as a financial contribution). A tenure mix of 25% First Homes, 65% social rented and 10% intermediate affordable = 1.75 First Homes (2 rounded up), 4.55 social rented (4 rounded down, to ensure the 10% NPPF requirement for affordable home ownership is met), 1 intermediate. This equals 3 affordable home ownership homes, which meets the 10% NPPF requirement.

Example 2: A scheme for 10 dwellings in Rye

38. METHOD RESULT: 30% affordable housing requirement through Policy DHG1: $10 \times 30\% = 3$ affordable homes. A tenure mix of 25% First Homes, 65% social rented and 10% intermediate affordable = 0.75 First Homes (1 rounded up), 1.95 social rented (2 rounded up), 0.3 intermediate (0 rounded down). This equals 1 affordable home ownership home, which meets the 10% NPPF requirement.

Example 3: A scheme for 15 dwellings in Battle

39. METHOD RESULT: 35% affordable housing requirement through Policy DHG1: $15 \times 35\% = 5.25$ (5 affordable homes with the remaining value of 0.25 dwellings secured as a financial contribution). A tenure mix of 25% First Homes, 65% social rented and 10% intermediate affordable = 1.25 First Homes (2 rounded up, to ensure the total % is not less than 25%), 3.25 social rented (3 rounded down), 0.5 intermediate affordable (0 rounded down). This equals 2 affordable home ownership homes, which meets the 10% NPPF requirement.

Example 4: A scheme for 20 dwellings in the Rural Areas

40. METHOD RESULT: 40% affordable housing requirement through Policy DHG1: $20 \times 40\% = 8$ affordable homes. A tenure mix of 25% First Homes, 65% social rented and 10% intermediate affordable = 2 First Homes, 5.2 social rented (5 rounded down), 0.8 intermediate affordable (1 rounded up). This equals 3 affordable home ownership home, which meets the 10% NPPF requirement.

Exception Sites

41. Policy DHG2 of the DaSA Local Plan (Rural Exception Sites) provides for the granting of planning permission, in exceptional circumstances, for small scale residential development outside development boundaries in order to meet a local need for affordable housing in rural areas. The policy includes a number of criteria which such schemes must meet. The 25% requirement for First Homes also requires to Rural Exception Sites permitted under this policy.
42. In addition, the Written Ministerial Statement provides for First Home Exception Sites, that is, a housing development that comes forward outside of local or neighbourhood plan allocations to deliver affordable housing, that delivers primarily First Homes. First Homes exception sites cannot come forward in designated rural areas as defined in Annex 2 of the National Planning Policy Framework, which includes Areas of Outstanding Natural Beauty (AONBs).²¹

Further Sources of Information

[Written Ministerial Statement](#)²² 24 May 2021

[Planning Practice Guidance](#)²³ First Homes

Please contact planning.strategy@rother.gov.uk should you require any further information.

²¹ Planning Practice Guidance Paragraph: 025 Reference ID: 70-025-20210524.

²² <https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hlws48>

²³ <https://www.gov.uk/guidance/first-homes>

Rother District Council

100% AFFORDABLE HOUSING

Technical Advice Note 2

Overview and Scrutiny version - 29 September 2022

This information can be made available in large print, audio or in another language upon request.

Please telephone **01424 787668** or email **planning.strategy@rother.gov.uk**

Technical Advice Notes (TANs)

1. We have produced a series of Technical Advice Notes (TAN) to support the Adopted Development Plan (Core Strategy 2011-2028; Development and Site Allocations Plan; and made Neighbourhood Plans). TANs provide technical advice to developers and decision-makers but are not adopted policy documents and should not be read as such. TANs do not set out new planning policy. The TANs may be updated from time to time to reflect changing circumstances or best practice.

Introduction

2. This Technical Advice Note explains how adopted Development Plan policy will be applied in situations where applications for 100% affordable housing are submitted. Relevant policies include:
 - Policy DHG1 (Affordable Housing) of the Rother Development and Site Allocations (DaSA) Local Plan (2019)¹; and
 - Policy LHN1 (Achieving Mixed and Balanced Communities) of the Rother Local Plan Core Strategy (2014), together with;
 - Relevant policies of the made Neighbourhood Plans.
3. This Technical Advice Note responds to the following changing circumstances:
 - The Government's Affordable Homes Programme 2021 to 2026 does not fund affordable homes secured through developer contributions (section 106), leading to registered providers of social housing² seeking to develop wholly affordable housing on major housing development sites.
 - The joint Rother DC and Hastings BC HEDNA (2020)³ sets out that the need for affordable housing, and socially rented housing in particular, has significantly increased in recent years due to the widening affordability gap between local income levels and the costs of renting or buying housing. This means the affordable housing need in Rother exceeds total housing delivery.

¹ Policy DHG1 supersedes Core Strategy Policy LHN2

² Registered providers (often called RPs) are providers of social housing registered with the Regulator of Social Housing (RSH) - [List of registered providers – 14 June 2022 \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

³ Hastings and Rother Housing and Economic Development Needs Assessment (HEDNA), August 2020

- Rother’s Corporate Plan 2020 – 2027 which aims to increase the supply of affordable homes throughout the district.

National Planning Policy Framework

4. Annex 2 (Glossary) of the National Planning Policy Framework (“the Framework”) defines Affordable Housing as:

Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions (which are each further detailed in the Glossary):

- (a) Affordable housing for rent*
 - (b) Starter homes*
 - (c) Discounted market sales housing*
 - (d) Other affordable routes to home ownership (including shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy).⁴*
5. Affordable housing therefore covers a wide-range of types of housing, designed to provide homes both for those who cannot afford to rent on the open market (affordable rent) and those who can afford to rent, but cannot afford to buy on the open market (including starter homes, discounted market sales such as First Homes and shared ownership).

Local Plan Policy

6. When making planning decisions, the local planning authority will consider the Local Plan as a whole, as well as any material planning considerations. However, to explain how proposals for 100% affordable housing are considered under current policy, the following parts of the Local Plan are highlighted:

⁴ Additionally, a Written Ministerial Statement published in May 2021 introduced an additional form of affordable housing, “First Homes”, a route to home ownership for first time buyers.

Rother Local Plan Core Strategy

7. Policy LHN2 (Affordable Housing), which has been superseded by DaSA Policy DHG1, set percentage requirements for affordable housing. These are not maximum figures and paragraph 15.28 highlights that lower figures have been applied in Bexhill, Battle and Rye given the need for regeneration and job creation i.e., they are designed to be achievable and attractive figures so that private housebuilders will develop sites, not represent the maximum amount of affordable housing that is needed.
8. Policy LHN1 (Achieving Mixed and Balanced Communities) sets out criteria that all housing developments should meet, in order to support mixed, balanced and sustainable communities. Criterion (v) requires housing developments to contribute to an overall balance of 65% social/affordable rented and 35% intermediate affordable housing. However, paragraph 15.15 advises that *'in some rural areas, it may be appropriate to seek all affordable housing as 100% social affordable rented accommodation given the shortage of social rented homes in these areas'*.

Rother Development and Site Allocations (DaSA) Local Plan

9. Policy DHG1 (Affordable Housing) slightly amends the threshold for affordable housing in the rural areas, previously set by the Core Strategy, to meet revised NPPF (2019) guidance, which requires a minimum size threshold of 10 dwellings, except in designated rural areas (like the AONB). Paragraph 4.12 advises that given the relatively poor affordability for households on lower incomes and the focus on non-major developments in the AONB, a lower threshold of 6+ dwellings is appropriate. On-site affordable housing requirements across the District are: in Bexhill, 30% for 15+ dwellings or 0.5 hectares or more; in Battle, 35% for 10+ dwellings or 0.3 hectares or more; in Rye, 30% for 10+ dwellings and, in rural villages; 40% for 6+ dwellings or 0.2 hectares or more in the AONB and 10+ dwellings or 0.3 hectares or more outside the AONB.
10. Paragraph 4.20 advises that successfully integrating the affordable rented and shared ownership units provides a sustainable, balanced and mixed community which brings many social and economic benefits.

11. Policy DHG2 (Rural Exception Sites) supports small scale residential development outside development boundaries, in exceptional circumstances, to meet a local need for affordable housing in rural areas, subject to specific criteria. This policy updates the approach previously set by the Core Strategy (Policy LHN3) by allowing a modest amount of enabling open market housing on rural exception sites where viability evidence shows this is necessary for the delivery of affordable housing.
12. Paragraph 4.21 advises that delivery of affordable housing in rural areas has been low over recent years generally because housing development opportunities are limited in these areas.

Affordable Housing Funding

13. The Government's Affordable Homes Programme 2021 to 2026 provides £7.39 billion to deliver up to 130,000 affordable homes for rent or sale across England (but outside of London) by March 2026. This funding is awarded by Homes England to qualified investment partners, including registered providers of social housing⁵. The funding is geared towards whole site 100% affordable housing development and does not fund affordable homes secured through developer contributions (section 106) – the anticipated mechanism of achieving affordable housing anticipated by the NPPF and Rother's Local Plan.
14. As a result, registered providers are seeking to develop wholly affordable housing on major housing development sites in Rother. This is a shift from the expectation that affordable housing will be secured as a percentage requirement through DaSA Policy DHG1.

Hastings and Rother Housing and Economic Development Needs Assessment (HEDNA), August 2020

15. The HEDNA assesses future development needs for housing (both market and affordable) and employment across the Hastings and Rother area. The study was commissioned to inform the preparation of the emerging Local Plans.

⁵ Registered providers (often called RPs) are providers of social housing registered with the Regulator of Social Housing (RSH) - [List of registered providers – 14 June 2022 \(accessible version\)](https://www.gov.uk/government/news/list-of-registered-providers-14-june-2022-accessible-version) - GOV.UK (www.gov.uk)

16. The HEDNA looks at affordable housing need. To assess affordability, two different measures are used; firstly, what income levels are likely to be needed to access private rented housing (this establishes those households in need of social/affordable rented housing) and secondly what income level is needed to access owner-occupation. It advises that:
- Based on entry level costs to buy a home and lower quartile costs to rent, around 38.7% of households can afford to buy and 61.9% can afford to rent (privately).
 - There are around 700 single-person households on the housing register in Rother and 1,000 families requiring affordable rented housing (there were 1,536 households on the register in 2013).
17. In terms of meeting the need on the housing register, only around 200 homes become vacant each year. Changes to benefits and increasing unaffordability in the area are reasons why more accommodation is being sought each year. There is a relatively aged stock of homes regardless of size and tenure.
- The most recent data from the end of 2021 paints a similar picture to that set out in the HEDNA albeit there has been a slight increase in housing register demand and a slight decrease in the number of affordable properties coming available to let through Registered Providers.

Affordable Dwellings to Rent

18. The HEDNA identifies an annual net need of 295 affordable dwellings to rent across Rother. This is for subsidised housing at a cost below that to access the private rented sector (i.e., for households unable to access any form of market housing without some form of subsidy).
19. Paragraph 12.14 (page 213) advises that:

The Councils are therefore justified in seeking to secure as much additional affordable housing need as viability allows. It is of note that these requirements [i.e., 295 affordable dwellings per annum for Rother] exceed the total rate of recent housing delivery in the authorities.

Affordable Home Ownership

20. The HEDNA advises that shared ownership properties and discounted market sales provide routes for the greatest number of people to own their own house, and shared ownership also provides for much lower levels of deposits.

21. The HEDNA finds that there is a need for around 203 affordable home ownership homes (priced for households able to afford to rent but not buy) in Rother per annum.
22. The HEDNA does advise that the number of lower quartile homes that are available to buy exceeds the total gross need by around 40 dwellings per annum, i.e., there is actually a surplus. However, the location and type of lower cost open market homes tend not to meet the needs of those households seeking the buy their first home.
23. Notwithstanding the potential surplus, the HEDNA identifies that 23% of households currently living in the private rental sector cannot afford to buy and suggests that for many households, barriers to accessing owner-occupation are less about income/the cost of housing and more about other factors.
24. These factors include the lack of a deposit; difficulties obtaining a mortgage due to a poor credit rating or insecure employment; or the desire for the more flexible rental option.

