Battle Neighbourhood Plan Examination
Rother District Council response to the Initial Examiners Comments

Strategic Policies

5. Can Rother District Council confirm which of its Local Plan policies, are for the purpose of the basic condition, the strategic policies that the neighbourhood plan has to be in general conformity with?

All policies in the Core Strategy 2014-2028 are strategic. Chapter 11- Battle sets out objectives and strategies for the parish, specifically policy BA1: Policy Framework for Battle which includes the development targets for Battle Town. In addition, as Netherfield forms part of the scope of the Battle Neighbourhood Plan, policies contained in the Rural Areas chapter of the Core Strategy are also pertinent for that Settlement, with Policy RA1 being particularly relevant. Figure 12 of the Core Strategy contains the Rural Housing figure for Netherfield. Furthermore, the neighbourhood plan must be in conformity with the Core Policies set out in chapters 13-18. The policies of the Development and Site Allocations (DaSA) Local Plan are generally viewed as 'non-strategic', however the affordable housing policy (DHG1) refines the thresholds set by Core Policy LHN2, and policy DHG2 refines Core Strategy policy LHN3 in respect of rural 'exception sites' and are therefore strategic policies. Insofar as the policies in the DaSA for the Strategic Gaps (DEN3) and Combe Valley Countryside Park (HAS1) give spatial expression to Core Strategy policies RY1 (xii), HF1(iii) and HF1(i) respectively, they are also regarded as strategic as confirmed by paragraph 1.15 of the DaSA. In addition, Figure 17 of the DaSA updates Figure 12 contained the Core Strategy to 1 April 2018 (base date of the DaSA) to take account of larger housing sites (6+) completions to that date and outstanding larger site planning permissions.

Policy HD2- Site Allocations

9. Can the District Council update me as to the current position regarding the housing site at Blackfriars- has planning permission been granted for the entire site and if it has, can I be sent a copy of the approved layout and the reference number for the relevant consent(s)? I noted on my site visit that ecological surveys seem to be underway, along with some limited tree felling. Does the District Council have a view as to whether the capacity of the site could be increased above the 220-unit figure? I note that the original 2006 Local Plan policy was at least 220 units and the site for the primary school is no longer required.

Outline Planning Permission[1] for the Blackfriars site was granted on 18 December 2020. The Reserved Matters -RR/2020/2307/P - for the outline permission of 200 units - RR/2019/604/P, was approved at RDC Planning Committee on 15th April 2021. The remaining 20 units are proposed for a separate area of land within the north east corner of the site as shown on the attached plan (BLACK/BED/ST/ZZ/DR/A/0102 – Rev No:08). Details of these are expected to follow under a separate Reserved Matters application in due course. The attached plan (BLACK/BED/ST/ZZ/DR/A/0102 – Rev No:08) also shows the approved site layout for approved 200 dwellings.

This site has been the subject of consideration for development since the late 1960s. Following extensive consideration over the last 10 years, 220 units is considered to be the maximum number for the site, given the sites significant constraints. The current proposals are considered to satisfactorily address these constraints, and the relevant statutory consultees are also in support of the scheme. Constraints include (but not limited to): a steeply sloping site, ecology (including several protected species), the context within the wider countryside, ancient woodland and a section of woodland/wetland through the central area which will be retained, drainage, highway impacts, AONB impacts and the maintenance of public footpaths.

You may also wish to note that the development of the Blackfriars site is dependent upon a Homes England grant (Housing Infrastructure Fund HIF) to build the access spine road.

[1] 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.

10. Is the District Council content with the housing figures being used in the neighbourhood plan which reflects adopted local plan policies or is there more up-to-date information on housing need that should be taken into account?

As the Core Strategy is more than five years old, the five-year housing land supply figure is now measured against the area's Local Housing Need (LHN) calculated using the standard method set out in the Planning Practice Guidance. This increases the housing requirement from 335 dwellings per annum - dpa (under the Core Strategy requirement or 484 dpa taking into account the under-delivery since 2011) to 736 dpa (under the standard method as at 1st April 2020). As you will appreciate the standard method set out below identifies a minimum annual housing need figure. It does not produce a housing requirement figure. Due to this considerable uplift in the housing figure from the adopted Core Strategy target to the LHN figure set out in the PPG, the Council is currently only able to identify 2.87 years of housing supply as at 1 April 2020.

RDC is currently in the early stages of developing a new Local Plan and is presently at the stakeholder engagement/evidence gathering stage. This new Local Plan, once adopted, will establish a new housing target for the district and help to ensure a realistic housing figure for the area, under which we can establish a housing land supply going forward. The LDS (published in March 2021) programmes adoption in Autumn 2023. Draft target figures for the district, including those which will inform the future target figures for Battle Town and Netherfield, are expected to be included in the Draft Plan consultation version released in Autumn of this year, based on the evidence work that the Planning Policy team is currently undertaking. Therefore, at this time, RDC is content that the figures set out in the Core Strategy, and subsequently updated through the DaSA, set out the most up to date information relating to the housing figures for the Neighbourhood Plan Area.

11. Can the District Council update the information set in the two tables in Page 40?

The following updated table gives the housing position for Battle as at 1st April 2020.

Area	Core Strategy Target	Completions (01/04/2011 - 31/03/2020)	Permissions (01/04/2020)		Small site windfall allowance	Residual requirement
			Small sites	Large sites		
Battle	475	39	35	378	9	14

Area	Core Strategy Large Site Requirement	Large Site Completions (01/04/2013 - 31/03/2020)	Large Site Permissions (01/04/2020)	Residual requirement
Netherfield	48	0	25	23

At the present time, more up to date information is not available to inform a position as at 1 April 2021.

