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**STATEMENT OF REASONS**

**ROTHER DISTRICT COUNCIL  
(BLACKFRIARS) COMPULSORY PURCHASE ORDER 2020**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE ACQUISITION OF LAND ACT 1981**

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## 1 INTRODUCTION

- 1.1 Rother District Council (the "**Council**") has made the Rother District Council (Blackfriars) Compulsory Purchase Order 2020 ("the **Order**") under section 226(1)(a) of the Town and Country Planning Act 1990. This document is the non-statutory Statement of Reasons ("**Statement**") prepared on behalf of the Council in accordance with the Department for Communities and Local Government Guidance on Compulsory Purchase process and the Crichel Down Rules (July 2019) ((the "**Guidance**") to explain the reasons and justifications for making the Order.
- 1.2 The Council has made the Order to secure outstanding interests and thereby facilitate the carrying out of the the construction of a residential development, a spine road to serve the development, with vehicular access off Harrier Lane and The Spinney, the delivery of public open space and associated works. The site is comprised of land with an area of approximately 153458 sq m and is located at Blackfriars, Battle (the '**Order Land**').
- 1.3 The Council's Planning Committee resolved to grant planning permission for the development at Blackfriars on October 2019, subject to the completion of a planning agreement (Reference: RR/2019/604). The development is described in the planning permission as:
- "Outline: Detailed proposals for a spine road to serve residential development, with vehicular access off Harrier Lane and The Spinney, with Master Plan for up to 220 dwellings and associated works" ('**Order Scheme**')
- 1.4 The Order Scheme will deliver much needed new housing, with up to 220 homes to be provided and including approximately 35% affordable housing together with a spine road to serve the residential development.
- 1.5 The level of housing growth for Battle identified within the Core Strategy suggests a need for 475-500 dwellings to Battle over the Plan period.
- 1.6 This figure was updated with the Council's Development and Site Allocations (DaSA) Local Plan, suggesting a residual need for 295 new homes after permissions, completions and windfall allowances have been deducted from the overall figure. It is anticipated that the majority of these homes will be delivered within the Order Land.
- 1.7 The Order Scheme would transform this part of Battle and would deliver housing choice, increase local economic activity and deliver environmental improvements. In addition, although construction jobs would be temporary, the construction phase of the development is scheduled to occur over a 4 year period, and it is estimated that it will support the employment of approximately 620 people, including at least 6 apprentices, graduates or trainees, for the duration of the construction of the Order Scheme.
- 1.8 Overall the Order Scheme will make a significant contribution to the economic, social and environmental well-being of the area and deliver very significant benefits; including the following:

- construction of a new spine road to serve the Order Land and the wider area which will reduce congestion and improve accessibility;
- up to 220 high quality new homes with a range of tenure and sizes;
- delivery of 35% Affordable Housing with a range of tenures and sizes;
- generate circa 620 jobs during the construction phase of the development;
- delivery of public open space and recreation areas; and
- delivery of ecological mitigation and biodiversity compensation and improvements and habitat improvement and enhancement adjacent to areas of ancient woodland

1.9 The Order has been submitted to the Secretary of State for Communities and Local Government for confirmation. If confirmed, the Order will enable the Council to acquire compulsorily the land required to facilitate the Order Scheme.

1.10 This Statement explains why the Council considers that, for the purposes of the powers enabling the Order, the Order Scheme will contribute to:

1.10.1 the development, redevelopment or improvement of the Order Land;

1.10.2 improving the economic and social well-being of the area of Battle through the provision of new mixed-tenure housing and additional employment opportunities and; and

1.10.3 the environmental well-being of the area as a consequence of the public open space and ecological enhancements facilitated by the Order Scheme, and the sustainable nature of the proposed development.

1.11 The extent of the Order Land is shown edged red on the plan appended to this Statement which is a re-production of the main Order map which accompanies the Order itself ('**Order Map**').

1.12 The Order Map identifies the Order Land proposed to be acquired (coloured pink).

1.13 Over 50% of the Order Land is owned by the Council; however there are other land interests currently in other ownership which make up the site comprised in the Order Land. The Council is now seeking to secure ownership of all of the Order Land to ensure that the Order Scheme can be implemented and so that the comprehensive regeneration and other benefits are secured.

- 1.14 The implementation of the redevelopment proposals requires the acquisition of all property interests currently owned by third parties, including a number of freehold and other interests in the Order Land.
- 1.15 The Order Site has a long history, with the principle of development on this site being accepted for many years. In 1967 part of the site was allocated for housing in East Sussex County Council's Battle Draft Town Plan, and in 1972 the site was also identified for residential development in the Battle Town Plan and Town Centre Map. Blackfriars was allocated in Rother District Council's (RDC) 2006 Local Plan to provide at least 220 dwellings.
- 1.16 There have been numerous past attempts to bring forward development on this site over the past 15 years, all of which have been unsuccessful
- 1.17 The Council has been seeking to assemble the Order Land since 2017, at which point an application was made for Government capital grant funding to facilitate the necessary infrastructure for this development. Since the decision by Cabinet on 8 June 2020 to support the use of compulsory purchase powers in-principle, the Council has continued attempts to acquire the Order Land.
- 1.18 The Council has and will continue to take steps to consult and negotiate with third party owners to acquire their interests by agreement but it is clear that compulsory purchase powers will need to be employed to ensure the full Order Scheme can be achieved within a reasonable timeframe and in order to achieve the regeneration benefits. There are no impediments to the Order Scheme proceeding.
- 1.19 A copy of this Statement, the Order and the accompanying maps and background documents are available for inspection at the following locations:
- 1.19.1 Rother District Council, Town Hall, London Rd, Bexhill-on-Sea TN39 3JX (Monday to Friday 9.30am-5:00pm), subject to restrictions resulting from Covid-19
  - 1.19.2 On the Council's website at [www.rother.gov.uk/blackfriars](http://www.rother.gov.uk/blackfriars)

