

Rother District Council

Report to: Cabinet

Date: 4 March 2024

Title: Rother Draft Local Plan Regulation 18 Document

Report of: Jeff Pyrah, Planning Policy Manager

Cabinet Member: Councillor Teresa Killeen

Ward(s): All

Purpose of Report: To approve the Rother Draft Local Plan Regulation 18 document for consultation purposes and to consider the recommendations and comments arising from the Overview and Scrutiny Committee meeting held on 19 February. The report and recommendations arising are reproduced below and an extract from the Minutes of that meeting (Appendix C) should be read in conjunction with this report.

Officer

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

- 1) the Rother Draft Local Plan Regulation 18 document be approved for a twelve-week public consultation alongside supporting documents, from early April 2024;
- 2) the revised Rother Local Development Scheme be approved to be published alongside the Draft Local Plan; and
- 3) That the Director of Place and Climate Change be authorised to make minor modifications to the Draft Local Plan Regulation 18 Document, prior to commencement of Regulation 18 consultation to ensure clarity, robustness and for consistency, with any minor modifications to be agreed with the Portfolio Holder for Planning.

Reason for

Recommendations: To enable the Council to launch the formal Regulation 18 consultation process as the next step in the preparation of the Council's new Local Plan.

Introduction

1. The new Rother Local Plan will be the spatial development plan that sets the strategic policies for the distribution and development of residential uses, employment and supporting infrastructure across the district. It will also be a key delivery tool for the objectives set in the Rother Corporate Plan. The **background** that has led to this Regulation 18 document is set out below.

2. This consultation version of the new Local Plan is based around two overall priorities – Green to the Core and Live Well Locally. It sets out a proposed Development Strategy and includes a suite of proposed planning policies which would be used in the determination of planning applications. The **format** of the consultation version is explained below.
3. At its meeting on 19 February 2024, the Overview and Scrutiny Committee considered the draft document and their comments are set out in Appendix C. Subject to the decision of Cabinet, the consultation version of the Local Plan will progress to Regulation 18 consultation for a 12-week period, in accordance with all legal and national policy requirements.
4. The Council is required to publish an up-to-date timetable for producing a local plan. This is set out in the revised Local Development Scheme (LDS) which is attached as Appendix B. This sets out the **next steps** which are summarised later in this report.

Background

5. The planning system should be plan-led. An up-to-date Local Plan for the district should be in place to provide a vision for the future and address housing needs and other economic, social and environmental policies. An up-to-date Plan is crucial in enabling the Council to:
 - maintain control of how to address housing need;
 - control the location of the proposed sites for development including securing infrastructure to provide certainty and ensure statutory providers know where, when and how much development is likely to be delivered;
 - place full weight on its policies when determining planning applications;
 - impose policy requirements to ensure sites deliver site-specific mitigation, infrastructure and facilities required to support housing development; and
 - secure a minimum 5-year supply of housing land, without which housing policies are deemed ‘out of date’ and the presumption in favour of sustainable development would apply resulting in speculative development.
6. Rother District Council’s (RDC) current Core Strategy Local Plan is more than five years old, having been adopted on 29 September 2014.
7. The Council committed to reviewing the Local Plan, to ensure a sufficient, continuous supply of housing land, at Cabinet on 30 July 2018. However, it prioritised the completion of the Development and Site Allocations (DaSA) Plan and the production of Neighbourhood Plans.
8. The DaSA was adopted on 16 December 2019, by which time five Neighbourhood Plans (Crowhurst, Rye, Salehurst & Robertsbridge, Sedlescombe and Ticehurst) had been made (adopted). Battle Civil Parish and Burwash Neighbourhood Plans have since been made and Peasmarsch’s Neighbourhood Plan will be the subject of a referendum on 29 February 2024.
9. Targeted early engagement with statutory bodies was undertaken between August and October 2020.

