

# Rye Neighbourhood Plan 2016 - 2028

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## Initial Comments of the Independent Examiner

**Prepared by**

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**18<sup>th</sup> February 2018**

## Introduction

1. As you will be aware I have been appointed to carry out the examination of the Rye Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I carried out my site visit to the town on Thursday 14<sup>th</sup> February 2019.
2. My initial view is that I should be able to deal with the examination of this Plan by the consideration of the written material but I reserve the right to call for a public hearing, if I consider that it will assist my examination. Based on my preliminary consideration of the plan, there are a number of matters that I would wish to receive further representations or comments, from either or both the Town Council and Rother District Council.

## Reg 16 Comments

3. The Town Council will not have had an opportunity to comment on any of the representations received as part of the Regulation 16 Consultation. If the Town Council would wish to put forward suggestions, for amendments to the plan document, having considered the comments, then this is an opportunity to ask me to recommend them. I would be happy to consider any revisions etc., albeit that my remit is restricted to matters of the basic conditions.

## Housing Numbers

4. I note that the housing requirement that the neighbourhood plan is expected to deliver is in the range 107 – 152 dwellings. If all the allocation sites come forward to the extent allowed by the policies, then the maximum yield is 160. Policy H1 refers to five sites, H4 – H8 delivering a specific number of units yet for site H3 it refers to “*up to 20 dwellings*”. However, the policies for the individual sites refer to the yield as being “*up to x dwellings*”. If a lower number of, say larger units, were to be proposed, such a scheme would accord with the policy, yet it could mean that the neighbourhood plan as a whole, would not be delivering the numbers of new homes expected by the Core Strategy. I would be interested in the views of the Town Council and the District Council on whether the figures in the policies should be expressed as “*approximately x dwellings*” or “*at least x dwellings*”?

## Ecological Impact Assessments

5. All the allocation policies refer to the fact that development applications may need to be informed by an Ecological Impact Assessment. However, the Rother Local Validation Checklist only requires these statements for development proposed on land designated as a SINC, SSSI, SPA, SAC, LNR, SPA, Ramsar site or a Biodiversity Action Plan Habitat or outside the urban

area. Is there a particular requirement based on the Rye sites that would require a different threshold than the rest of Rother district?

### **Winchelsea Road (East Side)**

6. I was surprised to see that for a linear waterfront site of this size, the Rye neighbourhood plan is proposing only 10 dwellings. It seems there is scope for a higher density scheme on this waterfront. Is there a particular reason why the site is only expected to deliver 10 units, how was that figure arrived at, and is the site likely to be viable with this level of development? I understand that the site is in different ownerships. Is there an expectation that the District Council will use CPO powers to ensure the site is developed on a comprehensive basis? Who is expected to be the body that will prepare the masterplan? Rather than requiring the development to be comprehensively undertaken, would it not be a more deliverable option to require the development to be carried out in a manner that does not prejudice the development of the remainder of the allocation site? Is the District Council able to provide me with information as to ownerships and whether there is a possibility of a design guidance/ development brief being prepared, that could be used to provide the guidance sought by the Town Council?

### **The Exception Test**

7. I have read carefully the Sequential and Exception Flood Risk Test Report. I note that the authors point to a number of developments which have passed the exception test. I would be pleased to hear from the District Council the types of measures that have satisfied it, that these sites are safe for the lifetime of the development including access routes. Are there specific arrangements proposed that can reassure me that proper measures can be put in place in times of extreme flood or flood defences failing?
8. Please note that the Technical Note referred to as the footnote 34 in the last paragraph of Policy F1 has now been withdrawn and the advice is now within the Planning Practice Guidance.

### **Former Freda Gardham School**

9. Could the Town Council clarify what it is expected in terms of the access to the residential site. I note that it is requiring a separate access from the petrol station, which is shown in blue in Figure 19. Is it expected that the access to the housing development is via the single width access between the pair of semi-detached houses to the west which is cross hatched on the plan and if that is the intention, would the District Council comment as to whether that would be acceptable to the Highway Authority.
10. I see that the policy requires a retail impact assessment for a development which can be no more than 500sq m, but the District Council's Local Validation Checklist only requires the submission of a Retail Impact Assessment on

schemes of over 500 sq.m. Is there a specific reason regarding the impact of a scheme of this size in Rye?

### **Former Lower School Site**

11. Can I be provided with any information as to the ecological importance of the woodland adjacent to the railway, which is described as a Natural England Priority Woodland?

### **Rock Channel Sites C&D**

12. Is it expected that any windfall proposals affecting these sites, as set out in para 4.10, will have to satisfy all the requirements set out in Policy B1 ?

### **Strategic Gap**

13. Policy E1 refers to a strategic gap being maintained between Rock Channel and Rye Harbour. I would be grateful if the extent of that gap could be shown on a plan so that decision makers can know when and where the policy is applicable?

### **Local Green Space**

14. Is it the intention that the two allotment sites are designated as Local Green Space or is there some other policy protection covering them?

### **Heritage and Urban Design**

15. Is it the intention that the scope of this policy be limited to the Rye Conservation Area?

### **Energy Statements**

16. Can the District Council advise me whether it is the intention that Energy Statements be added to the Local Validation Checklist?

### **Final Matters**

17. In order, not to unnecessarily delay progress on this examination, I would welcome responses to these questions, **by 5pm on 12<sup>th</sup> March 2019**, if possible.
18. Please can both parties place a copy of this document and their responses on both the District Council's and the Town Council's respective websites.