## **2 ENABLING POWERS**

- 2.1 Section 226(1)(a) of the Town and Country Planning Act 1990 Act (as amended by the 2004 Act) (the "**1990 Act**") enables a local authority to make a compulsory purchase order if it thinks that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired.
- 2.2 Section 226(1A) of the 1990 Act states that a local authority must not exercise its powers under section 226(1)(a) unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area.

- 2.3 The Council is satisfied that the proposed Order Scheme will result in overwhelming social, economic and environmental well-being improvements to the area through redevelopment of the Order Land with a comprehensive development providing new high quality new housing, and major additions to and improvements to public open space and ecological mitigation.
- 2.4 The Acquisition of Land Act 1981 sets out the process for compulsory acquisition and applies to the Order, and the acquiring authority is the Council.
- 2.5 The making of the Order is consistent with the guidance provided in the Guidance, and in particular Section 1 which provides advice on orders made under section 226 of the 1990 Act.

### **3 DESCRIPTION OF ORDER LAND**

#### **General description and character**

- 3.1 The Order Land lies within Battle, a small historic town situated within the High Weald Area of Outstanding Natural Beauty, some 6 miles north of Bexhill and 6 miles northwest of Hastings.
- 3.2 Battle is the world-renowned site of the Battle of Hastings, which gave the town its name. Battle Abbey was built by the Norman victors and is reputedly the place where King Harold fell in Battle. Senlac Hill and the area south of the town are protected by English Heritage as a historic battlefield and designated an Archaeological Sensitive Area (ASA).
- 3.3 The town centre forms the historic core, and consists of a long central street, High Street, with the imposing Abbey Gate House and open space of Abbey Green at its south-eastern end and the medieval precincts wall beyond. To the south of the Gatehouse lies the Battlefield itself. The High Street is continued to the south-east in Upper Lake and Lower Lake and to the north-west with Mount Street. Almost all the buildings in these four streets date from the eighteenth century or earlier.
- 3.4 The Order Land comprises an area of approximately 153458 sq m within Battle located to the east of the Abbey between Harrier Lane to the north and by Hastings Road to the south. The development will be accessed by a new spine road, from the south from Hastings Road, off The Spinney, and from the north via Harrier Lane off Marley Lane.
- 3.5 The application site whilst forming part of the surrounding town of Battle, is also an essentially undeveloped steeply sided valley within the High Weald AONB. The site, being set within the valley, is reasonably contained within wider landscape views, although the higher parts to the south east corner have greater views. The central area, and in particular the treed boundaries is of most ecological importance along with the boundary tree line around the north and north western boundary of the site. It is intended that the Order Scheme will provide for those areas to be retained and enhanced, with additional landscaping throughout the Order Scheme to maintain a rural feel and landscape appearance.

## **Extent and Nature of Rights**

- 3.6 The Order Map shows the area within which freehold interests are sought to be compulsorily acquired. The Order Map has been carefully delineated to ensure that the parcels of the land to be acquired are only what is required to facilitate the delivery of the Order Scheme.

## **Land Referencing**

- 3.7 The Council has instructed independent agents to carry out the referencing exercise for the Order, and those agents in doing so, have confirmed they owe a suitable duty of care to the Council. The actions taken by the agents to investigate title and occupier details for inclusion in the Order included:

- 3.7.1 Land Registry searches and review of available deeds and similar information;
- 3.7.2 Service of Requisitions for Information pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976 on behalf of the Council and review of information returned in response; and
- 3.7.3 Virtual site inspections.

- 3.8 The referencing exercise has been kept under review and subject to updating until the date on which the Order was made. It is considered the Schedule to the Order is therefore as accurate as it can be based on diligent inquiries made on behalf of the Council.