10. An Early Engagement Document was published in April 2021. It outlined the Council's approach to how it would develop its new Local Plan, the identification of key strategic issues to be assessed, and how key stakeholders and neighbouring authorities could be involved at an early stage, to assist with meeting the requirements of the 'Duty to Cooperate' as stated in the National Planning Policy Framework (NPPF).
11. The Early Engagement Document anticipated that the Rother Local Plan would:
 - cover the 20-year planning period from 2019-2039. This has since been rounded up so that it will cover the period from 2020-2040, which ensures that the Council has a 15-year plan at adoption;
 - provide the policy mechanism to deliver a step change in housing delivery compared to recent delivery rates;
 - respond to the local authority's recently declared 'Climate Change emergency' through a green policy agenda; and
 - ensure that the Plan delivers for the needs of a growing local population.
12. The adopted policies of the Core Strategy and the DaSA were reviewed to assess whether they were: (i) still fit for purpose; (ii) compliant with the NPPF and Planning Practice Guidance (PPG); and (iii) not considered to be out of date. In summary, the overall review and compliance check set out that the policies require updating. The review helped to identify the key issues that needed to be addressed in the new Local Plan. These were summarised as:
 - **Overall review of the spatial development strategy (where, and how much development is distributed across the district)** – the need to maximise opportunities for the provision of residential development in line with the level of need identified as a starting point through the standard methodology, along with delivering for the needs of employment and commercial development over the planning period.
 - **Development boundaries** – that until a five-year housing land supply is demonstrated, the presumption in favour of sustainable development applies, and as a consequence pressure may exist to extend settlement areas.
 - **Overall housing numbers and five-year housing land supply** – until justified as otherwise, the Council must base its annual housing need on the standard methodology. A Housing and Economic Land Availability Assessment (HELAA) was recognised as the key document required in order to identify sites that could help meet local need.
 - **Supply of small sites** - The Council must develop a policy approach that supports the NPPF direction of at least 10% of housing delivery on small sites (1ha or less in size), unless there is strong evidence and justification for a departure from this.
 - **Employment land** - Flexibility should be built into the business/employment land policy so that it is capable of responding to changes in circumstances, due to the volatility of the economic market and the changing and emerging needs that may arise from neighbouring authorities as they produce Local Plans and collect evidence at different timescales.
 - **Delivering the Council's green agenda** – Developing viable policies through the Local Plan that support the Council's Climate Strategy

ambitions and targets as well as delivering Biodiversity Net Gain and enhancing Green Infrastructure Networks.

All these issues are responded to in the draft Local Plan.

13. An evidence base was scoped as part of the Early Engagement Document and a significant number of documents, studies and reports have been completed to inform the new Local Plan's proposed development strategy and policies. This comprises the following:

Commissioned from External Consultants

- Housing and Employment Needs Assessment (HEDNA) – jointly with Hastings BC.
- Playing Pitch and Built Facilities Strategy – jointly with Hastings BC.
- Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment – jointly with other East Sussex Local Planning Authorities.
- Strategic Flood Risk Assessment (SFRA).
- Retail, Leisure and Town Centre Uses Study.
- Climate Change Study.
- Transport Assessment, including West Bexhill study.
- Local Wildlife Site Review.
- Habitats Regulation Screening.

Undertaken Internally

- Housing and Economic Land Availability Assessment (HELAA).
- Windfall Assessment/Methodology.
- Settlement Review Study.
- Density Study.
- Infrastructure Delivery Plan.
- Sustainability Appraisal/Strategic Environmental Appraisal.
- Equalities Impact Assessment.

Studies to be undertaken between Regulation 18 and 19

- Full Viability Assessment of the Local Plan.
- Community Infrastructure Levy Review.
- Green Infrastructure Study.
- Visitor accommodation Study.

14. In addition to collating the evidence base, the policy team have adopted an open and inclusive approach, liaising in the following ways:

- Call for Sites (2020-2024) – landowners, site promoters and individuals have been invited to put forward sites to be considered through the Housing and Economic Availability Assessment (HELAA). Over 200 sites have been put forward and the invitation remains open. A call for gypsy, traveller and travelling showpeople sites was launched in August 2023 and sites are still being accepted for consideration.
- Duty to Co-operate (2021-2024) – meetings with all neighbouring local planning authorities; East Sussex County Council highways, flooding, ecology and planning for health; statutory and non-statutory stakeholders.

- Parish and Town Council liaison meetings (spring 2023) – with many councils, to informally discuss potential HELAA sites, the overall priorities and create collaborative working approaches.
 - Internal cross-department officer working groups (summer 2023) – developing policy options for Housing, Economy, Health and Wellbeing, Climate Change and Environmental Management.
 - Cross-party Councillor steering group (autumn/winter 2023/4) – monthly meetings reviewing policies on a chapter-by-chapter basis and whole plan early draft.
15. It should be recognised that the production of the Regulation 18 version of the new Local Plan has taken longer than anticipated in 2020. At that time, it was anticipated that the Regulation 18 consultation would focus on Preferred Options and Alternatives and was tentatively programmed for consultation in summer/autumn 2021. It was decided, however, that a more meaningful consultation could take place if a fuller draft plan was presented, with proposed wording for all strategic policies based on the supporting evidence base and a more detailed development strategy.