Policy HD8 - Protection of Green Gaps between Settlements

18. Can I be provided with more detailed maps showing the extent of the Green Gaps. I note that some of these gaps already contain development, including a number of residential properties. If the sites are already developed, how are they preventing settlements coalescing? I note that the outer edge of the gaps is not another settlement, but often open countryside, so to what extent are these green gaps protecting the separation of Battle from surrounding villages? Does the District Council have a view on this?

Maps of the proposed green gaps at a larger scale for your reference are appended to this correspondence as per your request.

RDC have previously advised Battle Town Council, prior to the Regulation 14 consultation, that the evidence required for the designation of all green gaps must be robust and support the principle of a green gap i.e. that the gap must maintain the separate identity and distinctiveness of individual settlements. This is one of the primary criteria required by the proposed local policy HD8.

The area designated as GG04 (Telham, A2100 and Telham Lane) on the southern edge of Battle, was removed from the Strategic Gap policy in the RDC Local Plan, as it was not found to contribute to the objectives of the SGs as strongly as to the area to the east of Forewood Lane. The background report to Strategic Gaps, found here https://www.rother.gov.uk/wp-content/uploads/2020/01/Strategic_Gaps_Background_Paper_Mar16.pdf, concludes that *'This landscape is typical of the High Weald AONB and is clearly countryside outside the development area and therefore protected by countryside and AONB policies. It is recommended that the western boundary of the SG is reviewed to follow an alignment along Forewood Lane as this would not compromise the effectiveness of the gap between Battle and Hastings'*.

It would be recommended that this green gap area is removed from the policy.

19. The policy wording reflects the wording of the Local Plan policy by saying that "development will be carefully controlled". Can the District Council elaborate on how it uses the policy elsewhere, how does it give an additional control over the protection already offered for the areas outside development boundaries and within the AONB?

The principle of the strategic gaps
The strategic principle of Strategic Gaps is set within the Core Strategy (Policies HF1 and RY1), and the gaps are further spatially defined and elaborated on through the DaSA policy DEN3. The development of Policy DEN3 is supported by a separate background paper which can be found on the Council's website: https://www.rother.gov.uk/wp-content/uploads/2020/01/Strategic_Gaps_Background_Paper_Mar16.pdf. Policy DEN3 is specific about what it seeks to protect for each of the areas, its main purpose is to maintain the separate identity and distinctiveness between settlements, maintain the strategic settlement pattern and prevent coalescence of settlements. Development within these gaps is strictly controlled to maintain their openness, however the policy does allow for some small-scale development in the form of agricultural buildings, building conversions and the replacement of existing buildings. Some small dwelling applications have historically been permitted in these areas; the intent of the policy is primarily to deter proposals which would be incongruous within the gap and would destroy the preserved open character. The applications are decided on a case by case basis, however DEN3 offers protection to these areas in addition to the protection offered by the development boundary and countryside policies in the Local Plan, such as DEN2 The High Weald Area of Outstanding Natural Beauty. The Development Boundary alone cannot always offer sufficient protection to the surrounding countryside, as certain developments are still permitted outside the boundary (see Policies RA2 and RA3 of the Core Strategy), therefore certain development could accord with policies RA2 and RA3 but still harm the openness of the strategic gap (due to the nature or location of the development).

Housing land supply
It is also relevant to note that the RDC housing land supply is at 2.87 years as of 1st April 2020, and the implication of not having a five year housing land supply is that applications are considered in the context of Paragraph 73 of the NPPF. The implication of not having a three year supply means that the general presumption in favour of sustainable development will now be a critical reference point when determining planning applications involving the provision of housing, however when DEN3 is then applied in decision making, this may direct the 'tilted balance' towards refusal.

RDC as a consultee
When consulted on applications in the neighbouring borough of Hastings, where relevant, RDC refers to the strategic gaps in response to proposed development in close proximity to the district boundary. The following reasoning was included in the consultation response to Hastings Borough Council application RR/2021/262/NA[2] :

'(*the proposal) undermines the purpose of the Bexhill and Hastings/St Leonards' Strategic Gap and the identified strategic importance of maintaining the separate identity and distinctiveness of the settlements and preventing coalescence. The impact is exacerbated by the scale of development, both in terms of its density and height. The proposal is contrary to the Rother Local Plan Core Strategy Policy HF1 and Rother Development and Site Allocations Local Plan Policy DEN3.'*

Policy IN1- Traffic Mitigation

21. Can the District Council set out what thresholds it uses in terms of which schemes are required to submit a Traffic Assessment with a planning application and is it set out in the Local Validation Checklist?

The RDC Validation Checklist sets out that a Traffic Assessment or Transport Statement will be required with all major developments (sites of 10 or more dwellings) involving traffic generation, however the East Sussex County Council Highways Authority can ask for an assessment to be submitted for a smaller scheme, depending on local issues. The checklist can be found here https://www.rother.gov.uk/wp-content/uploads/2020/01/Post_NPPF_Planning_Validation_Document___DaSA_update_November18.pdf

[2] Bulverhythe Recreation Ground (Lower Tier), Freshfields - https://planweb01.rother.gov.uk/OcellaWeb/planningDetails?reference=RR/2021/262/NA&from=planningSearch