Housing Delivery

25. Since 2011, only 516 affordable rented dwellings have been built, which averages 52 dwellings/year (contrasting strongly with the need, identified in the HEDNA 2020, for 295 affordable rent properties to be built each year). The long-term average is reflected in the most recent years, with 67 affordable rent dwellings completed in 2020/21 and 50 in 2021/22.
26. 232 shared ownership properties have been built since 2011, an average of only 23 dwellings/year (again contrasting with the HEDNA 2020, which identifies a need for 203 affordable home ownership properties per year). 35 shared ownership dwellings were completed in 2020/21 and 62 dwellings in 2021/22.

Corporate Plan 2020-2027

27. The Council is strongly committed to providing everyone with the opportunity of a decent home and to providing affordable housing which meets demonstrated local needs. The Corporate Plan aims to deliver 400 affordable rent homes by the end of 2023.

Community Infrastructure Levy

28. The Council became a Community Infrastructure Levy (CIL) charging authority in 2016. Different CIL rates apply to residential and retail development in Bexhill and the rural areas. One benefit of CIL is that it is collected from all new housing completions, however it is not payable on new affordable housing (nor self-build developments).
29. Rother's Infrastructure Funding Statement 2020/21, published in December 2021 sets out that since April 2016, £3,533,287.41 has been retained, with £1,875,478.54 collected in the funding year 2020/21.
30. The Strategic CIL, which is retained by Rother (Local CIL is transferred to the relevant Parish or Town Council where the development is taking place) contributes to the funding of infrastructure needed to support new homes and businesses.
31. The Community Infrastructure Levy (CIL) is a non-negotiable levy. To ensure that the Community Infrastructure Levy (CIL) would not threaten the viability of the Local Plan as a whole, a viability assessment - the [Rother Local Plan Viability Assessment \(2018\)](#)⁶ was commissioned.
32. The 2018 Assessment found that, based on the broad spectrum of likely sites to come forward, the DaSA policy requirements are deliverable.
33. However, under DaSA Policy DHG1 (and in accordance with national planning guidance), where it can be demonstrated that the affordable housing percentage requirements would render otherwise suitable development unviable, a lower, but maximum percentage of affordable housing which can be contributed without undermining viability, may be accepted.
34. This has led to the Local Planning Authority, on a number of housing developments, granting planning permission which contributes less than the policy requirement level of affordable housing. On such schemes, however, where a higher proportion of market housing is achieved, a consequence is that, the local planning authority gains more CIL (as the CIL is payable on all non-affordable new homes).

⁶ https://www.rother.gov.uk/wp-content/uploads/2020/01/12_Rother_Local_Plan_Viability_Final_Report.pdf

35. This situation lessens any impact of “losing” CIL payments on those schemes where higher proportions of affordable housing (and therefore less CIL) is achieved. To put this another way, while 100% affordable housing developments would not pay CIL, this loss is counterbalanced by the additional CIL liable on other sites.

Implementing Local Plan policy

36. As summarised above, Local Plan policy recognises the need for affordable housing and seeks to maximise its delivery through the affordable housing requirement thresholds applicable to market housing sites, and through support for rural exception sites. The need for socially rented housing is particularly recognised. The minimum percentage requirements for on-site affordable housing set out in Policy DHG1 of the DaSA Local Plan seek to ensure that:
- (i) housing developments contribute to meeting the overall affordable housing need in the district but also
 - (ii) developments remain viable, and private housebuilders are not discouraged from developing sites.
37. More recent evidence within the HEDNA (2020) highlights that the need for affordable housing, and socially rented housing in particular has significantly increased, due to the widening gap between local income levels and the costs of renting or buying housing. The affordable housing need exceeds total housing delivery in Rother. Furthermore, the Council’s Corporate Plan supports the provision of affordable housing which meets demonstrated local needs.
38. Where proposals come forward for greater levels of affordable housing than the minimum percentages set out in Policy DHG1 (up to 100%), the applications should be supported in principle. Such proposals would not conflict with Policy DHG1 of the DaSA Local Plan, which sets out minimum (not maximum) percentage requirements for affordable housing. In relation to integration with market housing, while affordable ownership meets the definition of affordable housing in planning terms, it is also a form of market tenure, particularly through the introduction of First Homes. Where 100% affordable housing schemes are proposed, a mix of tenures, in accordance with Policy DHG1’s criteria regarding mixed and balanced communities should be complied with.

39. Consequently, whether or not specific schemes for up to 100% affordable housing can be supported will come down to their compliance with the adopted policies of the Development Plan as a whole. The loss of CIL money will be a financial consideration in any proposal but should be balanced with the additional CIL gained through other permissions as set out above.
40. In summary, planning applications for 100% affordable housing should be supported where they meet the Local Plan's adopted policies in all other respects and the affordable housing secured through a S106 legal agreement.

Further Sources of Information

41. The adopted policies under which planning applications will be decided are set out in the Council's Local Plan and in made Neighbourhood Plans. Please contact planning.strategy@rother.gov.uk should you require any further information.

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Rother District Council

WINDOWS IN BEXHILL TOWN CENTRE CONSERVATION AREA

Technical Advice Note 3

Overview and Scrutiny version - 29 September 2022 (version 2)

This information can be made available in large print, audio or in another language upon request.

Please telephone **01424 787668** or email **planning.strategy@rother.gov.uk**

Technical Advice Notes (TANs)

1. We have produced a series of Technical Advice Notes (TAN) to support the Adopted Development Plan (Core Strategy 2011-2028; Development and Site Allocations Plan; and made Neighbourhood Plans). TANs provide technical advice to developers and decision-makers but are not adopted policy documents and should not be read as such. TANs do not set out new planning policy. The TANs may be updated from time to time to reflect changing circumstances or best practice.

Introduction

2. This Technical Advice Note explains how adopted Development Plan policy will be applied in situations where applications to alter or replace windows in the Bexhill Town Centre Conservation Area are submitted. Relevant policies are:
 - Policy DHG9 of the Rother Development and Site Allocations (DaSA) Local Plan (2019); and
 - Policies BX2, EN2, EN3, SRM1 and OSS4 of the Rother Local Plan Core Strategy (2014);
3. This TAN has been prepared to provide advice on how the Council's adopted planning policies should be applied to planning applications for alterations to, or replacement of, windows within the distinctive special character of the designated Bexhill Town Centre Conservation Area.
4. This TAN should not be referred to for works to buildings outside of the Bexhill Town Centre Conservation Area or to Statutorily Listed Buildings.

When planning permission is required

- Repairs, maintenance, and minor improvements to windows and doors, such as repainting, do not normally require planning permission. For dwelling houses, the insertion of replacement windows of a similar appearance is often permitted development¹, but homeowners are advised to seek advice and a formal decision as to whether planning permission is required, to submit an application for a [Certificate of Lawful Development – Proposed](#).
- However, flats and maisonettes, as well as commercial buildings, do not benefit from permitted development, and therefore replacements of, or alterations to, windows and doors in these circumstances do require planning permission.

Legislative and Policy Framework

Planning (Listed Building & Conservation Areas) Act 1990

- Conservation Area status is a statutory designation. Conservation Areas are defined in the Planning (Listed Buildings & Conservation Areas) Act 1990 as:
“areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”²
- It is the responsibility of individual Local Planning Authorities to designate and review Conservation Areas.
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework

- The National Planning Policy Framework³ is a national policy document which sets out the criteria for making planning decisions in conjunction with local policies. Paragraphs 8, 130 and the entirety of Section 16 which relates to conserving and enhancing the historic environment, are particularly relevant to planning applications for replacement doors and windows in Conservation Areas.

¹ The legislation can be found at: <http://www.legislation.gov.uk/ukxi/2015/596>

² [Planning \(Listed Buildings and Conservation Areas\) Act 1990 \(legislation.gov.uk\)](#)

³ [National Planning Policy Framework \(publishing.service.gov.uk\)](#)

Local Plan Policy

11. When making planning decisions, the local planning authority will consider the Local Plan as a whole, as well as any material planning considerations. However, to explain how proposals for alterations to windows and doors in the Bexhill Town Centre Conservation Area are considered under current policy, the following parts of the Local Plan are highlighted:

Rother Local Plan Core Strategy

- Policy BX2 (Bexhill Town Centre)
- Policy EN2 (Stewardship of the Historic Built Environment)
- Policy EN3: Design Quality
- Policy SRM1: Towards a low carbon future
- Policy OSS4: General Development Considerations

Rother Development and Site Allocations (DaSA) Local Plan

- Policy DHG9

Other policies

12. Rother District Council has also adopted other strategies and policies that are considered to be relevant to this technical advice note.

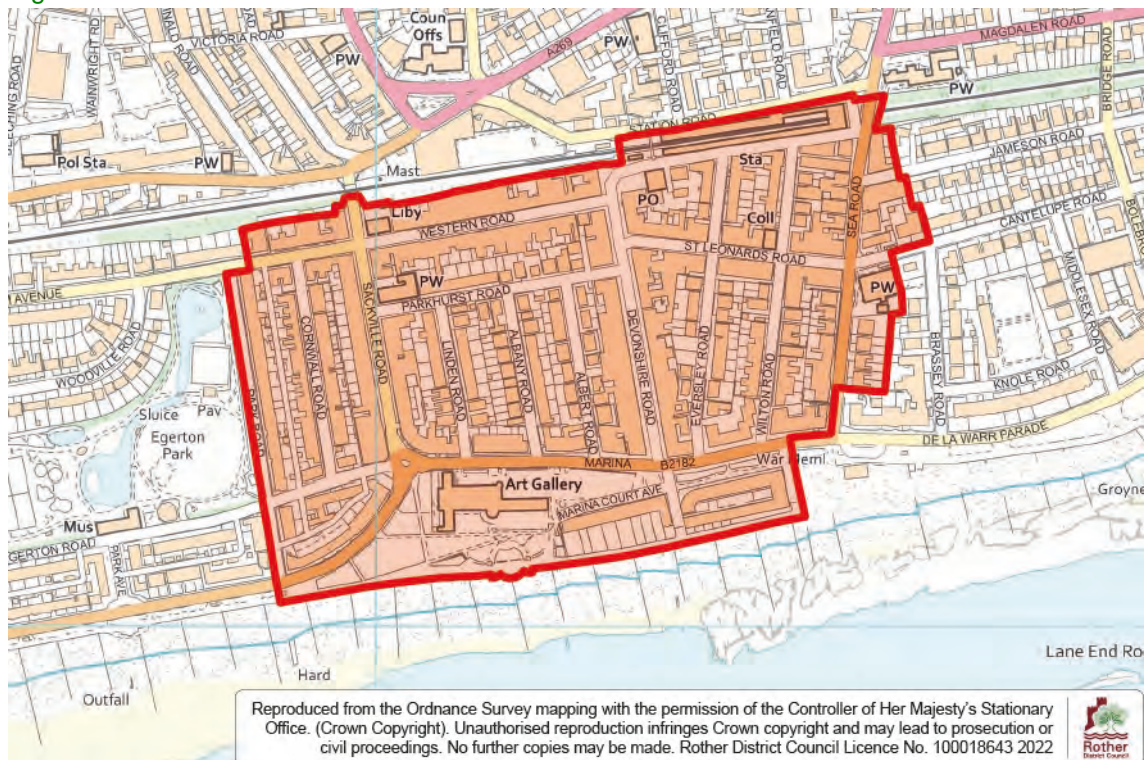
Rother Environment Strategy 2020-2030

13. Rother District Council declared a Climate Emergency in September 2019 and pledged to be carbon neutral by 2030. The Rother Environment Strategy 2020-2030 (adopted September 2020) defines priority areas and sets pledges to meet its target, including:
- Green economy – working with partners to encourage retraining and reskilling in retrofit, insulation and environmentally friendly industries;
 - Sustainable waste management – encouraging a focus on preventing waste through the use of less materials, re-use and less hazardous materials and preparing for re-use through cleaning, repairing, refurbishing and repairing.
 - Construction and existing buildings – seeking funding to support retrofitting existing housing throughout the district.
14. The Council is a member of the UK Green Building Council, which seeks to radically improve the sustainability of the built environment, by transforming the way it is planned, designed, constructed, maintained and operated.