Format of the draft Local Plan

Overall Priorities

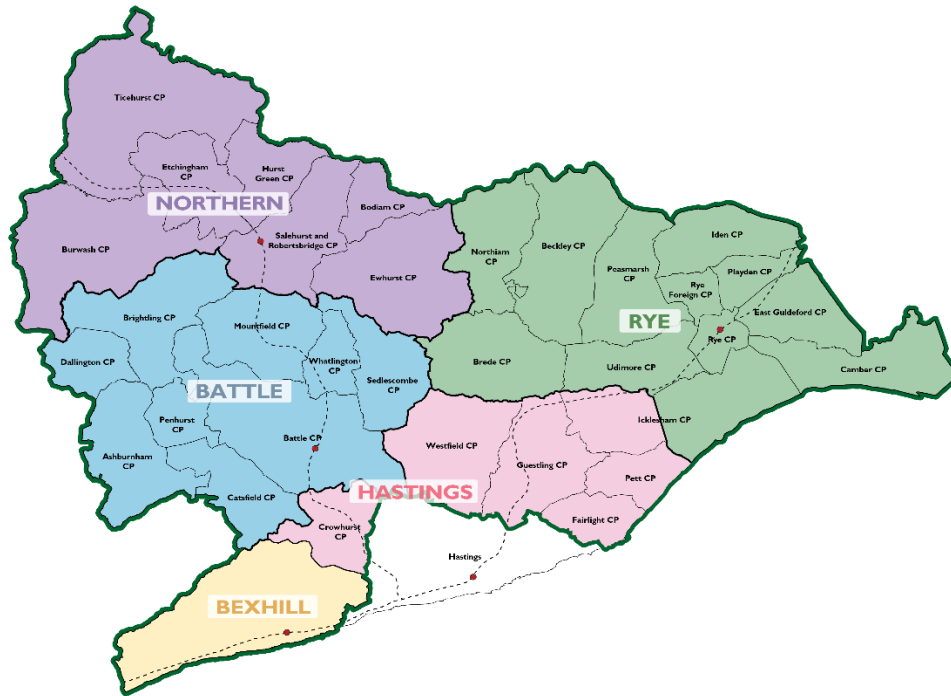
16. The new Local Plan is based around two Overall Priorities – Green to the Core and Live Well Locally.
17. Being Green to the Core means considering the impact of all planning decisions on the climate emergency, the biodiversity crisis, and the High Weald Area National Landscape.
18. Live Well Locally means considering, in all planning decisions, the goal of creating healthy, sustainable and inclusive communities, connected and compact towns and village clusters in our rural locations, and places that foster a sense of belonging, identify and shared experience.

Development Strategy

19. To inform the development strategy, a comprehensive assessment of development potential has been undertaken through the HELAA, to establish whether housing growth could be significantly increased. Over 200 sites have been put forward through a Call for Sites. To ‘leave no stone unturned’, the Council has identified and assessed nearly 800 additional sites, which include sites currently allocated or with planning permission.
20. The Overall Spatial Development Strategy will set a minimum target for new housing across the district to 2040. For this Regulation 18 consultation, the proposed minimum target is presented as a range of 4,862 to 6,868 dwellings. This would equate to an average rate of 243 to 343 new dwellings per year.
21. A range is presented because the housing figure includes sites which are ‘potentially developable’ where overall deliverability cannot yet be confirmed. The lower figure represents ‘identified’ growth which are already subject to planning permission or a current allocation, while the high figure includes a ‘potential additional’ level of growth. Potential additional growth includes those sites which could be suitable, available and achievable for development over

the plan period, subject to further assessment work and the result of the Regulation 18 consultation.

