

Rother District Council

Report to	-	Cabinet
Date	-	2 December 2019
Report of the	-	Executive Director
Subject	-	Adoption of the Rother District Development and Site Allocations (DaSA) Plan

Recommendation to COUNCIL: That the submitted Rother District Development and Site Allocations Plan, amended to include all the main modifications recommended by the Planning Inspector to make the plan sound, and the additional modifications, be adopted and duly published (including any consequential and other appropriate minor amendments) in accordance with Regulation 26 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended).

Head of Service: Tim Hickling
Lead Cabinet Member: Councillor Vine-Hall

Introduction

1. The Planning and Compulsory Purchase Act (2004) as amended by the Localism Act, requires local planning authorities to produce a Local Plan for its area. In September 2014 (Minute C14/41 refers), the Council adopted its Rother Local Plan 'Core Strategy' which sets out its vision, overarching development strategy and strategic policies for Rother District over the period up to 2028.
2. The Development and Site Allocations (DaSA) Plan is effectively "part two" of the Council's Local Plan and provides the basis for determining planning applications superseding all generic policies and relevant spatial policies from the earlier 2006 Rother District Local Plan.
3. The DaSA has two principal parts; 'development policies' and 'site allocations':

Part A: Development Policies

- 6.1 The development policies complement the policies already included in the adopted Core Strategy (and those in the National Planning Policy Framework [NPPF]) and relate to topics where further elaboration is considered necessary to provide a proper basis for local development management.
- 6.2 They are laid out under the Core Strategy's thematic headings. For the main part, these are generic policies that would apply to a relevant situation anywhere in the District, but also includes policies relating to certain localities, notably in relation to land inside or beyond development boundaries' (although individual boundaries are contained in Part B), the High Weald Area of Outstanding Natural Beauty, 'Strategic Gaps' (being tracts of land between the settlements

identified in Policies HF1 and RY1 of the Core Strategy) in the Pevensey Levels hydrological catchment and in parts of Fairlight where there are coastal erosion and drainage issues.

Part B: Site Allocations

- 6.3 Chapters in this Part of the Plan set out site specific proposals that are being proposed to meet the requirements of the Core Strategy. It covers Bexhill and villages that are not covered by Neighbourhood Plans.
- 6.4 Policy proposals not only deal with new housing development, but also include, for example, proposals regarding business and retail uses and open space. All existing settlement development boundaries, again excluding those covered by Neighbourhood Plans, are also reviewed.
4. The DaSA Plan needs to be read in conjunction with Neighbourhood Plans that are in force in the district and which form part of the 'development plan' for their area. Taken together, this Plan and Neighbourhood Plans should allocate the sites necessary to meet the Core Strategy's settlement housing targets.
5. The purpose of this report is to adopt the DaSA, following approval by the Inspector.

Background and Consultation

6. Work on the DaSA started in 2014 and involved two phases of local consultation before being submitted to the Planning Inspectorate (PINS) for Examination in January 2019. Officer's prepared a number of statements responding to the Inspector's Matters, Issues and Questions prior to the Examination hearings which were held between 8 – 16 May 2019.
7. The Inspector, through the Examination process considers the DaSA Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). He first considers whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. In terms of soundness, this is considered against the tests set out in the NPPF 2012 (paragraph 182) which makes it clear that in order to be sound; a Local Plan should be positively prepared, justified, effective and consistent with national policy.
8. During the course of the Examination, a number of modifications were put forward to the Inspector in response to representations made through the submission and examination process, as well as issues raised by the Inspector in response to some of the representations. These modifications fell into three categories:
- main modifications;
 - changes to the policies map; and
 - additional modifications.

These were authorised to be published, in order to enable representations to be made at Cabinet on 29 July 2019 (Minute CB19/34 refers).

9. These modifications were subject to a six-week consultation which commenced on 30 July 2019. On the closure of that consultation process, the representations received were forwarded to the Inspector for his further consideration.