## **4 REASONS FOR COMPULSORILY ACQUIRING THE ORDER LAND**

- 4.1 Past attempts to develop the Order Land have been unsuccessful, principally due to many constraints including complex ground conditions, the steep topography of the Site which limits the development area, land assembly and the need for costly road infrastructure in the form of the spine road.
- 4.2 Homes England has confirmed that it will make available a grant of £8.7m to fund the delivery of the spine road from the Housing Infrastructure Fund ("HIF"). The HIF allocation is subject to conditions, including a timescale and milestones which must be met for funding to be drawn down. If the land required for the Development is not acquired in sufficient time in order to allow the Order Scheme to proceed in accordance with the timetable set by Homes England there is a concern that the HIF allocation could be lost. The Order Scheme is not deliverable without the construction of the spine road.
- 4.3 The Council has been seeking to assemble the Order Land required for the Order Scheme since circa 2017. While the access point for the spine road at the north is entirely within the Council's ownership, the access point at the south is currently in third party ownership. Furthermore, whilst the Council owns more than 50% of the developable land, three further parcels of land necessary to deliver the project

are not in the Council's ownership whilst over 50% of the Order Land is in the freehold ownership of the Council. Whilst it may be possible to achieve vacant possession of the rest of the site (albeit this is unlikely to happen to allow timely delivery of the Order Scheme), there are also areas of unregistered title and possible implied or other rights which may exist over the site. On this basis it is considered prudent and necessary to include the entire site in the Order so that any private express or implied rights, covenants or other interests that may have been granted, entered into or acquired over the Order Land or any part of it can be acquired.

4.4 Furthermore, under the conditions of the HIF funding agreement, the Council is required to use all available powers including compulsory purchase orders to acquire the necessary land for the delivery of the road and housing should negotiations fail. The decision to use compulsory purchase powers is as a last resort to ensure the delivery of the Development and secure the funding for the spine road.

4.5 The interests to be acquired include those of freeholders, and any private express or implied rights that may have been granted over the Order Land. A summary of the main land interests are as follows

- **Plot 1:** all interests in approximately 653 square metres of land being highway verge on Harrier Lane, Battle currently owned by the Council;
- **Plot 2:** all interests in approximately 82984 square metres of land being grassland, trees, shrubbery, path and public footpaths (Battle 76, Battle 77b), south of Harrier Lane, Battle currently owned by the Council;
- **Plot 3:** all interests in approximately 38201 square metres of land being grassland, trees, shrubbery and public footpath (Battle 77b), south of Harrier Lane and west of Starrs Mead, Battle. This land is currently owned by Piper Ventures Battle Limited;
- **Plot 4:** all interests in 18 square metres of land being grassland, south of Harrier Lane, Battle of unknown ownership;
- **Plot 5:** all interests in approximately 23500 square metres of land being grassland, trees, shrubbery, north of Hastings Road, Battle currently owned by Taylor Wimpey UK Limited;
- **Plot 6:** all interests in approximately 7684 square metres of land being grassland, trees, shrubbery, pond and buildings at Highlands Farm, Hastings Road, Battle currently owned by Joyne Finance Corporation and Bellhurst Homes Limited;
- **Plot 7:** all interests in approximately 395 square metres of land being access track associated with Highlands Farm, Hastings Road, Battle currently owned by Joyne Finance Corporation and Bellhurst Homes Limited; and
- **Plot 8:** all interests in approximately 23 square metres of land being grassland, north of The Spinney and north west of Starrs Mead, Battle.

4.6 Formal written offers were sent to the relevant landowners by the Council in March 2020 but agreements to acquire the parcels of land by private treaty described in section 4.4 have not yet been finalised.

## 5 PLANNING POLICY BACKGROUND

5.1 The principal of residential development on the site off Harrier Lane and Spinney Lane known as Blackfriars ("the Site") is long established.

5.2 In 1967, East Sussex County Council's Battle Draft Town Plan notated a part of the area for residential use and a part for industrial use. In 1972, it published the informal Battle Town Plan and Town Centre Map on which parts of the Blackfriars area were also shown for residential development.

5.3 In 1975, Rother District Council published the Blackfriars Site, Marley Lane, Battle Design Brief. The brief indicates land for residential development, possible primary school site, possible local community centre, possible children's home and open space. Both the Consultative Draft (1995) and Initial Deposit (2001) versions of the Rother District Local Plan show land for development within the Plan period and beyond the Plan period.

5.4 The current Development Plan comprises the saved policies of the adopted Rother District Local Plan (2006) ('2006 Local Plan'), the Rother Local Plan Core Strategy which was adopted in September 2014 ('Core Strategy') and the Development and Site Allocations Local Plan (adopted December 2019) ("DaSA").

5.5 The Site was allocated in the 2006 Local Plan to provide at least 220 dwellings. Policy BT2 of the 2006 Local Plan states:

*"Land at Blackfriars, Battle, as defined on the Proposals Map, is allocated for housing, education and open space purposes, to be brought forward through a comprehensive scheme.*

*Two areas, totalling approximately 7.3 hectares, would be allocated for residential use, providing at least 220 dwellings 40% of which would be affordable<sup>1</sup>... The development will be accessed by a new spine road, from the south from Hastings*

*Road, off The Spinney, and from the north via Harrier Lane off Marley Lane."*

5.6 Policy BT1 is also relevant as it states:

*Proposals for development and change in Battle should be compatible with and, wherever practicable, contribute positively to the following objectives:*

*(i) to maintain its historic, small town character*

- (ii) *to protect the historic core and its setting*
- (iii) *to conserve the Area of Outstanding Natural Beauty landscape setting*
- (iv) *to enhance the commercial and tourism attractiveness of the town centre*
- (v) *to minimise the demand for cross-town vehicular traffic*
- (vi) *to maintain a substantial open countryside gap to Hastings*