22. The first version of the HELAA, which will be published alongside the Regulation 18 public consultation, openly sets out every site which has been assessed across the district and its potential. It should be noted that the HELAA is a background evidence document which informs the Local Plan, however it has no weight in planning decisions. Sites which are assessed as suitable in the HELAA will not necessarily gain planning permission or be allocated for development.
23. The Plan, as presented, does not meet our housing target as set out by the standard method. This means that our call for sites is still open and that the potential figures will be subject to change as the Local Plan consultation progresses, as sites are discounted, or alternatively, as additional sites are found to be suitable, available and achievable. This work will continue to be undertaken through the Housing and Economic Land Availability Assessment (HELAA).
24. This version of the new Local Plan does not set out policies for individual site allocations for development, nor enable Neighbourhood Plans to allocate sites to fixed targets. We are not yet at this stage. We also consider that we should consult on the proposed Development Strategy and draft HELAA before finalising the district's capacity for housing growth, proposing minimum targets and specific site allocation policies.
25. The proposed development strategy has been split into five spatial sub-areas. Each of these spatial sub-areas have their own vision statement and identified distribution of development. The five sub-areas comprise:
 - Bexhill;
 - Hastings Fringes and settlements that radially link to Hastings;
 - Battle and its cluster of connected settlements;
 - Rye and its cluster of connected settlements; and
 - Northern Rother – the settlements in the north-east of the district.



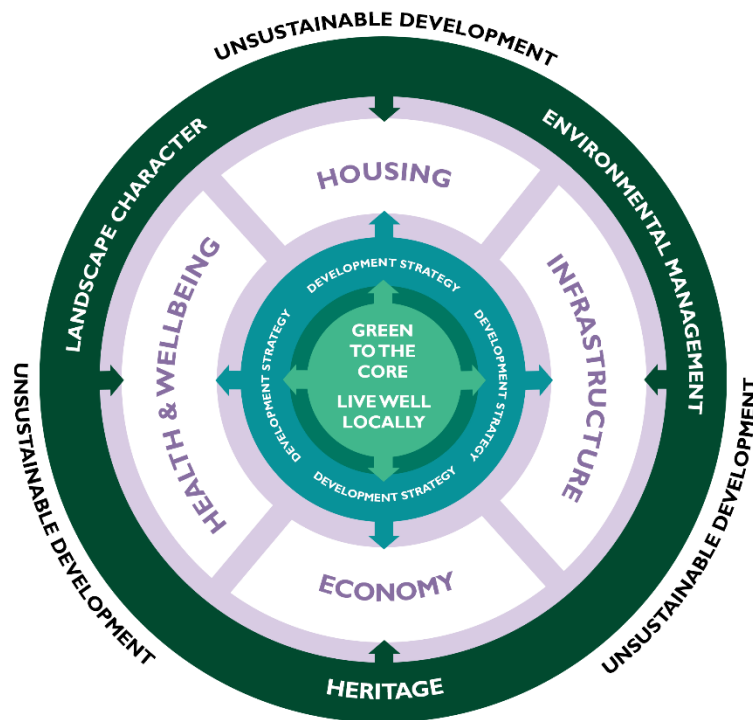
26. In all five sub-areas there is open countryside, which has its own vision. It relates to those areas outside of towns and villages with development boundaries and includes farmland, woodland, hamlets and scattered development.

Proposed Policies

27. Each proposed policy is presented in the same format:
- The status of each policy (whether it is strategic or non-strategic; new or an amended version of an adopted policy; and how it relates to the twin overall priorities) is clearly stated.
 - The proposed policy wording is set out.
 - Explanatory text which explains the policy is provided.
 - ‘Regulation 18 Commentary’ is included where it is helpful to explain how the proposed policy wording may evolve following this consultation, or where further evidence is required.
 - Specific questions for each policy are set out. Respondents are encouraged to provide their view of the policy and on whether alternative or additional points should be considered. Specific questions are asked where more targeted feedback would be beneficial.
28. Policies are categorised under the following chapter headings:
- Green to the Core
 - Live Well Locally
 - Development Strategy and Principles
 - Health and Well-being
 - Infrastructure
 - Housing
 - Economy
 - Landscape Character

- Environmental Management
- Heritage

29. The following diagram provides a pictorial representation of how the overall priorities concept and key themes work together to support and deliver sustainable development. The two overall priorities of 'Green to the Core' and 'Live Well Locally' sit at the centre and are instrumental in helping shape the district's development strategy. This then determines the housing, economic, infrastructure and health and well-being policies. These are set within the confines of the district's landscape character, environmental designations and built heritage. These areas of planning policy ensure that development is appropriate and sustainable and that everything that sits outside is unsustainable.