Bexhill Town Centre Conservation Area

15. Bexhill-on-Sea Town Centre provides a fine example of an unusually complete Edwardian townscape built principally between 1880 and 1905 under the patronage of the 7th and 8th Earls De La Warr, who pursued a vision of creating a fashionable seaside resort.
16. The flat land to the south west of the Old Town of Bexhill, between the railway line and the beach, was made suitable for development by the construction of the sea wall, and the town was planned with a grid pattern of streets which mainly lie either at right angles or parallel to the shore. The wide Devonshire Road was laid out as the principal shopping street, running north-south, as does Sackville Road, while Western Road and St Leonard's Road run east-west. These formed the main commercial streets, and continue to do so to this day, while in between run north-south subsidiary residential streets. This well-integrated mix of uses is a key part of the character of the town.
17. Bexhill town centre was designated a Conservation Area in 1992, in recognition of its architectural and historic significance, and reviewed in 2003. The Conservation Area Appraisal, adopted on 24 February 2004, highlights the unique plan form of the town, its architectural styles, detailing and ornamentation and its building materials, as well the role played by open spaces, trees and vistas, including the Seafront and Devonshire Square.

Figure 1: Bexhill Town Centre Conservation Area



18. The character of the Conservation Area is greatly informed by the short period of construction of most of the buildings in the town centre resulting in a particularly homogenous architecture, with a variety of examples of competent late Victorian/Edwardian architecture including lavish ornamentation and elaborate detailing. These buildings are typically three or four storeys high along the commercial streets, with residential upper storeys and ground floor shop frontages of various degrees of historic value and condition of repair, while in the wholly residential streets a more domestic scale storeys prevails.

Figure 2: Photo of Devonshire Road, 1900



Figure 3: Photo of Park Road, 1895



19. The rich heritage of this architecture, imposing in scale and ornate in detailing, plays an important role in defining the local character and street scene. Numerous features contribute to the elevational appearance of the late Victorian/Edwardian buildings within the conservation area, including top floor open pediments or ornate Dutch gables, projecting bays at first and second floor, fenestration patterns and sash windows, balconies with wrought iron balustrading, and the use of decorative pilasters, corbels, string courses, quoins and keystones. Collectively these features impart much of the historical character and distinctive appearance of the Conservation Area. The cohesive appearance of the Conservation Area is promoted through semi-detached visual pairs and full terraces that adopt a clear symmetry and rhythm within the street scenes across the Conservation Area and conveys a sense of architectural integrity and strength.

Why is the Conservation Area important?

20. Conservation areas are designated because of their visual and historic value. If well maintained and presented, conservation areas provide a social and cultural appeal to the area, subsequently boosting economic performance, quality of life and desirability.⁴ It may also be of note that nationally, properties within conservation areas are typically worth 23% more than a comparable property elsewhere⁵.
21. Maintaining and strengthening the character and appearance of the Edwardian core of the Conservation Area has underpinned many of the Council's successful economic regeneration initiatives, including:
 - A Heritage Economic Regeneration Scheme, supported by Historic England, which awarded shopfront repair and replacement grants to 28 shops in Bexhill town centre, bringing a number of vacant shops back into use at the time.
 - The securing of European funding through the Interreg programme to install heritage style lampposts in Sackville Road.
 - The Next Wave West Parade Scheme; a major investment in the public realm by RDC, supported by the then Commission for Architecture & the Built Environment, which aimed to support the core section of Bexhill's seafront to become a high-quality destination for both residents and visitors, with consequential regeneration benefits for the whole town.
 - Securing East Sussex County Council highways and public realm improvement works to Devonshire Square, Devonshire Road, and Marina, with the aims of enhancing economic vitality and appearance in the town centre and improving the pedestrian experience.
22. These public sector investment projects have sought to both increase footfall and spending power in the town centre to encourage private sector investment, and to help strengthen the Conservation Area's special architectural and historic character and have demonstrated the economic and social value of attractive and well-maintained buildings and spaces to everyone who uses the town centre.
23. However, despite considerable investment, the character of the conservation area continues to be undermined in some instances by inappropriate alterations to buildings, including the loss of architectural detailing and the installation of non-traditional windows.

⁴ <https://historicengland.org.uk/images-books/publications/heritage-works/>

⁵ <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows-revfeb17/>

Why Windows Matter

24. Historic England is an executive non-departmental public body sponsored by the Department for Digital, Culture, Media and Sport (DCMS). It carries out a range of functions that help people care for, enjoy and celebrate England's historic environment, including carrying out a range of specialist research and publishing a wide range of advice, including technical guidance, advice on caring for heritage, and heritage in the planning system.
25. Historic England recognise the urgent need for climate action and believe that England's existing buildings have an essential role to play in fighting climate change. Older buildings have survived because of their durability and adaptability. Continuing to adapt, upgrade, repair and maintain them so they remain useful and viable makes good social, economic and environmental sense.
26. Historic England has carried out a large number of research programmes, focussing on understanding and improving the energy performance of historic buildings and the effects of measures to increase energy efficiency. This research has underpinned the range of guidance and advice that they have produced, particularly with regard to windows in the historic environment.
27. Historic England provides the following advice on its website:

“Traditional windows make an important contribution to the visual character and heritage significance of historic buildings and areas. They are integral to the design of older buildings and can be important artefacts in their own right, made with great skill and ingenuity from high quality materials not generally available today. When contemplating improvements to save energy and reduce fuel bills, owners and residents of historic buildings often think first about replacement windows.

Many traditional windows have been lost because old windows are thought to be burdensome to maintain and not energy efficient. But research carried out by Historic England has shown that they can be made to meet current thermal performance requirements economically and with minimal harm to significance. Furthermore, they are durable, functional and repairable and if properly maintained will last longer than many types of replacement. Therefore, this ‘repair not replace’ approach makes good social, economic and environmental sense.”

Heritage & Sustainability

28. Generally speaking, improving the energy efficiency of unlisted buildings in conservation areas means reducing heat losses wherever possible without damaging the special character and appearance of the conservation area.
29. Historic England's overarching guidance "Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency"⁶ sets out their holistic 'whole building approach' which considers:
- Context;
 - Construction;
 - Condition;
 - Historic significance;
 - An understanding of all the factors that affect energy use; and
 - How to devise an energy efficiency strategy for any building.
30. The 'whole building' approach recognises that the thermal efficiency of historic buildings can be greatly improved without replacing windows that contribute to their significance. Rather than focusing entirely on windows, it is better to consider energy conservation measures that address the thermal efficiency of the whole of the building. In this way, the aim should be to strike an appropriate balance between energy conservation and building conservation. Adopting a 'whole building' approach can help in understanding where energy goes and identifying less harmful options to achieve energy savings.
31. With specific regard to works to windows, Historic England's website contains extensive practical guidance and research on this subject, including:
- [Traditional Windows: their care, repair and upgrading](#)
 - [Modifying Historic Windows as Part of Retrofitting Energy-Saving Measures](#)



⁶ [Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency \(historicengland.org.uk\)](https://www.historicengland.org.uk)

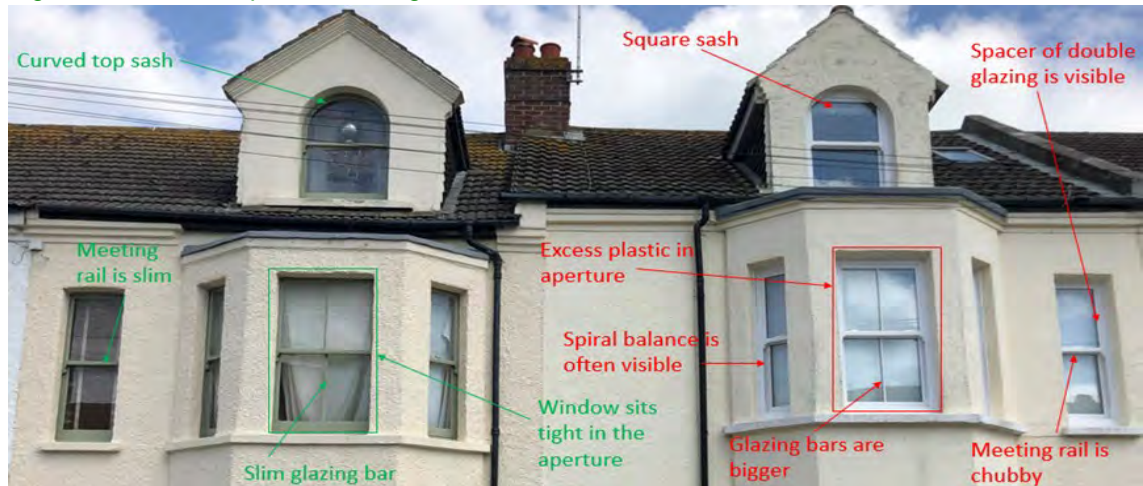
PVCu windows in Bexhill Town Centre Conservation Area

32. Regarding replacement windows in PVCu, [Historic England guidance](#) sets out:
“Replacement plastic (PVC-u) windows pose one the greatest threats to the heritage value of historic areas, particularly in towns and villages. Despite attempts at improving the design of these windows they are instantly recognisable because they cannot match the sections and proportions of historic joinery.”

Visual Appearance

33. Prior to designation as a conservation area, many properties in Bexhill town centre had inappropriate PVCu casement windows installed, of non-traditional style and design, which has caused significant detriment to the character and appearance of the conservation area.
34. While the range and design of plastic windows has increased over the years to include sliding sash PVCu units as well as the non-traditional ‘tilt and turn’ casement style units, it is very difficult to adequately replicate timber windows in PVCu; even PVCu sash windows still have clear failings in terms of appearance, including:
- The bulky and chunky dimensions and section sizes of the framing members and any applied moulding details of the new PVCu units - lacking the elegance and simple profiles of timber frame sashes that are a key element of their character.
 - The changed relationship of the frame to glass area as a result of the larger frame sections; significant amounts of glazed area are lost, this distorts proportions and overall appearance.
 - They usually adopt a spiral balance opening mechanism which can be seen and do not always faithfully reproduce the appearance of original windows.
 - The finish of PVCu windows is overly flat and smooth, attracts dirt and often yellows over time.
 - Finer details such as curved sashes and sash horns are often omitted
35. As well as the material itself, such considerations cumulatively have a major influence on the appearance of the windows and usually the character of the building as a whole.
36. Appendix 2 provides an annotated diagram setting out the key components of a traditional timber sash window.
37. The annotated photo below shows the variation between timber windows on the left and PVCu sash windows on the right.

Figure 4: Annotated photo showing variation between timber and PVCu windows



38. The photo to the right shows three bay windows in PVCu and one bay in timber, clearly showing the variation in proportions of framing members to glazing.

Figure 5: Photo example of timber and PVCu variation in proportions



Other PVCu issues

39. Whilst not solely a Conservation Area issue, nevertheless, environmental concerns regarding PVCu windows adds weight to the previously set out concerns regarding their visual impact on the character and appearance of the conservation area, particularly with regard to the Council's Environment Strategy and sustainable resource management policies. Alternative, and potentially more cost-effective, means to improve operational energy efficiency are set out elsewhere in this TAN.
40. When considering carbon emissions, the environmental impact of the material used is also important. Historic England highlight the relatively short service life of PVCu windows (compared to well-maintained traditional windows, many of which survive for over 100 years), and that PVCu windows are not maintenance-free, as is commonly believed, and can be difficult to repair, meaning they are usually replaced at the end of their service life. Although it is possible to recycle PVCu, this is still not done widely. Therefore, the carbon cost of a PVCu replacement window will be higher than an appropriately [upgraded traditional window](#). Detailed commentary regarding the environmental impact of PVCu windows is provided in Appendix 1 to this TAN.