5.7 The first of the Battle objectives in the Core Strategy is:

*'To reduce congestion and improve accessibility, especially by non-car modes'.*

5.8 The following policies of the Core Strategy are also relevant to the Order Scheme:

- OSS2: Development boundaries
- OSS3: Location of development
- OSS4: General development consideration
- BA1: Sets out the policy framework for Battle and includes the requirement that proposals for development and change in Battle will (i) maintain the essential physical form, local distinctiveness, character and setting of the town, particularly in and adjacent to the Conservation Area, and (iii) provide 475-500 net additional dwellings in Battle over the Plan period 2011-2028, by developing new housing via opportunities both within the development boundary, and modest peripheral expansion opportunities that respects the setting of Battle within the High Weald AONB and supports community facilities
- LHN1: Seeks to achieve mixed and balanced communities and states that (i) housing developments should be of a size, type and mix which reflect both current and projected housing needs
- LHN2: covers the provision of affordable housing, 35% in Battle
- EN1: states that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (inter alia):
  - (i) The distinctive identified landscape character, ecological features and settlement pattern of the AONB;
  - (v) Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes;
  - (viii) Other key landscape features across the district, including native hedgerows, copses, field patterns, ancient route-ways, ditches and barrows, and ponds and water courses.
- EN3: sets the design quality standards that all new development will be expected to meet.
- EN5: covers biodiversity and green space.
- TR3: requires new development to minimise the need to travel and support good access to employment, services and community facilities.

- TR4: deals with car parking, which should normally be provided in accordance with the County Highway Authority's parking standards (the level of parking should be assessed using the on-line calculator on the ESCC website).
- SRM2: deals with the effective management of water resources.
- EC1: fostering economic activity and growth, including collaborative working between education, training, business and inward investment agencies.

5.4 The following policies of the emerging Development and Site Allocations Local Plan ('DASA') (submitted for examination in January 2019) are also relevant to the Order Scheme:

- DHG1: affordable housing, 35% in Battle
- DHG3: residential internal space standards
- DHG7: external residential areas
- DHG11: boundary treatments
- DEN1: maintaining landscape character
- DFN2: the High Weald AONB
- DEN4: biodiversity and green space
- DEN5: sustainable drainage
- DIM1: Comprehensive Development

5.9 Battle has resolved to undertake a Neighbourhood Plan which means that housing allocations for Battle will be made in the Neighbourhood Plan and not in the Council's DaSA document

#### **Planning Application History**

5.10 The following planning applications have been made in respect of the Order Land but have not been implemented.

5.10.1 RR/1999/71/P – Outline for Residential Development (Highlands Farm only) – called in by the Secretary of State – Outline Planning Permission Refused 4 October 2000, noting that the grant of planning permission would undermine a comprehensive consideration of all sites according to their merits through the Local Plan process and that development of the site would be premature given the then early stage of the Rother District Local Plan.

5.10.2 RR/2007/1896/P - Outline: Erection of up to 250 dwellings; construction of new spine road from The Spinney (Hastings Road) to Harrier Lane; construction of access roads, footpaths, services, foul and surface water drainage infrastructure including two drainage basins; provision of public open space/wildlife eco-park; provision of land for a primary school; children's play area and all ancillary works.

Planning Committee resolved to grant planning permission subject to completion of a S106. This was never completed.

## **6 CURRENT PLANNING POSITION & ORDER SCHEME**

6.1 The Planning Committee resolved to grant planning permission for the Order Scheme in October 2019, subject to the completion of a planning agreement (Reference: RR/2019/604). The Development is described in the planning permission as:

**“Outline: Detailed proposals for a spine road to serve residential development, with vehicular access off Harrier Lane and The Spinney, with Master Plan for up to 220 dwellings and associated works”.**

6.2 Planning permission for the Development will be granted once the Section 106 Agreement has been concluded.

### **The Order Scheme in detail**

6.3 The following sections describe the detailed and outline elements of the main permission (00607/AB/P2) comprising the Order Scheme in more detail.

### **Summary of Detailed Planning Proposals**

#### **Detailed Planning Proposals**

6.4 The outline application seeks full permission for the alignment and nature of the spine road that will serve the Order Scheme. The Order Land has complex topography but the proposals are considered to represent a gradient compliant full connecting road from the south to the north of the Order Land. The alignment of the spine road and its gradient are considered by the Council's technical advisers to be acceptable in terms of both highway standards and minimising ecological impacts.

#### **Outline Planning Proposals**

6.5 The application is in outline with regard to the residential development proposals of the site. While the Parameters Plan (attached at Appendix 1) has been submitted to identify the development areas distinct from those areas to be retained as open space/landscaping, the submitted master plan is 'illustrative' only, providing an indication of how the quantum of development could be accommodated on the site. Approval of the details of layout, appearance, landscaping and scale (the reserved matters) have to be obtained prior to the commencement of the construction of the Order Scheme.

6.6 The detailed layout, appearance, landscaping and scale for the development (of the main application) were not determined and are “reserved matters” requiring future approval as part of reserved matters applications where the following details would be considered.

6.6.1 **Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.

6.6.2 **Scale** – the height, width and length of each building proposed in relation to its surroundings.

6.6.3 **Appearance** – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.