Next Steps

30. The next step in the process is to undertake the Regulation 18 consultation. The Council will involve all statutory and non-statutory consultees along with the general public in accordance with Rother's Statement of Community Involvement, adopted in January 2022.
31. All representations received will be reviewed. New or updated evidence base documents will be prepared where necessary. This includes policy issues identified within the draft Local Plan. Additional work will be required to respond to policy issues identified through the consultation or due to national planning policy changes.
32. The Council will then develop the Regulation 19 version of the new Local Plan, (known as the 'pre-submission' version), undertaking any further necessary consultation, with the expectation that the pre-submission version will be

published in early 2025. That version will be the one which the Council puts forward for Examination.

33. Following the consultation on the 'pre-submission' version, all the representations are submitted to the Secretary of State for Examination along with the proposed draft Local Plan. It is anticipated that this will be in spring/summer 2025.
34. If the submitted Local Plan is found sound, it will then be for the Full Council to decide to formally adopt the Plan: this is currently programmed to occur in summer 2026. This timetable is set out in the revised Local Development Scheme (LDS), which is attached as Appendix B. The Council is required to publish an up-to-date timetable in this way.
35. Once adopted, the Local Plan will, together with "made" (approved) neighbourhood plans, form the Development Plan. It will supersede the 'saved policies of the adopted Local Plan 2006, the Rother Local Plan Core Strategy (2014) and the Development and Site Allocations Local Plan (2019).

Options

36. There is a legal and national policy requirement to review the Plan and update where necessary. There is also a Council commitment to do so. The Council could decide not to review or update the Plan. However, this would have significant impacts on its ability to apply full weight to its existing policies when determining planning applications.

Conclusion

37. The new Rother Local Plan will be the spatial development plan that sets the strategic policies for the distribution and development of residential uses, employment and supporting infrastructure, across the district. It will also be a key delivery tool for the objectives set in the Rother Corporate Plan.
38. It is important that public consultation takes place on a well-developed draft Local Plan and that a genuine collaborative process is undertaken. This plan is at the right stage for that consultation process to commence.

Financial Implications

39. Preparation of the Local Plan review and update is funded by a specific budget. This budget has funded evidence base studies to support the work and will continue to be required to fund future evidence, legal advice and examination costs. The work carried out so far is within the identified budget.

Legal Implications

40. The legal requirements in the production of a Local Plan are set out in the report. The report seeks authority to undertake consultation as prescribed by Regulation 18 of the Town and Country Planning (Local Planning) Regulations which is a preparatory step in the production of a draft Local Plan. The Council must also comply with the consultation requirements set out in its Statement of Community Involvement.

Human Resources Implications

41. None. The consultation will be carried out by the Council's planning policy team, with advisory support from corporate services where necessary.

Environmental

42. This draft Local Plan responds to the Corporate Plan's green agenda. The Green to the Core policies have been created in collaboration with the Climate Officer and based on Ove Arup's commissioned evidence base. The Live Well Locally policies are based on the NHS England/Homes England Building for a Healthy Life document; Sport England's Active Travel Standards; and the published advice of Active Travel England.

Equalities and Diversity and External Consultation

43. Public authorities are specifically required to undertake an Equality Impact Assessment (EqIA) under The Equality Act 2010 and are bound by the Public Sector Equality Duty. The Council has a rolling programme to undertake EqIAs on all of its policies, practices and procedures. A draft EqIA is being undertaken for this consultation draft and will evolve throughout the Local Plan process. Rother's equality objectives (2022-2026) require us to (i) improve our knowledge and understanding of Rother's communities; (ii) encourage all residents to have a say in the decisions that affect them and get involved in their local communities, and (iii) deliver services and customer care to meet the needs of all residents. In addition, Rother adopted a Socio-economic Duty in May 2023. These duties are being met in our local plan liaison and consultation processes. A draft EQIA is included as Appendix C.

Access to Information

44. This draft version of the Local Plan and associated documents will be made available via a bespoke online consultation portal. Online access will meet the Public Sector Bodies Accessibility Regulations. Hard copies will be made available at the Town Hall and on request. The consultation will include presentations, exhibitions, workshops and meetings. The consultation period will last for 12 weeks.

Other Implications

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

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Appendices:	A	Draft Local Plan – Regulation 18 – Overview and Scrutiny version	
	B	Rother Local Development Scheme –March 2024 – Overview & Scrutiny version	

	C	Equality Impact Assessment
	D	Extract from Overview and Scrutiny Committee Minutes
Relevant previous Minutes:	None	
Background Papers:	None	
Reference Documents:	Local Plan Early Engagement Document and Engagement Strategy . Emerging Evidence Base	