The Inspector's Report and Response

10. The Inspector's Report was received on 5 November 2019, and it was published on the Council's website shortly after.
11. The Inspector found the DaSA Local Plan 'sound', and capable of adoption, subject to a number of changes (the main modifications) being made. The Inspector's main conclusions in his report are summarised as follows:
 - a) The Council has complied with the Duty to Cooperate.
 - b) The DaSA Plan is legally compliant against the relevant requirements.
 - c) The DaSA Plan gives effect to, and is consistent with, the adopted Core Strategy.
 - d) The DaSA Plan is effective in the preparation of neighbourhood plans in the district (subject to the relevant main modification).
 - e) That the Development Management policies are sound, compliant with the Core Strategy, national policy and the evidence (subject to the relevant main modifications).
 - f) That the site allocation policies are justified, effective and consistent with national policy; and are soundly based (subject to the relevant main modifications).
 - g) The overall housing supply and delivery assumptions within the DaSA are justified, effective and accord with the Core Strategy (subject to the relevant main modifications).
12. It should be noted that the DaSA Plan can only be adopted if all of the main modifications, as reported previously (Minute CB19/34 refers), are accepted and incorporated into the DaSA Plan. Failure to include all the modifications recommended by the Inspector will mean that the Council will not be able to adopt the Plan. These are set out at Appendix 1 of the Inspector's report (a copy of which is available on the Council's website¹ and in the Member's Room).

'Additional Modifications'

13. The 'additional modifications' consultation, also previously reported (Minute CB19/34 refers), ran over the same time period as the 'main modifications' and changes to the 'policies map'. The additional modifications were more minor in nature and do not materially affect the policies set out in the DaSA Plan. These predominantly comprised of points of clarification to amend text for clearer explanation, including updated facts or make typographical or grammatical revisions which improve the readability of the Plan. These were not subject to the formal examination process and have not been considered by the Inspector but do require adopting by the Council. The additional modifications can be found on the Council's website² and in the Member's Room.

¹ www.rother.gov.uk/dasa

² www.rother.gov.uk/dasa

14. During that additional modifications consultation, 12 representations were made by 5 respondents. A table setting out summaries of the representations received and responses to them, including any proposed changes can be found on the Council's website³ and in the Members' Room. The comments received did not have any material impact.

Next Steps

15. Following adoption, the DaSA Plan, along with an 'adoption statement' and the accompanying sustainability appraisal report, must then be published and made available for inspection in line with Regulation 26⁴. Parties involved in the process will also be notified. There will be a period of six weeks for legal challenge (as with any Local Plan). Although on adoption of the DaSA Plan, it will become part of the 'development plan' for the area against which planning applications will be judged.
16. There will be various minor amendments to be made to the DaSA Plan prior to publication, such as consequential changes to incorporating the modifications. These amendments, which will not impact on the soundness of the plan, will be authorised by the Executive Director.
17. The DaSA Plan will now form part of the statutory Development Plan for the District and will allow housing sites adopted through the Plan to be set out in an updated Housing Land Supply improving the land supply position for the district in the short term. The current Housing Land Supply position (as at 1 April 2019 is 3.73 years).

Conclusion

18. The adoption of the DaSA Plan will form part of the statutory Development Plan for the District and will allow housing sites adopted through the Plan to be set out in an updated Housing Land Supply improving the Housing Land Supply position in the short term. Moreover, it will mean the Council has an effective plan that will help deliver its vision for the district, its corporate objectives and the needs of local people.
19. It is therefore recommended that the modifications to the DaSA Plan put forward by the Inspector are accepted for adoption by Full Council.

Dr Anthony Leonard
Executive Director

Risk Assessment Statement

Failure to accept the modifications would prevent adoption of the DaSA Plan and would result in the district not having a development plan in place to guide new development allocations (and thereby seeking to improve the a five year housing land in Rother). It would result in further reliance on our 2006 Local Plan which was adopted under a different regime (and is already out of date in several respects including housing numbers and allocations). The vacuum created in the absence of an up-to-date allocations plan would be filled by speculative unplanned development in Rother and the uncoordinated delivery of infrastructure, meaning potential

³ www.rother.gov.uk/dasa

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

increases in the number of planning appeals across the district and therefore subsequent costs to the Council. Failure to adopt the DaSA Plan will further hinder the Council's position in relation to Housing Land Supply and will likely reduce the supply further risking those already 'made' Neighbourhood Plans to become out of date if the position falls below three years supply. The NPPF defines the purpose of the planning system in terms of contributing to "sustainable development", with three interdependent economic, social and environmental objectives, adoption of the DaSA Plan helps to achieve these objectives. The DaSA Plan also introduces a number of new policies specifically termed 'Development Management' policies which cover such topics as Strategic Gaps, space standards, access standards and external residential areas which seek to achieve quality development within the district, failure to adopt the DaSA would mean that the Council would not be able to implement these standards.