6.6.4 **Landscaping** – the treatment of private and public space to enhance or protect the sites amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

## **Conclusion**

6.7 The Order Scheme has the benefit of a resolution to grant planning permission (subject to the completion of the Section 106 Agreement) which consists of development to the whole of the Order Land, with the proposal being found to be consistent with the planning policy framework for the area.

6.8 The Order Scheme is a significant opportunity for economic, social and environmental improvements which can help achieve the broad goals of sustainable development and also help in the wider regeneration of the area.

6.9 The Order Scheme would create a new residential development within Battle which will achieve the regeneration of the wider Rother District and enhance Battle Town Centre's viability. This is consistent with the objectives of the 2006 Local Plan.

## **7 JUSTIFICATION FOR USE OF COMPULSORY PURCHASE POWERS**

7.1 With regard to the justification needed to support a CPO, the Guidance states that in deciding whether or not to confirm an order under section 226(1)(a) of the 1990 Act, the decision will be made on its merits and the Secretary of State will consider the following:

7.1.1 Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area, and where no up to date Local Plan exists, the draft Local Plan and NPPF;

- 7.1.2 The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;
- 7.1.3 The potential financial viability of the Order Scheme for which the land is being acquired, source of funding, general funding intentions and the timing of available funding, and that there is a reasonable prospect of the Order Scheme going ahead;
- 7.1.4 Whether the purpose for which the authority is proposing to acquire the land could be achieved by any other means;
- 7.1.5 Any legal or physical impediments to implementation of the Order Scheme;
- 7.1.6 The purposes for which the compulsory purchase order is made and whether they justify interfering with the human rights of those with an interest in the land affected: and
- 7.1.7 Whether there is a compelling case in the public interest to make the Order.

7.2 These are each considered below in relation to the Order and Order Scheme.

**Whether the purpose for which the land is being acquired fits in with the adopted planning framework**

- 7.3 The Council has considered whether the proposals for the Order Land, all of which benefit from the Planning Permissions, comply with the Local Plan for the area, this consisting of the following documents:
- 2006 Local Plan;
  - The Core Strategy; and
  - The DaSA
  - The Battle Neighbourhood Plan.
- 7.4 Consideration has also been given to the other material guidance and statements. The Applications were accompanied by a Transport Assessment, Arboricultural Assessment, Ecological Assessment and Flood Risk Assessment which considered relevant effects of the Order Scheme.
- 7.5 The Order Scheme would create a new residential development within Battle which would accord with the site allocation that corresponds with the Order Land in Policy BT2 of the 2006 Local Plan).
- 7.6 The proposed housing would make a significant contribution to the Council's supply of good quality new housing, including affordable housing for which there is great demand in accordance with requirements of the NPPF on deliverable housing supply and Local Plan policies.

7.7 Overall, for the reasons given elsewhere in this Statement, the Council is satisfied that the purposes for which the Order Land is being acquired fits with the adopted Local Plan and will enable the Council to begin to realise the wider regeneration aspirations for Battle by acting as a catalyst to wider investment and development.

**The extent to which the scheme will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area**

7.8 The Council considers that the land proposed to be compulsorily acquired will facilitate the comprehensive development of the Order Land in a manner which will positively contribute to the improvement of the economic, social and environmental well-being of the locality and the wider District. The key benefits from the Order Scheme are summarised below.

7.9 Key benefits which cumulatively significantly outweigh any residual harm arising from redevelopment are:

7.10 Social –:

7.10.1 The delivery of a highly sustainable contemporary housing development that is future proofed for the transition to Zero Carbon, whilst respecting local heritage and landscape in accordance with the High Weald Design Guide.

7.10.2 Provision of 220 new dwellings to meet local housing needs, incorporating relevant standards for quality including:

- Provision of approximately 35% affordable units (equating to 77 units) which would assist in providing housing opportunities for local residents as well as helping to meet the District's affordable housing targets
- achieving full (building regs) M4 (2) requirements where possible
- 5% M4 (3) part 2 b, totalling a maximum of 3 units based on 77 new affordable homes

7.10.3 Increased access to leisure/cultural opportunities in the historic core of Battle;

7.10.4 New homes designed to significantly reduce energy consumption and carbon emissions, whilst minimising energy costs for residents.

7.10.5 Delivery of Public Open Space;

7.10.6 Cycle and pedestrian flow improvements and increased permeability across the site and beyond

7.10.7 The spine road will reduce congestion and improve accessibility in the wider area;

- 7.10.8 Excellent links from the new housing to public transport thereby reducing car usage.
- 7.11 Environment – Ecological concerns will be mitigated and the Order Scheme will deliver benefits which include:
- 7.11.1 A target for site-wide reduction of CO<sub>2</sub> of 31% over current building regs Part L requirements
  - 7.11.2 Measures to future-proof for carbon zero through electrification of heating, and the provision of EV charging points
  - 7.11.3 Housing Quality Mark (HQM) certification being taken forward for all units across the site
  - 7.11.4 The provision of wildlife corridors, linear features and habitat connectivity;
  - 7.11.5 Semi-natural habitats within the Order Land will be created, restored and enhanced;
  - 7.11.6 Existing footpath links are to be improved through the Order Land and links to the railway explored.
- 7.12 Economic – In economic terms, the development of the Order Land represents a major opportunity to bring vitality and enhance the vibrancy of Battle town centre through attracting new residents to the area.. In summary the main economic benefits are:
- 7.12.1 Significant contribution to economic activity through increased employment and expenditure from construction of the development.
  - 7.12.2 Opportunities for enhancement of skills and knowledge of local people through training initiatives during the construction phase of the development. In addition, although construction jobs would be temporary, the construction phase of the development is scheduled to occur over a four year period, with this creating approximately 620 full time jobs over the period of the construction of the Order Scheme.
- 7.13 Therefore the proposed development is a significant opportunity for economic, social and environmental improvements which can help achieve the broad goals of sustainable development and also help in the wider regeneration of the District.