Implementing National & Local Plan Policy in Bexhill Town Centre

41. In assessing applications for works to windows and doors in the Bexhill Town Centre Conservation Area, and with regard to discharging our duties under Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, and implementing national and local planning policy, the local planning authority would generally follow Historic England advice regarding looking to retain, repair and thermally upgrade existing historic windows, or where an original window is beyond repair, then replacing with timber double glazed windows that closely match the original, which are longer-lasting and less carbon-costly than PVCu equivalents. This approach is expanded for specific scenarios over the following pages.
42. In doing so, the local planning authority are supporting the Historic England strategy to:
 - Maintain and repair sympathetically with appropriate materials and techniques (since this approach is usually more sustainable than replacement.)
 - **Consider window improvements in the context of a ‘whole building approach’ to energy efficiency.** This approach considers all the factors affecting energy use, to allow for the best balance between saving energy, maintaining a healthy indoor environment and sustaining heritage significance.
 - **Think about the whole-life carbon costs** of alterations, not just the potential saving in operational energy and carbon. Some alterations can cost more in energy and carbon than they save during their service life.
 - **Recognise it is possible to make houses more energy efficient and sustainable without harming their heritage significance.** The amount of heat lost through windows may be a relatively small proportion of the total, depending on the number and size of the windows. Therefore, improvements beyond repair and draught sealing may not be cost-effective in either financial or carbon terms.

Scenarios

43. This section presents a series of scenarios to increase understanding of how planning applications would be considered in the generic situations described. Note that each individual planning application proposal will be unique in terms of its detailed proposals and the existing context and each application will be determined in accordance with the adopted Local Plan unless material considerations indicate otherwise.⁷ Usually only alterations affecting those elevations publicly visible, usually street-facing elevations and sometimes side elevations, are considered to impact on the character of conservation area, though this does depend on the individual site and context.

Scenario 1: Works affecting historic timber windows

44. The presence of traditional timber sliding sash windows within the Bexhill Town Centre Conservation Area makes a significant contribution to the character and appearance of the conservation area in terms of form, proportion, opening method, opening mechanism and overall appearance. Having regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, in all cases the council will seek to retain traditional historic timber windows.
45. Old windows are usually durable, functional and repairable if looked after. The quality of wood used to create original timber windows was excellent and has proven to be long lasting. Therefore, their replacement should be a last resort and will only be acceptable if repair and restoration is not possible. Repair is also most likely to be the cheapest option and provides an opportunity for upgrading to meet modern requirements of energy efficiency and enhanced comfort. There are many ways in which older timber windows can be improved that are not only sensitive to their historic context, but also are cost-effective and much more effective in carbon and energy terms than wholesale replacement. These aspects can be achieved through retrofitting existing timber windows, as explained in the 'Retrofitting Existing Windows' section below.
46. However, should an original window be in such a deteriorated condition as to require replacement, then a faithful, 'like for like', good quality timber reproduction is required in terms of proportion and dimension of framing members, appearance, opening method, opening mechanism and glazing bar pattern. Additional features such as modern glazing and draught proofing will be accepted if in accordance with the details outlined in the retrofitting section below.

⁷ Section 38(6) of the Planning and Compulsory Purchase Act 2004

Retrofitting Existing Windows

It is acknowledged that energy efficient windows do contribute to comfort levels for residents and will reduce energy consumption which will not only reduce living costs but also potentially assist in tackling climate change. The retrofitting of original windows with draft excluders or energy efficient glazing can usually enable residents to realise all of these advantages without window replacement or adversely affecting the historic environment.

There are a number of retrofitting and upgrading measures that can help address the issues around heat loss and energy efficiency. A brief summary is provided below, but these measures are explained in more detail in the Historic England guidance documents/webpages:

- [Traditional Windows: their care, repair and upgrading](#)
- [Modifying Historic Windows as Part of Retrofitting Energy-Saving Measures](#)
- [Improving Thermal Performance of Windows and Doors in Historic Buildings](#)
- [Energy Efficiency and Historic Buildings: Draught-proofing Windows and Doors](#)
- [Research into the Thermal Performance of Traditional Windows: Timber sash windows](#)

Draught proofing

Inserting draught proofing will provide the biggest energy saving and conservation benefits for the lowest environmental and financial costs⁸. Historic England research has shown that less than a quarter of the heat lost through a typical traditional window escapes by conduction through the glass, the rest is by draughts (air infiltration). Since draughts make people feel colder, the occupants often turn up the heating and run it for longer. Draught exclusion rubber strips and brush pile strips can be added to both the sash, the parting bead, and staff bead. According to Historic England, this relatively low cost retrofit can reduce draughts by up to 80%⁹.



⁸ [Modifying Historic Windows as Part of Retrofitting Energy-Saving Measures | Historic England](#)

⁹ [Traditional Windows: their care, repair and upgrading](#)

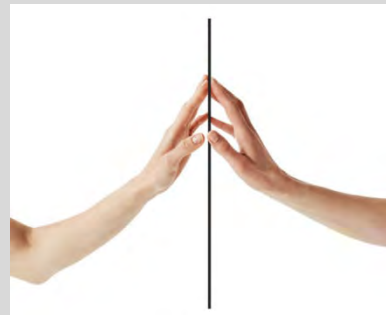
Secondary Glazing

The use of secondary glazing will allow the appearance and originality of the windows to be retained. Secondary glazing, if well installed and to the correct specification, will provide thermal efficiency to the equivalent of a PVCu double glazed window.¹⁰ Historic England research has shown heat losses can be reduced by over 60% by using secondary glazing with a low emissivity (Low-E) hard coating facing the outside, along with other benefits including being highly effective at reducing noise¹¹.



Vacuum Glazing

This glazing is a form of double glazing but with only a 0.1mm gap between the two panes of glass, it can return efficiencies similar to 44mm Triple Glazing and is far superior in relation to double glazing. Some minor adaptation of the sash will be required, such as the rebate will need to increase in depth by approximately 4mm and the counterweights will need to be increased. Linseed oil putty can be used. This type of glass cannot be used on windows less than 200mm x 200mm or on stained glass or leaded light windows.



12mm 'Slimlite' Double Glazing

This type of double glazing can be retrofitted into existing sash windows. Some minor adaptations of the sash will be required, such as the rebate will need to increase in depth by approximately 8mm. The additional weight of the glass and separating frame will mean a significant increase in the counterweight required. Some models do not accept linseed oil putty and warranties are limited. 22mm and 28mm double glazed units, and 44mm triple glazed units cannot be used as they will not fit within the framing dimensions of a traditional sash window.



¹⁰ <https://historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows-revfeb17/>

¹¹ [Energy Efficiency and Historic Buildings: Secondary glazing for windows | Historic England](#)

Scenario 2: Works affecting existing modern timber windows

47. Some buildings in the Conservation Area have had good quality replacement timber windows installed, that successfully and faithfully replicate the features and detailing (in the majority of cases sliding-sash) of original windows, in terms of proportions, appearance, opening method and opening mechanism. However, other modern timber replacement windows may have only imitated certain features, or the style and overall appearance of the replacement is not satisfactory, for example a casement opening window in place of sliding sash. These will usually have been installed prior to the designation of the Conservation Area and are usually considered to be detrimental to the character of the Conservation Area.
48. The quality of the existing modern window, in terms of appearance, will be a significant factor in the approach the council will take in each individual case.
49. In the case of good quality, appropriately designed modern timber windows, then in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, the council will seek to preserve these windows as this form of window is considered to be a faithful reproduction of the original fittings that contributes to preserving the character and appearance of the conservation area. Where necessary, these windows can usually be retrofitted to improve energy efficiency in the same manner as a historic timber window (see previous page).
50. However, should a good quality timber window (in the majority of cases, this will be sliding sash) be in such a deteriorated condition as to require replacement, then a faithful, 'like for like', good quality timber reproduction is required in terms of proportion and dimension of framing members, appearance, opening method, opening mechanism and glazing bar pattern. Additional features such as modern glazing and draught proofing will be accepted if in accordance with the details outlined in the retrofitting section within scenario 1 above. Replacement of existing good quality, appropriately-designed modern timber windows with PVCu replacements will not be supported.
51. In the case of proposed replacement of a poor-quality modern timber window, i.e. one that is of inappropriate design, such as a casement window where the original would have been sliding-sash, or a sash window that is constructed with inappropriate proportions, appearance, or opening mechanisms, then in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, the council will look to enhance the character and appearance of the conservation area by seeking a well-designed, traditionally detailed, timber sliding sash window as the replacement.

52. In some circumstances, replacement of a poor-quality modern timber window with a PVCu sliding sash window will be considered, but the proposal must be consistent with other window materials and styles and detailing on the elevation on the property and the wider street scene. Significant justification should be given as to why a PVCu window is being proposed. Particular attention shall also be paid to the section sizing, siting and opening method of the PVCu replacement.

Scenario 3: Works affecting existing PVCu windows

53. The installation of casement and ‘tilt and turn’ style PVCu windows in the late twentieth and early twenty-first century has caused significant harm to the character and appearance of the conservation area, as a result of the chunky and cumbersome profiles and cross sections of the framing members, the flat appearance, and lack of reference to original design and the changed opening method.

Figure 6: Photo of inappropriate PVCu casement windows



54. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, the council will seek to preserve and enhance the character and appearance of the conservation area. While the Council will permit replacement of these PVCu units with new PVCu windows, (though a well-designed timber replacement would always be encouraged and preferred), the replacement PVCu window must be a functioning sliding sash window of suitable appearance, proportions, sizing of framing members, and opening method. New ‘tilt and turn’ or casement PVCu windows will not be supported as this particular form of window fails to preserve and compounds the harm to the character and appearance of the conservation area.

Summary of Scenarios

55. To aid understanding, the following table summarises the scenarios discussed. Note however that each individual planning application proposal will be unique in terms of its detailed proposals and the existing context, and that each application will be determined in accordance with the adopted Local Plan and other material considerations.

| Scenario | Repair | Retrofit energy efficiency | Timber replacement | PVCu replacement |
|---|--|--|--|---|
| 1 – original timber window | Yes. This is supported. It is often the cheapest option. Planning permission normally not required ¹² . | Yes. This is supported. Draught excluders, secondary glazing, vacuum glass and slimline double glazing can be retrofitted. Planning permission normally not required | Only as a last resort if the existing window is in such a deteriorated condition (the planning application would need to demonstrate this). Replacement timber must meet the original design. Normally requires planning permission. | No. The introduction of PVCu would harm the character and appearance of the conservation area. Would require planning permission. |
| 2 – good quality modern timber window (of traditional design) | Yes. This is supported. It is often the cheapest option. Planning permission normally not required. | Yes. This is supported. Draught excluders, secondary glazing, vacuum glass and slimline double glazing can be retrofitted. Planning permission not normally required | Only as a last resort if the existing window is in such a deteriorated condition (the planning application would need to demonstrate this). Replacement timber must meet the original design. Normally requires planning permission. | No. The introduction of PVCu would harm the character and appearance of the conservation area. Would require planning permission. |

¹² It is recommended that a Lawful Development Certificate for a Proposed Development is applied for to formally confirm whether planning permission is required - [Application for a Lawful Development Certificate – Rother District Council](#)

| Scenario | Repair | Retrofit energy efficiency | Timber replacement | PVCu replacement |
|---|---|---|---|--|
| 2 - poor quality modern timber window (of non-traditional design) | While a replacement good quality timber window would be an enhancement, repair would preserve the conservation area. Planning permission normally not required. | Yes. This is supported. Draught excluders, secondary glazing, vacuum glass and slimline double glazing. Planning permission not normally required | Yes. Encouraged. A good quality modern timber window (a sliding-sash) would enhance the character and appearance of the conservation area. Normally requires planning permission. | A PVCu sliding sash window of sliding sash style and of appropriate design will be considered depending on the location and context, but significant justification as to why a PVCu window is appropriate will be required. Would require planning permission. |
| 3 - PVCu | Repair often not possible. | Retrofitting often not possible. | Yes. Encouraged. A good quality modern timber window (a sliding-sash) would enhance the conservation area. Normally requires planning permission. | Yes. A replacement PVCu window where it is a sliding sash style and of appropriate design would enhance the conservation area. Would require planning permission. |

Further Sources of Information

Pre-application advice

56. We encourage applicants to use our pre-application advice service for comments on proposals before a formal application is submitted. More information is available at: [Pre-application advice – Rother District Council](#)

Other advice

57. Historic England produce much useful advice available on their website, including these via the following links:
- [Energy Efficiency and Historic Buildings: Draught-proofing windows and doors](#)
 - [Energy Efficiency and Historic Buildings: Secondary glazing for windows](#)
 - [Traditional Windows: their care, repair and upgrading](#)
 - [Modifying Historic Windows as Part of Retrofitting Energy-Saving Measures](#)
 - [Research into the Thermal Performance of Traditional Windows: Timber sash windows](#)
 - [Heritage at Risk Conservation Areas](#)
 - [Heritage at Risk Conservation Areas Booklet](#)

Appendix 1 - Environmental impact of PVCu windows

1. The interest in PVCu replacement windows often comes from a desire to improve energy efficiency and environment impact. However, in this regard it is important to consider the wider environmental impact of PVCu in each of three phases; production, use (longevity), and disposal. The use of timber carries significant environmental benefits over that of PVCu.