**The potential financial viability of the Order Scheme, source of funding, general funding intentions and the timing of available funding and that there is a reasonable prospect of the Scheme going ahead**

- 7.14 The Council is satisfied that there are no financial or funding related impediments to bringing forward the Order Scheme.
- 7.15 The funding for the delivery of the spine road will be met by the HIF funding. The Council has approved a Housing Development Programme to be financially supported by the Council, with a

recommendation to complete up to 1000 new homes by 2035. Its primary objective to increase and accelerate housing delivery within the District. The Order Scheme will bring forward the first units of this programme, and will be delivered through its newly established Local Housing Company (Alliance Homes (Rother) Limited).

## **Whether the purpose for which the land is to be acquired could be achieved by other means**

### **A. Generally**

7.1 As stated at Section 5.1 the principal of residential development of the Order Land is long established and part of the Order Land has been allocated (in part) for residential development since 1967. The Council's view is that the Order Land will not come forward for development without intervention by the Council. The Order Land may be capable of piecemeal development with individual plots capable of being brought forward in isolation, but the site allocation in the LP seeks comprehensive development

***“Land at Blackfriars, Battle, as defined on the Proposals Map, is allocated for housing, education and open space purposes, to be brought forward through a comprehensive scheme”***

7.2 Piecemeal development would also not satisfy the HIF funding conditions and the spine road would not therefore be constructed. The only way to deliver the entire Order Scheme is for the spine road to be constructed.

7.3 The Council has and will continue to attempt to acquire all remaining interests by negotiation; however, this may not be possible in all cases. Where agreement by negotiation is not possible the only other option which would guarantee delivery of the comprehensive Order Scheme in a timely manner is to acquire the interest through the exercise of the Council's powers of compulsory purchase.

7.4 The Council is satisfied that it has taken all reasonable steps to acquire the land required by negotiation, and that Order is now necessary to secure the redevelopment of the Order Land.

7.5 The Council therefore considers there to be a compelling case in the public interest to proceed with Order.

### **Legal or physical impediments to the implementation of the Order Scheme**

7.6 The key issue affecting the delivery of the Order Scheme relates to land ownership. Whilst the Council has been working to ensure the land required for the Order Scheme is assembled, to date it has not been possible to enter into agreements with all owners and those with interests in the Order Land. Negotiations will continue with affected parties with a desire to conclude acquisition by agreement, but without the certainty of land assembly through the compulsory purchase process, the spine road to be funded by the HIF funding will not be constructed and the Order Scheme will not be realised.

7.7 The resolution to grant planning permission for the Order Scheme provides certainty that what is proposed is acceptable in planning terms. Construction of the Order Scheme can start on the Order Land within a reasonable period of time following assembly of the Order Land.

### **Human Rights and Equalities**

7.8 The Human Rights Act 1998 requires that every public authority must act in a manner that is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”).

7.9 Relevant parts of Article 1 of First Protocol of the Convention provide:

*“Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “[no] one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ...”*

7.10 Relevant parts of Article 8 of the Convention provide:

*“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.  
(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ...the economic well-being of the country...”*

7.11 Relevant parts of Article 6 provide that:

*“In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*

7.12 The Council has considered alternatives to the Order Scheme but has determined that the purpose for which the Order Land is to be acquired could not be achieved by means other than by the compulsory purchase of the Order Land, which will interfere with rights held by owners and occupiers of the Order Land. Such interference is justified through the Council's use of its powers under section 226(1)(a) of the 1990 Act.

7.13 The proposed regeneration of the Order Land through the Order Scheme has been publicised extensively and consulted upon by the Council. Third parties likely to be affected by the proposals have been offered several opportunities to make representations to the Council. Any owner, lessee or occupier of land included within the Order Land would have the opportunity to make a representation or objection to the Council, and to appear at a public inquiry before a decision is made as to whether or not the Order should be confirmed.