Production

2. PVCu is created from oil, through a chemical and industrial manufacturing process utilising approximately 4% of the total petrochemical industry's resource¹³.
3. Timber is naturally grown, the period of growth is a significant period of time, usually between 40-150 years depending on the species¹⁴, during that period the tree sequesters (takes out of the atmosphere) carbon dioxide and provides shade, cooling and habitats promoting bio-diversity. Harvesting of timber does cause some carbon generation but is low and schemes such as FSC ensures that felled trees are replaced and woodlands responsibly managed.^{15 16}

Longevity

4. The Buildings Research Establishment (BRE) concluded that PVCu windows have a typical life span of no more than 35 years. PVCu windows are also seldomly repairable in the event of failure leading to wholesale replacement and in turn increasing levels of waste.
5. Conversely, the Whole Life Analysis of timber, modified timber and aluminium-clad timber windows: Service Life Planning (SLP), Whole Life Costing (WLC) and Life Cycle Assessment (LCA) conducted by the Institute for Building and Urban Design concluded that a standard new timber window would have a life expectancy of 65 years, modified timber windows a life expectancy of 68 – 80 years, and Aluminium clad timber windows a life of 71 – 83 years.¹⁷

¹³ https://asbp.org.uk/wp-content/uploads/2017/06/A-clear-choice-WWA_WWF-10.5.17.pdf

¹⁴ <https://www.forestryengland.uk/timber-uses-of-wood#:~:text=These%20trees%20take%20around%2040,they%20are%20ready%20to%20harvest.>

¹⁵ <https://www.forestresearch.gov.uk/tools-and-resources/statistics/forestry-statistics/>

¹⁶ <https://uk.fsc.org/>

¹⁷ https://pure.hw.ac.uk/ws/portalfiles/portal/4378394/Final_report_SLP_WLC_and_LCA.pdf

6. It should also be considered that if original windows are still present, they are now approximately 120 years old. The widespread use of heartwood as opposed to sap wood from slow grown, mature trees in previous periods is why the original windows have such good longevity.¹⁸

Disposal

7. Both the WWF and the Alliance for Sustainable Building Products (ASBP) have published significant studies regarding the environmental impacts of PVCu and the benefits of the use of timber. According to WWF, 83% of UPVC waste goes to landfill, and although can be recycled, that process is energy intensive and occurs in approximately 3% of disposed PVCu windows.^{19 20}
8. The recycling of timber is more widespread and leads to the production of manmade timber products such as OSB and MDF. However, timber is a natural material and will naturally decompose if sent to landfill which only occurs to 1% of the total timber disposed of in the UK.²¹

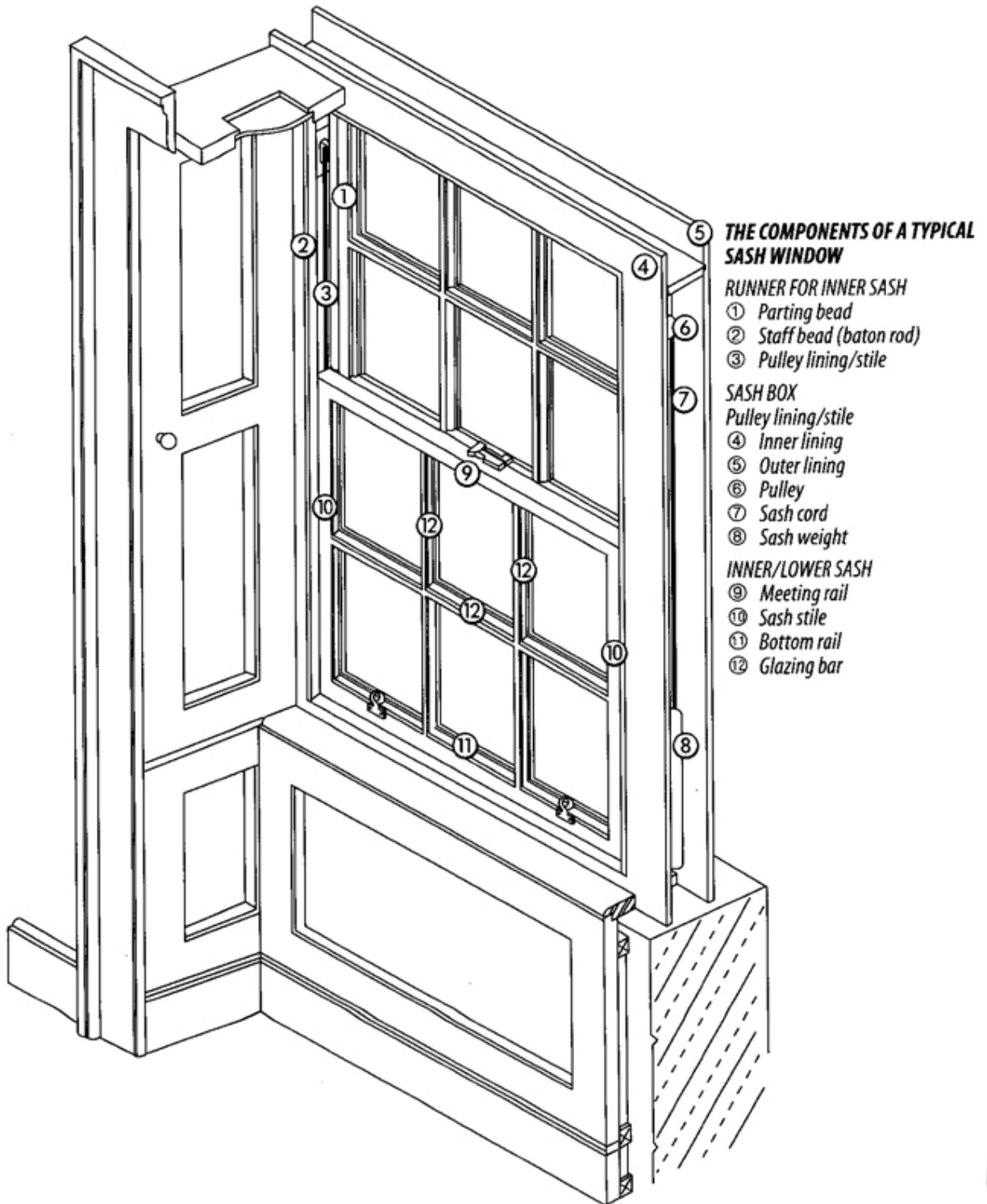
¹⁸ <https://historicengland.org.uk/advice/technical-advice/buildings/practical-building-conservation/>

¹⁹ https://www.wwf.org.uk/sites/default/files/2017-06/windows_0305.pdf

²⁰ <https://asbp.org.uk/briefing-paper/whats-in-my-upvc-window>

²¹ https://www.trada.co.uk/media/12780/wis-2_3-59-recovering-and-minimising-waste-wood-150520.pdf

Appendix 2: Typical sash window construction



Rother District Council

Report to: Cabinet

Date: 3 October 2022

Title: Lease of Rye Allotments

Report of: Lorna Ford, Deputy Chief Executive

Cabinet Member: Councillors Dixon and Prochak

Ward(s): Rye

Purpose of Report: To facilitate the possible devolvement of Rye Allotments

Decision Type: Non-Key

Officer

Recommendation(s): It be **RESOLVED**: That the Property Investment & Regeneration Manager be authorised to implement the break clause in the lease dated 1 December 2013 between Rother District Council and Rye Amenity Community Interest Company.

Reasons for

Recommendations: To facilitate the possible devolvement of the allotments as part of the Corporate Programme

Introduction

1. The Allotments at Love Lane and South Undercliff, Rye are currently let to the Rye Amenity Community Interest Company (CIC) under a single lease covering both sites, for a term of 25 years from 1 December 2013. This lease was entered into as part of a process of devolving the management of allotments across the district to local groups, and similar arrangements were also put in place for many Council-owned allotments in Bexhill. (Maps showing the location and extent of the allotments are attached at Appendix 1).
2. The lease includes a provision for either party to break the lease at the end of the 10th year (30 November 2023) upon serving one year's notice, i.e. by 30 November 2022. Thereafter, there are no further lease breaks until the expiry date in November 2038.

Details of the proposal

3. The Council is currently in discussions with Rye Town Council over the possible devolvement of assets within the Council's ownership as part of its Corporate Programme, and the allotments form part of those discussions. At this stage the terms of any devolvement have yet to be agreed and remain subject to discussion and negotiation. This will be the subject of a future report in due course through the Corporate Programme.

4. If the allotments are to be devolved to Rye Town Council, it is likely that they will require flexibility in order to keep their options open for the future management of the allotments. It is prudent therefore to take advantage of the opportunity to exercise the break option in the lease to Rye Amenity CIC, as the break cannot be implemented once the trigger date of 30 November 2022 has passed, and there are no further lease breaks until the end of the lease on 30 November 2038.
5. Taking no action at this time would therefore limit the options for both the Council and for Rye Town Council in the context of possible devolvement to the Town Council. It is recommended therefore to keep all options open by exercising the break option.
6. In the event that devolvement to the Town Council does not proceed in a timely fashion, the Council will need to consider other options for the devolvement of the allotments, to be put in place by November 2023.

Conclusion

7. Cabinet is recommended to authorise the Property Investment & Regeneration Manager to exercise the break clause in the lease dated 1 December 2013 between Rother District Council and Rye Amenity CIC.

Financial Implications

8. None – the allotment is let at a peppercorn rent.

Legal Implications

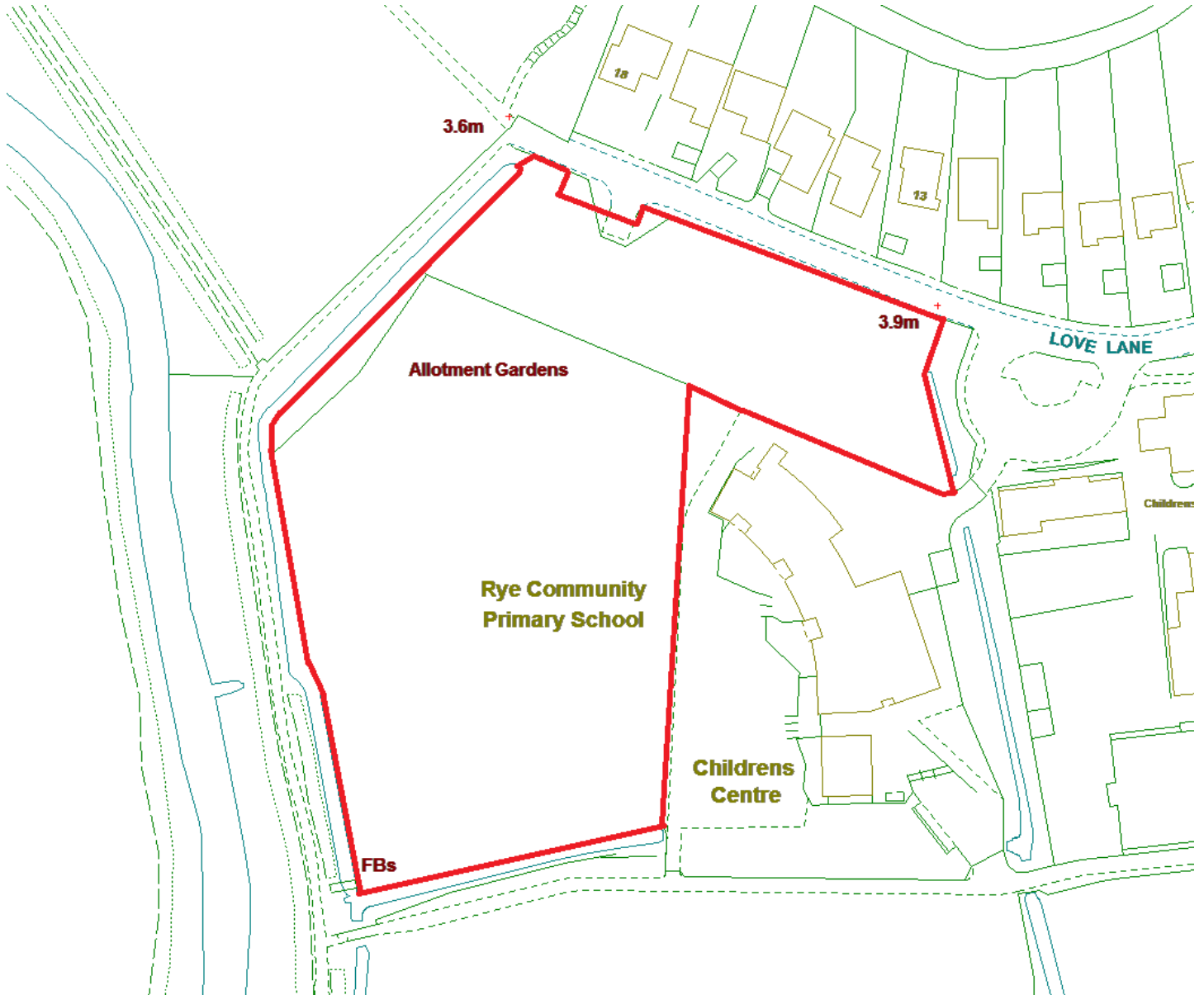
9. The allotments are considered to be non-statutory. Whilst it has been suggested in the past that they are statutory allotments, this has never been accepted by the Council on the basis that had that been the case, they would have passed to Rye Town Council when Rother District Council was first established in 1974.
10. The Council's legal team will be instructed to ensure that notice is served correctly.

| Other Implications | Applies? | Other Implications | Applies? |
|----------------------------|--|--------------------------|----------|
| Human Rights | No | Equalities and Diversity | No |
| Crime and Disorder | No | External Consultation | No |
| Environmental | No | Access to Information | No |
| Risk Management | No | Exempt from publication | No |
| Chief Executive: | Malcolm Johnston | | |
| Report Contact Officer: | Graham Burgess | | |
| e-mail address: | graham.burgess@rother.gov.uk | | |
| Appendices: | Appendix 1 Site Plans | | |
| Relevant Previous Minutes: | N/A | | |
| Background Papers: | N/A | | |
| Reference Documents: | N/A | | |

Rother District Council

Ref: Allotments at Love Lane, Rye

Date: September 2022



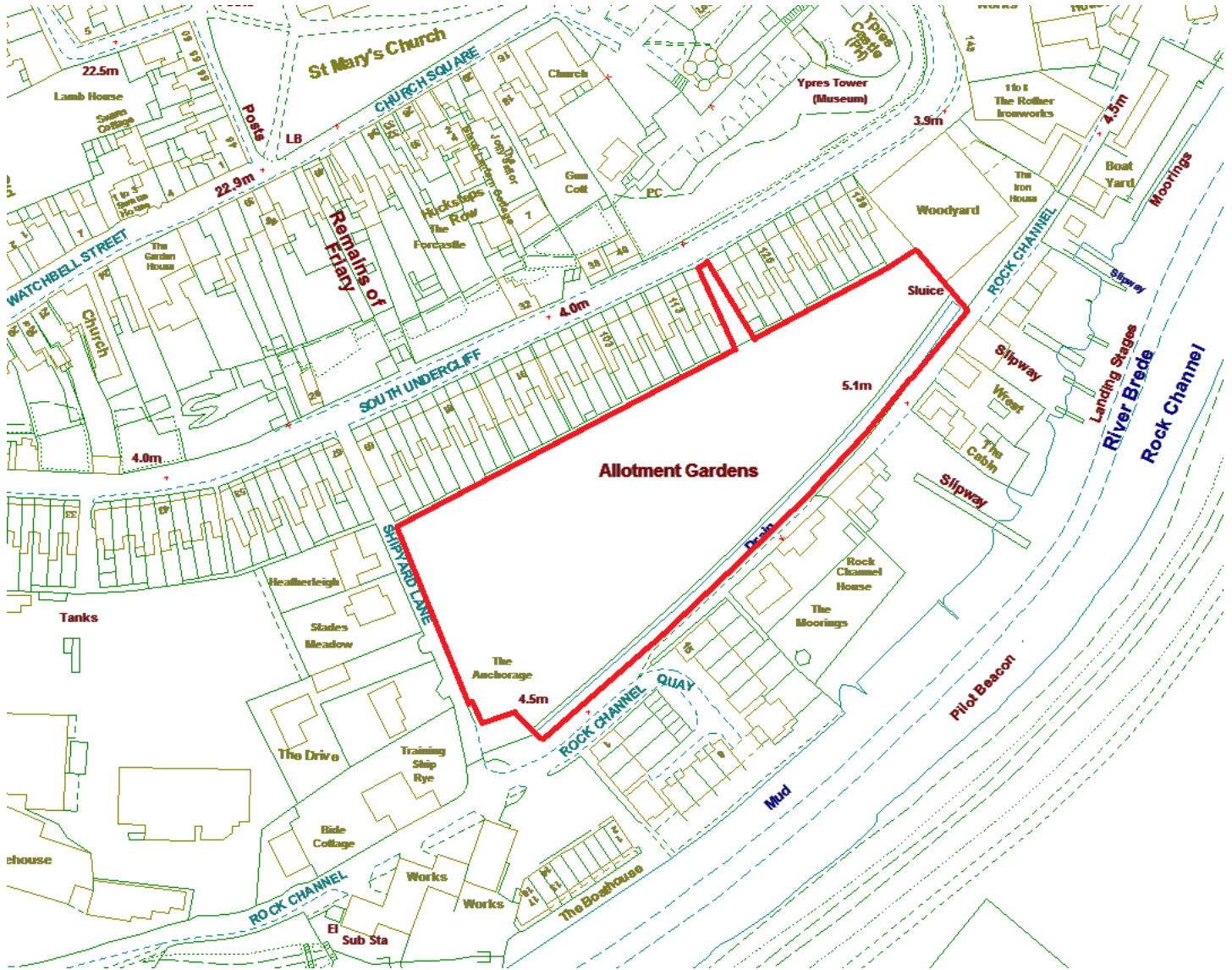
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Rother District Council

Ref: Allotments at South Undercliff, Rye

Date: September 2022



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Rother District Council

| | |
|---------------------------|--|
| Report to: | Cabinet |
| Date: | 3 October 2022 |
| Title: | Local Government Association – Corporate Peer Challenge |
| Report of: | Chief Executive |
| Cabinet Member: | Councillor Oliver |
| Ward(s): | Not applicable |
| Purpose of Report: | To provide Members with the formal report from the Corporate Peer Challenge and to agree the associated action plan. |
| Decision Type: | Non-key |

Officer

Recommendation(s): It be **RESOLVED:** That the:

- 1) report of the peer challenge review team at Appendix 1 be noted; and
- 2) comments made by officers in relation to the key recommendations be noted and Members add any further comments.

Introduction

1. A Corporate Peer Challenge (CPC) was carried out by the Local Government Association (LGA) during the period 21-23 March 2022.
2. The final report is attached as Appendix 1 and it is heartening to read in the opening paragraph that, “During the course of the peer challenge, it was clear that Rother District Council has dedicated and hardworking staff who want to deliver for Rother and its residents”.
3. Further information and background to the process can be found at [Peer challenge and remote peer support | Local Government Association](#).
4. The draft report was not received until 10 June 2022 and, as there were a number of queries and comments, was returned to the LGA on 12 July 2022. The final report was received on 6 September 2022.
5. The timing is unfortunate in that Members are now being asked to consider a document relating to a visit some six months ago. Nevertheless, it is important to note the issues raised at the time and the Council’s response to those issues.
6. The report has been published on the Council’s website as part of the papers for this meeting and will also be published by the LGA on their website.

Discussion

7. As can be seen from the final report attached as Appendix 1, the peer team considered the following five themes which form the core components of all CPCs. These areas are seen as critical to councils' performance and improvement:
 - a. Local priorities and outcomes - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
 - b. Organisational and place leadership - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
 - c. Governance and culture - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
 - d. Financial planning and management - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?
 - e. Capacity for improvement - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?
8. The first two days of the process were taken up with meetings involving a range of Members and officers, as well as a range of external stakeholders. There was informal feedback to the Leader and Chief Executive at the end of each day.
9. On the final day the peer team delivered headline feedback and recommendations to a selected audience of Members and officers, primarily those involved in the previous two days. During this feedback there was opportunity for clarification and questions.
10. Following receipt of the final report, which contained 12 recommendations for action, officers have compiled the Council's response, attached as Appendix 2, and Cabinet are asked to add any further comments and agree the response.

Conclusion

11. CPCs are an important part of the improvement journey for all councils and play an important role in our corporate aim to be an open and transparent Council. Cabinet are therefore asked to note the report and agree the actions/responses.

Risk Management

12. There are no inherent risks in the report itself but it is important for openness and transparency that the Council publishes the report and addresses the issues raised.

| Other Implications | Applies? | Other Implications | Applies? |
|--------------------|----------|--------------------------|----------|
| Human Rights | No | Equalities and Diversity | No |
| Crime and Disorder | No | Consultation | No |
| Environmental | No | Access to Information | No |
| Risk Management | Yes | Exempt from publication | No |

Chief Executive: Malcolm Johnston

| | |
|----------------------------|--|
| Report Contact Officer: | Malcolm Johnston |
| e-mail address: | malcolm.johnston@rother.gov.uk |
| Appendices: | Appendix 1: Corporate Peer Challenge Report Appendix 2: Officers' response to the recommendations |
| Relevant Previous Minutes: | N/A |
| Background Papers: | N/A |
| Reference Documents: | N/A |

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LGA Corporate Peer Challenge

Rother District Council

20th – 23rd March 2022

Feedback report





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| 2. Key recommendations | 4 |
| 3. Summary of the peer challenge approach | 6 |
| 4. Feedback | 7 |
| 5. Next steps | 14 |

1. Executive summary

During the course of the peer challenge, it was clear that Rother District Council has dedicated and hardworking staff who want to deliver for Rother and its residents.

The peer challenge team also saw evidence that during the Covid-19 pandemic there was some excellent work being done by the Council and that services continued to be delivered for local people, despite the many challenges the pandemic presented. As the pandemic began the Council quickly and effectively moved to remote working. The organisation now needs to provide clarity for staff on the future ways of working.