- 7.14 If the Order is confirmed, notwithstanding the provisions of Article 1 of the First Protocol and/or Article 8 of the Convention, adequate provisions are in place to compensate those affected. The Council also considers that use of compulsory purchase powers in order to bring about this major development is proportionate to the interference with human rights, particularly in light of the statutory compensation available.
- 7.15 Having regard to the provisions of the Town and Country Planning Act 1990, and the Guidance, the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment or improvement and will make a positive contribution in the promotion of the economic, social and environmental well-being of its area.
- 7.16 Without the use of these powers, the much-needed development of the Order Land is unlikely to be achievable either at all or within any reasonable timescale. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions. The Council is therefore satisfied that the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected.
- 7.17 The Council has also had due regard to its obligations under section 149 of the Equality Act 2010,

### **Public Interest**

- 7.18 The Order Scheme generates significant benefits to both the local and wider area and is a significant positive for both. The Order Scheme is of a scale and nature that will provide a catalyst for wider regeneration and revitalisation of the surrounding area, in particular Battle town centre, and provides for extensive additions to the public realm which will enhance the local environment and improve links to the wider area.
- 7.19 The Order Scheme will bring widespread and compelling public benefits through delivery of high quality new housing to meet housing demand, leisure and recreation and environmental improvements which will add to the viability and vitality of the town centre and enhance its character.

### **Consultation**

- 7.20 In order to ensure that the public interest in the Order has been at the forefront of the Council's consideration for the Order Scheme, significant public consultation has been undertaken, and will be ongoing through planning pre-application and formal consultation process. A summary of the consultation exercise is set out below:
- A public consultation took place in Battle Civic Hall on 07 February 2019;
  - An online consultation remained open for the remainder of February 2019;

- A formal consultation took place during the Outline Planning Application process, in accordance with formal consultation requirements;
- A face-to-face consultation is not feasible during ongoing Covid-19 pandemic, an online webinar is planned to present the scheme to local residents during the detailed design process. The webinar will be followed by another online consultation
- A pre-application briefing presentation to Members is planned, to take place in advance of the submission of the Reserved Matters Application

## **Conclusion**

7.21 The Council considers that there is a compelling case in the public interest that the Order Land be compulsorily acquired in order to achieve the purposes set out in the Order and described in further detail in this section 7 of the Statement of Reasons.

## **8 ANY SPECIAL CONSIDERATIONS AFFECTING THE LAND**

8.1 The Order Land includes land within the High Weald Area of Outstanding Natural Beauty. Considerable work has been undertaken in assessing the ecology of the site and a comprehensive package of requirements for mitigation, compensation and enhancement has been provided. Technical advisers from the County Council have assessed the details and subject to conditions and the provision of future maintenance and management details note that the proposals are acceptable and are compliant with both local and national policy.

## **9 CONCLUSION**

9.1 Given the progress made to date in assembling the required land, and the financial viability information, the Council is satisfied that it has necessary acumen, experience and resources to both complete the land assembly and to implement the proposals relating to the Order Scheme.

9.2 The Council has set out above its detailed reasons for making the Rother District Council (Blackfriars) Compulsory Purchase Order 2020. In summary these reasons are as follows:

- 9.2.1 The Council thinks that the proposed Order Scheme will facilitate development which is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area, and further details of these are set out in preceding sections;
- 9.2.2 The Council considers that there are no impediments to delivering the Order Scheme if the Order is confirmed;
- 9.2.3 The proposals for the redevelopment of the Order Land accord with local and national planning policy;

9.2.4 There is a resolution in place to grant planning permission for the Order Scheme subject to the completion of a Section 106 Agreement;

9.2.5 There is sufficient funding in place to deliver the spine road for the Order Scheme and [insert details of the rest of the funding mechanism]; and

9.2.6 The Order Scheme satisfies the tests set out in the Guidance;

9.3 Having considered relevant National Planning Policy, Guidance and Local Plan Policies the Council is satisfied that there is a compelling need in the public interest for compulsory purchase powers to be sought in order to secure the development, redevelopment or improvement of the Order Land by way of the delivery of the Order Scheme for the economic, social and environmental improvement of this part of the District of Rother. The Council has therefore made the Order and asks the Secretary of State to confirm the Order.

## **10 ADDITIONAL INFORMATION FOR PERSONS AFFECTED BY THE ORDER**

10.1 The Council will make the CPO and associated documents available on its website at [www.rother.gov.uk/blackfriars](http://www.rother.gov.uk/blackfriars) . To obtain further information or planning-related enquiries contact Stephen Marsden at the Council on 07925 372664

10.2 Owners and occupiers affected by the scheme who wish negotiate or discuss details of the Order including selling your property or interest and matters of compensation should contact Stephen Marsden.

## **11 RELEVANT DOCUMENTS FOR ANY PUBLIC INQUIRY**

11.1 The Council intends to refer to, or put in evidence, the documents (or relevant extracts from those documents) which are listed below. The Council reserves the right to refer to or adduce additional documents.