The peer challenge team reviewed budget papers and audit reports. The financial situation is difficult for the Council. The Council has been using reserves to balance the budget, the organisation now needs to swiftly deliver savings and income in order to secure financial sustainability. The peer challenge team were concerned by the low revenue reserves in the context of some of the higher risk projects and investments along with uncertainty around the deliverability of some savings.

The corporate plan has been welcomed by staff and members but now needs to be translated into a compelling vision for partners. By creating this compelling vision for Rother, the Council can bring partners together to work towards making the vision a reality.

The peer team found that capacity at the Council is an issue, with some staff being very stretched and covering the responsibilities of vacant roles. The senior management team will need to consider how to ensure priorities are delivered and whether additional capacity is needed in some areas.

The income generation and investment strategies are key to the Council's finances. As the pandemic ends the risks and returns will need to be re-evaluated in the new economic context, to ensure the Council is not overexposed to risk whilst holding relatively low revenue reserves.

The appointment of the new Deputy Chief Executive to complete the senior management team has been welcomed across the organisation by staff and members. The appointment has also been welcomed by partners.

The peer challenge team reviewed relevant data and statistics collected by the

Council. Data collection, insight and analysis could be improved both in terms of workforce and in terms of information on demographics and the local economy. Improvements in this area can provide the Council with valuable insights going forward.

Considering the information reviewed, and taking into account interviews with partners, the peer challenge team believe that the Council has some good partnerships. These could be strengthened further to deliver key priorities for Rother.

2. Key recommendations

There are a number of observations and suggestions within the main section of the report. The following are the peer team's key recommendations to the council:

2.1. Recommendation 1

In the post-Covid context, consider resetting and renewing the vision, ambitions, strategies and plans for Rother, with a focus on key priorities and financial resilience.

2.2. Recommendation 2

Strengthen partnership work, utilise existing partnerships and create new ones to achieve the vision for the area and deliver for Rother.

2.3. Recommendation 3

Urgently ensure there is sufficient capacity to deliver. Ensure that priority services are supported to succeed with key posts filled and expertise provided. Consider opportunities for shared services and joint working with other councils to increase capacity in key areas and counter recruitment issues.

2.4. Recommendation 4

In light of the senior restructure, an exercise needs to take place to strengthen the cohesion of the SMT, supporting and developing key posts.

2.5. Recommendation 5

The Financial Stability Plan (FSP) needs impetus and urgent action in order to deliver

the savings and income growth required, and meet the requirements set out in the MTFS. Ensure the plan is robust, and deliverable, with joint ownership and buy-in across the organisation.

2.6. Recommendation 6

Conduct an asset challenge. Review investments the Council currently holds to ensure they are achieving adequate returns in light of the new economic circumstances and policy changes.

2.7. Recommendation 7

Strengthen the governance and monitoring arrangements for the capital programme. Consider creating a Capital Programme Board to provide cohesion and act as a critical friend on key projects.

2.8. Recommendation 8

Finesse the regeneration strategy, ensuring that proposals provide more detail to demonstrate deliverability, consider risks, social value and provide a cost-benefit analysis.

2.9. Recommendation 9

Urgently review the governance and financial viability of the housing company, producing a clear and robust plan that includes financial health, risks, and expertise, strengthening the integrity of the company.

2.10. Recommendation 10

Ensure that service risk registers feed into the corporate risk register to ensure rigour and transparency in the management of risk, with member oversight.

2.11. Recommendation 11

Capitalise on social action and create a plan for asset-based community development, working with the Voluntary and Community Sector (VCS).

2.12. Recommendation 12

Data collection, insight and analysis needs to be improved (workforce,

demographics, and the local economy) to inform services and strategies.

3. Summary of the peer challenge approach

3.1. The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected the focus of the peer challenge and peers were selected on the basis of their relevant expertise. The peers were:

- Chief Executive peer: Mike Greene, Scarborough
- Senior officer peer: Chris Trill, Director of Community and Place, St Albans
- Member peer: Cllr Sarah Rouse, Leader of Malvern Hills District Council
- Member peer: Cllr Vikki Slade, Bournemouth, Christchurch, and Poole Council
- Shadow: Oliver Burrough, Corporate Graduate – NGDP, Dacorum Council
- LGA Peer challenge manager: Angela Kawa

3.2. Scope and focus

The peer team considered the following five themes which form the core components of all Corporate Peer Challenges. These areas are critical to councils' performance and improvement.

1. **Local priorities and outcomes** - Are the council's priorities clear and informed by the local context? Is the council delivering effectively on its priorities?
2. **Organisational and place leadership** - Does the council provide effective local leadership? Are there good relationships with partner organisations and local communities?
3. **Governance and culture** - Are there clear and robust governance arrangements? Is there a culture of challenge and scrutiny?
4. **Financial planning and management** - Does the council have a grip on its current financial position? Does the council have a strategy and a plan to address its financial challenges?

5. **Capacity for improvement** - Is the organisation able to support delivery of local priorities? Does the council have the capacity to improve?

3.3. **The peer challenge process**

Peer challenges are improvement focused; it is important to stress that this was not an inspection. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing. The team then spent three days onsite at Rother District Council, during which they:

- Gathered information and views from more than 40 meetings, in addition to further research and reading.
- Spoke to more than 65 people including a range of council staff together with members and external stakeholders.

This report provides a summary of the peer team's findings. In presenting feedback, they have done so as fellow local government officers and members.

4. Feedback

4.1. **Local priorities and outcomes**

The peer challenge team found that the Council has delivered good services to residents. However, the peer team are concerned that the Council may be trying to do too much with limited resources.

As we move past the pandemic and come to the end of the election cycle, the peer challenge team believe that now is a good time to review, renew and reset key priorities, strategies, and plans, to take into account the changes to the economy. The senior management team needs to consider prioritising key goals and, in some areas additional capacity.

The Council can improve its use of intelligence and data to help them agree priorities, better understand their demographics, design interventions, and ultimately to measure the outcomes they are trying to achieve.

Going forward, the Council should clearly articulate local priorities to residents, partners, and staff. It should be clear to all of the key stakeholders what are the priorities and how everyone will work together to achieve them and improve the local area. The Council as an organisation also needs to clearly articulate to members and staff, a delivery plan for these priorities. There should be a shared understanding of the resources required and what success looks like.

4.2. Organisational and place leadership

The Council is in the process of adopting a new Local Plan as the current one is more than five years old (although aspect of the current Local Plan and policies have been regularly updated). The Council also has a Housing Delivery Action Plan in place to improve housing delivery above current levels in order to meet the Government's Housing Delivery Target for Rother. The peer challenge team also saw evidence of the Council's housing projects which will boost local housing supply.

The peer challenge team found that the vision for Rother as a place needs to be more clearly defined in order to secure investment and bring partners with the organisation. The key to doing this is designing Rother's place in team East Sussex.

There are several high-quality assets in culture and tourism. For example, there is a history of motor racing in the local area which could be used to encourage more tourism. Rother also has historic sites such as the battle of Hastings and is blessed with natural assets such as beaches, coastline, and countryside. The Council realises that the De la Warr Pavilion is an important cultural asset. The Council has a good partnership with the Pavilion, but we believe more can be done to use this as an anchor site for other cultural activities.

The peer team are of the view that the Council should take a stronger lead in developing a cohesive strategy for tourism, culture, and economic development. The Council should consider working with partners from 1066 Country and the Pavilion, as well as local business to review its strategies in this area.

There was evidence of some good work being done by the Council on over-arching strategies for the local area such as the Climate Change Strategy and the Anti-poverty Strategy. The peer team believe that these strategies now need to be built on to deliver outcomes.

In interviews staff and partners both repeatedly stated that under the current administration councillors are more visible and take a more active role in leading the organisation. Councillors, particularly Lead Members, are more engaged and provide challenge to officers. The peer challenge team believe this is a positive step and are of the view that this increased engagement could help the organisation to focus more on the vision for the area and key priorities, if Lead Members carve out time for strategic discussions on these important issues.

4.3. Governance and culture

The peer challenge team heard repeatedly in interviews that Democratic Services are well-respected and are providing good support to members. Members and staff alike reported that member-officer relations are generally good with mutual respect. Democratic Services also reported that complaints against members are general stable with a slight decrease as members settled into their roles post-election.

At the time of the peer challenge discussions were ongoing about an external scrutiny review. The peer challenge team believe that this would be a positive step and would assist the Council in addressing some of the frustrations expressed by members and officers, in terms of scrutiny and what can be achieved with limited resources.

The HR team is small but effective. Staff repeatedly said in interviews that HR are approachable although somewhat limited by the small number of staff. In interviews the peer challenge team heard repeatedly that HR and the unions have a good and respectful relationship.

The peer challenge team reviewed information on Equalities, Diversity, and Inclusion (EDI) at the Council. The council has an EDI officer, this is a shared post with Wealden Council. EDI is still developing in the organisation but there are some positive signs with the creation of a transgender policy. The last available equalities strategy had expired at the time of the peer challenge. However, HR are currently

undertaking an external review of policies which is to be welcomed. Moving forward the Council should give more consideration to EDI both in terms of the workforce and in terms of service delivery, gathering better data and making more use of analysis will assist with this.

The decision to move to a single Chief Executive model has been well-received by staff, members, and partners. The Chief Executive has become established in his role and has been permanently appointed. He is well-liked and respected by staff at the Council.

Following the recent restructure, there is a danger of a fragmented approach in the senior management team with changed responsibilities and people settling into new roles. The peer challenge team believe that there is still some work to be done on creating a one council approach across the organisation to avoid silo working.

In a number of interviews with staff, concerns were expressed about the capacity and of the shared legal services. Staff reported that enquiries take a long time to receive a response and that this creates delays to matters such as enforcement and procurement.

The peer challenge team noted that neither the Monitoring Officer nor the Deputy Monitoring Officer are legally qualified. The peer challenge team are of the view that the Monitoring Officer and Deputy Monitoring Officer need further expert legal support particularly given the council's plans to undertake a number of legally complex projects such as the Housing Company.

The Council has a number of capital investments currently in train. The peer challenge team have reviewed the risk management of the capital programme and believe that risk management needs to be strengthened with a Capital Programme Management Board (officer-led) created to manage risk whilst driving delivery.

Performance Management was considered as part of the review and the peer challenge team believe that performance could be improved, which would aid delivery and member oversight of key priorities. Improving data collection and analysis can assist with this task.

It came across very clearly in interviews, focus groups and in discussions with partners, that the staff at the council are very dedicated. They have worked extremely

hard during the pandemic period to keep services going despite working with limited resources and capacity. Even with these difficulties staff at the Council repeatedly stated that Rother is a good place to work, and this is a credit to the Council as an organisation.

4.4. Financial planning and management

The peer challenge team reviewed reports, the budget and financial statements produced by the Council. The peer challenge team found that the Council has had a track record of good financial management and delivering traditional efficiencies.

However, the financial challenge now facing the Council is substantially more difficult. There is now a need for transformation to achieve the required savings which is far more difficult to achieve. It is critical that the Council's planned actions to tackle the financial challenge are accelerated. The Council should also ensure that there is sufficient member ownership and oversight of the programme to deliver the required savings and achieve the necessary transformation.

Given the scale of the challenge the senior finance team and the S151 officer (chief finance officer) should be supported to deliver the significant savings, income targets and stable balanced budget. Additional capacity for the senior finance team along with joint ownership of the budget by the senior management team is essential. Delivering savings, achieving income, and keeping to budget must be a responsibility for all the top team working with the Lead Members.

As part of the peer challenge team's review of the Council budget and financial statements the team considered the level of reserves held by the Council. The peer challenge team were concerned about the low level of revenue reserves particularly given some of the risks to the Council. For example, the housing company and devolving of services to Bexhill Town Council as a mechanism to deliver savings. The Council needs to ensure that there are adequate reserves going forward, particularly given the challenging savings programme, the risk identified above and the current difficulty in predicting inflation and staffing costs.