11.1.1 Cabinet Committee report and minutes 13 January 2020;

11.1.2 Cabinet Committee report and minutes 8 June 2020;

11.1.3 Planning Committee report and resolutions relating to planning application 00607/BA/P;

11.1.4 NPPF;

11.1.5 Guidance: Compulsory purchase process and the Crichel Down Rules

11.1.6 Rother District Council Homelessness and Housing Strategy

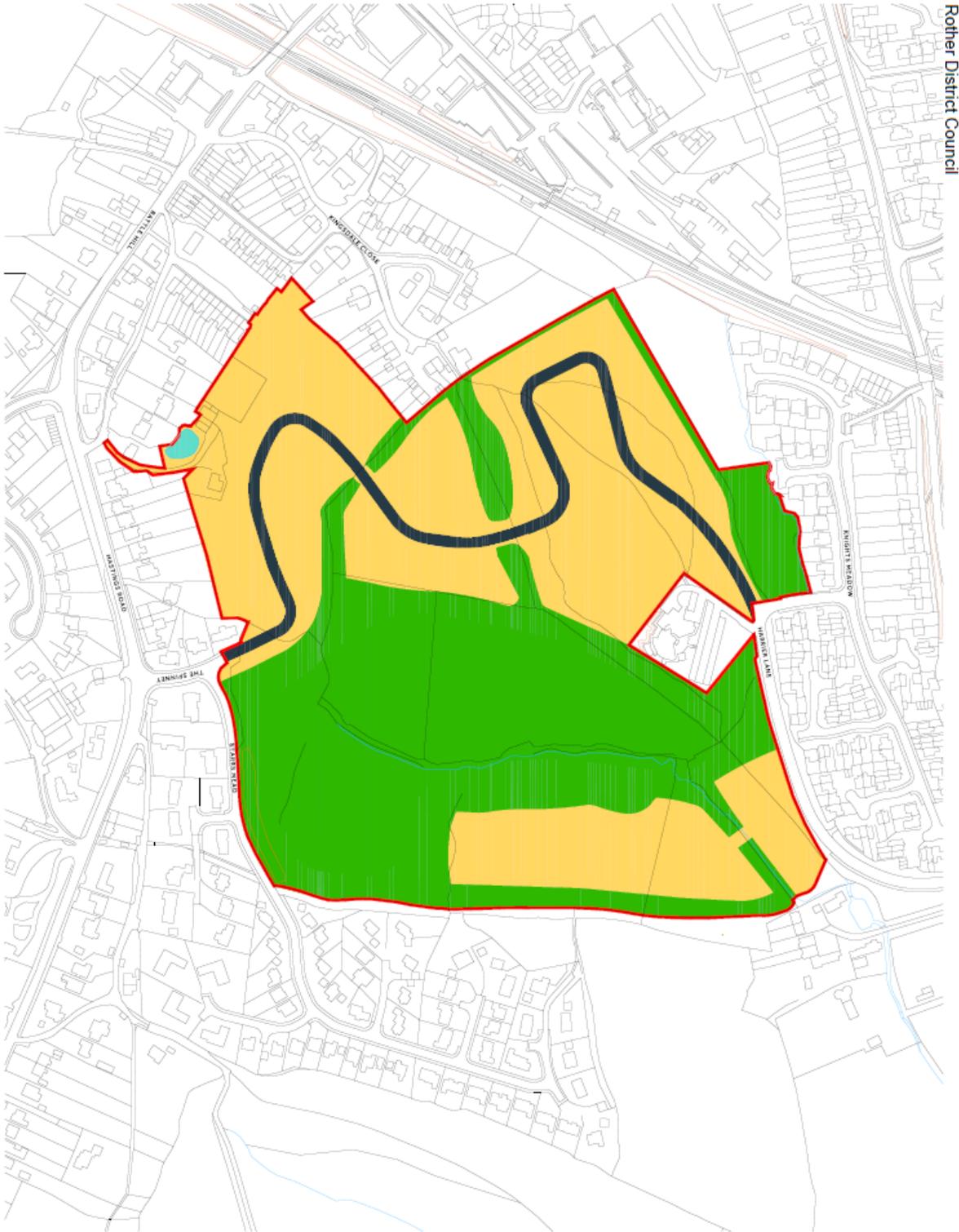
11.1.7 Rother District Council Environment Strategy

- 11.1.8 Rother District Council High Weald Design Guide
- 11.1.9 Rother District Council Corporate Plan
- 11.1.10 Rother District Council Capital Program
- 11.1.11 2006 Local Plan;
- 11.1.12 The Core Strategy;
- 11.1.13 The DaSA; and
- 11.1.14 The Battle Neighbourhood Plan.

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# APPENDIX 1 – PARAMETERS PLAN

Proposed Masterplan, Land at Blackfriars, Battle



Rother District Council

**NOTES**

1. All areas shown on this plan are subject to the provisions of the Planning Act 2008 and the Planning (Listed Buildings and Conservation Areas) Act 1987. The plan is not a guarantee of any particular use or development. It is intended to provide a general indication of the proposed use and development. The plan is not a guarantee of any particular use or development. It is intended to provide a general indication of the proposed use and development.

- Proposed New Road
- Proposed Development Area Including open space
- Existing Road
- Existing Water Features To Be Maintained Including watercourses

**Client:**  
Rother District Council  
**Project:**  
Proposed Masterplan  
Land at Blackfriars,  
Battle

**Design Team:**  
Proposed Land Use Parameters Plan

Task	Date
Final Design	March 2019
Site Visit	March 2019
Concept	March 2019

**CLAUQUE ARCHITECTS**

01 232 770200  
01 232 770201  
1 Rotherham Road, Little Wymondley, Rotherham, South Yorkshire S64 5JG  
A. Clauque (Lead)  
01 232 770202  
01 232 770203  
01 232 770204

**CLIENT:** ROTHER DISTRICT COUNCIL  
**ADDRESS:** LONDON  
**REFERENCE:** WINDSOR

Design Number: **23817A/02**      Revision: **B**

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