The peer challenge team are of the view that some improvements should be made to financial reporting to include more detail, particularly in budget reports and reports to

committees. The budget papers for all members should also provide a clear statement of the view of the S151 officer on the adequacy of reserves and robustness of estimates and calculations (Section 25 statement). In interviews it was confirmed that the S151 officer has confidence in the estimates and levels of the reserves, and that Lead Members had discussed this with the finance team before the budget was agreed. Councillors were also briefed on the budget.

The peer challenge team reviewed the Council's plans to make savings to the budget and improve the Council's financial sustainability. The Council has an outline plan on how to bridge the gap in the budget with savings and income. The details of this plan need to be rapidly developed, then checked for robustness and delivery. The team identified concerns regarding the deliverability of some elements of the FSP. The Council should continue to closely monitor and review the planned savings to ensure they are achievable and deliverable.

The Council has ambitious plans for a Housing Company with a complicated programme of delivery. This will bring high levels of potential risk along with reward. The Council does not have in-house expertise or experience in this area. In the view of the peer challenge team this means that it is an area of higher risk for the Council. The senior management team needs to ensure it has the appropriate expertise and capacity to deliver this programme whilst protecting the Council.

The peer challenge team reviewed the Council's risk management arrangements and are of the view that the risk management plan and the risk register need to include more on appetite for risk and residual risks. For example, leisure centres with the issue around maintenance, improvements and increased energy costs are a risk for any council that operate them. Whilst there are service risks identified in the plan, corporate risks need to be reviewed to ensure all the appropriate risks are captured. There also needs to be a more holistic approach to the risk register and risk management.

The Council has ambitious plans for investments in the local area. These need to be carefully reconsidered in light of changes to the economy following Covid and cost pressures such as inflation. There have also been significant changes in Government policy that could impact the Council's plans for capital investment in some sites. The Council should therefore re-evaluate the investment plans in this new context to

ensure the investments will still produce good returns on investment and good outcomes for the local area.

Having reviewed the Council's approach to investments and property, the peer challenge team are of the view that the Property Investment Strategy would benefit from more technical support. There also needs to be a wider view of the accumulated risk of investments and the impact on the Council should any of these investments fail to achieve the expected income or return on investment.

4.5. Capacity for improvement

The peer challenge team spoke to staff, members and partners and found that the Council is currently focussing on a number of different priorities and that in some cases this is leaving staff stretched. The peer challenge team believe that the Council needs to do less and do it better, by focussing on a smaller number of key priorities. In particular the key corporate and financial priorities. The Council needs to address the financial issues that have been identified and trying to do too much will make this more difficult.

The peer challenge team believe that more can be done by the Council to develop new relationships with residents. The peer team, believe that building a new social contract with residents can help the Council to achieve its key priorities and bring deeper engagement with residents.

The Council has good relationships with local partners, but the peer challenge team found that these partnerships could be used more effectively. These key relationships could be deepened, and the peer challenge team found in interviews that many partners would be open to working more closely with the Council. In the view of the peer challenge team, more partnership work is needed to achieve the Council's aims.

The Council also has good relationships with local MPs, this is a strength that could be used more effectively by the Council. For example, by seeking MPs support for grant funding requests and bids, by working with them on key asks from Government such as infrastructure investment that would support key developments and the Council's vision for the area.

The peer challenge team were impressed by the dedicated frontline staff at the Council. However, it was clear in interviews that many staff are overstretched which is impacting on morale and delivery. The Council should consider focussing its efforts on key priorities and ensure that staff are not spread too thinly trying to deliver too many things simultaneously.

The peer challenge team believe that an urgent assessment is needed of where capacity is required. This should include a rigorous challenge of funding streams. The Council needs to focus on delivering services and key priorities and should ensure that the required capacity is available to do this.

5. Next steps

It is recognised that senior political and managerial leadership will want to consider, discuss, and reflect on these findings.

Both the peer team and LGA are keen to build on the relationships formed through the peer challenge. The CPC process includes a six-month check-in session, which provides space for the council's senior leadership to update peers on its progress against the action plan and discuss next steps.

In the meantime, Mona Sehgal, Principal Adviser for the South East, is the main contact between your authority and the Local Government Association. Mona Sehgal is available to discuss any further support the council requires and can be contacted by email: mona.sehgal@local.gov.uk

LGA Peer Challenge Review – Response to Recommendations & Action Plan

| | Recommendation | Response | Action |
|---|---|----------|--|
| 1 | In the post-Covid context, reset and renew the vision, ambitions, strategies and plans for Rother, with a focus on key priorities and financial resilience. | Accepted | Cabinet have already informally reviewed the priorities and agreed the key areas to focus on. These relate to the delivery of key corporate objectives and will be reported to Members in the usual way. |
| 2 | Strengthen partnership work, utilise existing partnerships and create new ones to achieve the vision for the area and deliver for Rother. | Accepted | A review is underway of the Rother Local Strategic Partnership and local partnerships in general. To establish and Age Friendly Rother and Anti-Poverty Steering Group. |
| 3 | Urgently increase capacity to deliver and ensure that services are supported to succeed with key posts filled and expertise provided. Consider opportunities for shared services and joint working with other councils to increase capacity and counter recruitment issues. | Accepted | Increased capacity has already been introduced in project and programme management areas and this is already proving to be beneficial. Shared services are regularly looked at and when opportunities arise. |
| 4 | In light of the senior restructure, an exercise needs to take place to strengthen the cohesion of the SMT, supporting and developing key posts. | Accepted | Restructuring of the Management Team has already taken place and the next stages of the restructure are underway. Corporate Management Team membership has been extended to include managers reporting to director level. |
| 5 | Financial Stability Plan (FSP) needs impetus and urgent action in order to deliver the savings and income growth required. Ensure the plan is robust, and deliverable, with joint ownership and buy-in across the organisation. | Accepted | A dedicated project resource has been allocated to ensure delivery of the FSP objectives. A Devolution Officer Working Group has been established to oversee the transfer of assets/services to Town and Parish Councils and where appropriate community organisations. |
| 6 | Conduct an asset challenge. Review investments the Council currently holds to ensure they are achieving adequate returns in light of the new economic circumstances and policy changes. | Accepted | Proposal in place to work with the LGA/Local Futures to undertake a review. |

| | Recommendation | Response | Action |
|----|--|------------------|---|
| 7 | Create a Capital Programme Board to provide cohesion and act as a critical friend on key projects. | Accepted in part | The Council currently has a Corporate Programme Board (CPB) and a Property Investment Panel (PIP). The role of the CPB has recently been expanded to include the Financial Stability Programme and so it is proposed that this recommendation be covered across both these existing mechanisms. |
| 8 | Finesse the regeneration strategy, ensuring that proposals provide more detail to demonstrate deliverability, consider risks, social value and provide a cost-benefit analysis | Accepted | Proposals are in hand to develop a revised strategy as the economy continues its journey in the post COVID-19 era. |
| 9 | Urgently review the governance and financial viability of the housing company, producing a clear and robust plan that includes financial health, risks, and expertise, strengthening the integrity of the company. | Accepted | Work already under way on this area using external expertise. |
| 10 | Ensure that service risk registers feed into the corporate risk register to ensure rigour and transparency in the management of risk, with member oversight. | Accepted | A wholesale review has been carried out using our insurers, Zurich Municipal, of the Corporate Risk register and this will be extended into the service risks through a revised service planning process. The risk register is reviewed by Audit and Standards Committee. |
| 11 | Capitalise on social action and create a plan for asset-based community development, working with the Voluntary and Community Sector (VCS). | Accepted | Rother DC has always worked closely with the VCS and will continue to do so. The approach put forward in this recommendation will also form a key plank of the new Leisure Strategy for the District. |
| 12 | Data collection, insight and analysis needs to be improved (workforce, demographics, and the local economy) to inform services and strategies. | Accepted | The second stage of the staff restructuring will deal with the use of data to inform our services and strategies . |

Rother District Council

Report to: Cabinet

Date: 3 October 2022

Title: Future of Rail Station Ticket Offices

Report of: Malcolm Johnston

Cabinet Member: Councillor Sue Prochak

Ward(s): Not applicable

Purpose of Report: To inform Members of concerns around the future of rail ticket offices and to propose a course of action should these concerns be realised.

Decision Type: Non-Key

Officer

Recommendation(s): It be **RESOLVED:** That:

- 1) the Chief Executive be requested to write to the train operating companies asking that the Council is kept informed of any proposed changes to ticketing arrangements within the district; and
- 2) should information be received that changes are planned, the matter be referred to the Council's Overview and Scrutiny Committee with a recommendation that representatives from the rail operators are invited to attend a Scrutiny Meeting at the earliest possible opportunity to discuss future plans for staffing at railways stations across Rother.

Introduction

1. Ticket offices at railway stations are operated by the train operating companies – in the case of the Rother District, Southern and Southeastern.
2. COVID-19 has had a major impact on the rail industry and the Council has been made aware of potential changes to the provision of rail ticket offices across the country, including those within the district, as part of the rail industry's response to the post-COVID-19 situation.
3. This has arisen following discussions between the Department for Transport and the Rail Delivery Group, alongside changes to the Government's guidance relating to ticket office opening hours.

Discussion

4. It is understood that no decisions have been taken at this point in time, but several Members have raised concerns that the Council needs to be in a position to respond should the need arise.

5. Although it is clearly understood and accepted that technology has a role to play in providing information to train travellers and allowing them to purchase tickets, it is also recognised that ticket offices provide a vital service to residents in Rother. Having a clearly sign-posted place in the station for people with ticket enquiries provides certainty and confidence for customers who may struggle to otherwise locate station staff.
6. Furthermore, not all residents are able to use station ticket machines or have the means to book a ticket in advance. Complicated journeys involving connections are likely to require human assistance to ensure customers purchase the most appropriate and cheapest tickets, and do not incur penalties from mis-booked tickets.

Proposed Way Forward

7. It is proposed that the Chief Executive be requested to write to the local train operating companies, Southern and Southeastern, asking that the Council be kept informed of any proposed changes to ticketing arrangements at railway stations within the district.
8. Furthermore, the Council has very good links into the transport field through the local Rail User Group (Bexhill Rail Action Group (BRAG)) as well as local MP, Huw Merriman, who is Chair of the Transport Select Committee. It will be important to ensure close working with these parties should the need arise to put across the Council's views on the issue.
9. The process for making major changes to ticket office opening hours is set out in the Department for Transport's Ticketing and Settlement Agreement (TSA). Schedule 17 of the TSA lists all those stations/ticket offices that are regulated and on which the industry must consult if it wishes to make any significant change to opening hours. This list can be found at:

<https://www.raildeliverygroup.com/our-services/rdg-accreditation/ticketing-settlement.html>
10. Ticket offices operated by Southern are on page 34, and those under Southeastern on page 38 of the document in the above link.
11. In the event of any changes to opening times of ticket offices, and a part of the consultation period required, it is proposed that the Council's Overview and Scrutiny Committee be requested to invite representatives from the rail operators to attend a meeting of that Committee to discuss the future plans.

Conclusion

12. At this time, other than note the situation, there is little for the Council to do. If that situation changes, the measures outlined in this report will give a mechanism whereby the Council can feed into any consultation process.

Risk Management

13. There are no risks at this stage of the process, but it is important that the Council responds if and when there are any further proposals.

| Other Implications | Applies? | Other Implications | Applies? |
|---------------------------|-----------------|---------------------------|-----------------|
| Human Rights | No | Equalities and Diversity | No |
| Crime and Disorder | No | External Consultation | No |
| Environmental | No | Access to Information | No |
| Risk Management | Yes | Exempt from publication | No |

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|----------------------------|--|
| Chief Executive: | Malcolm Johnston |
| Report Contact Officer: | Malcolm Johnston |
| e-mail address: | malcolm.johnston@rother.gov.uk |
| Appendices: | none |
| Relevant Previous Minutes: | none |
| Background Papers: | N/A |
| Reference Documents: | N/A |

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