



## Response to the Examiner's Initial Comments

This document is the response of Peasmarsh Parish Council [PPC] to the Independent Examiner's Initial Comments on the Peasmarsh Neighbourhood Development Plan dated May 26 2023.

Rother District Council [Rother or RDC] conducted the Regulation 16 public consultation on the submission draft of the Plan in February and March 2023 and sent a summary of the responses received to PPC in early May. The parish council has not seen the responses received, only the summary.

### Background

Peasmarsh Parish Council began considering whether to undertake a Neighbourhood Plan in 2017. It was 10 years since the Peasmarsh Local Action Plan<sup>1</sup> (LAP) had been completed. This had identified a number of areas for development in the village, namely: housing, work, public transport, road safety, parking, further education, leisure activities and youth provision. It was time to review what had been achieved through the Local Action Planning process, successes, failures and which elements had not been addressed.

The major achievement was to access funding that enabled the complete renovation of the Memorial Hall and inclusion of a doctors' outreach surgery within the building which was evidenced by the information gained and level of community engagement provided through the LAP.

The renovated hall gave opportunities for additional youth provision and a range of new leisure and fitness activities. Less successful was the outreach surgery which opened providing weekly sessions by the Rye surgery but which by 2019 had reduced to monthly sessions and was closed completely following the Covid lockdown as there was little uptake [4 appointments requested in 2019]. However by this time the village had the new pharmacy, with consulting rooms, based at Jempson's and the main surgery was less than 3 miles away.

The second important initiative was the concentration on speeding through the village and the development of a local speedwatch group, installation of VAS signs and, more recently, the deployment of a Black Cat device, all of which have enabled the gathering of detailed information on traffic flow and speed.

Public transport improved considerably in the short term with half hourly services at busy times plus additional weekend and evening services before being decimated by a series of 'austerity' cuts.

Most of the areas not addressed through the LAP fitted within the remit of a Neighbourhood Plan, specifically housing development and the provision of work premises. LAP community engagement had occurred ten years before so there was a strong drive from the council to engage the members of the parish community to see how their ideas, needs and aspirations had changed.

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<sup>1</sup> <https://rdcparishsites.blob.core.windows.net/rotherlsp/2020/04/Peasmarsh.pdf>



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The parish council had also been disappointed when the major redevelopment of social housing at The Maltings did not provide any homes for people with local connections who were high on the District Council's housing register. That was despite repeated assurances from the housing association that local connections would be a priority for the site and that it was looking for ways of ensuring affordable housing for people needing to live or work in the village.

In 2006 Peasmarsh was seen as one of the more affordable villages in Rother but this was no longer true. Anecdotally, the council was hearing about the need for more affordable housing and smaller units both as starter homes and as step-down for people wishing to remain within the community.

Similarly, infrastructure issues with both sewage discharge and surface water flooding, power cuts and poor broadband speeds were frequently brought to the council's attention.

On a more positive note the council was keen to seize the opportunity to consider the wider environment, our place in the High Weald AONB, landscaping and design, responding to the changing needs of the many small businesses based in the village and developing a more strategic approach to the future development of the village.

### The Plan

The creation of the Plan focused on the needs of the Parish whilst retaining its nature as a rural parish in the HWAONB.

Our starting point was to gather historic and statistical information applying to the Parish – sources included East Sussex in Figures, information provided by East Sussex and Rother and parish council records, which date back to 1894.

At the same time the village was being consulted through questionnaire.

The last parish-wide consultation was held in 2005 and was the basis for the 2006 Local Action Plan discussed above. In comparing the answers in both consultations it was clear to see that there were concerns raised in 2005 which were still not addressed.

Together these sources showed there are several imbalances in the parish that the Plan would need to address :

- the changing age profile which has meant the loss of younger people from the parish over the last 20 years [52.6% of parishioners were under 45 in 2002; this had reduced to 38.1% by 2021];
- the growing affordability gap explored in the Housing Needs survey;
- the lack of Band A-C properties, despite local demand;
- Disappointment from parishioners that a large social housing re-development in 2018 provided no homes for local people on the Rother waiting list;

The parish has a relatively aged [and aging] population. In part this is because the younger people cannot afford to live in Peasmarsh. However local employers [primarily in retail, hospitality and tourism] all spoke of the difficulty of recruiting and retaining their workforce due to the lack of affordable housing locally. This both militates against the district's efforts to be more 'green' and threatens the long term viability of the successful businesses in the village.



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The parish also has a relatively high number of upper tax band houses which reflects the perception of a high proportion of 'executive' homes. That too contributes to the population profile imbalance as there are just not enough of the right houses to suit younger people even if they could afford them. That is exacerbated by older people occupying homes whereas they really want to downsize but only if they can do so in Peasmarsh.

This led to the Neighbourhood Plan exploring wider ideas about the provision of affordable homes – both for rent and to buy but without the limitations placed on social housing – instead, looking to provide homes that continue to build the community in Peasmarsh. That developed into the primary thread which runs through the Plan to provide truly affordable – in the Peasmarsh context – mainly smaller homes and how to deliver them.

The second major issue, which runs through over 30 years of local records, is the poor state of the parish infrastructure.

In creating the Plan we were guided by, inter alia, the NPPF. Paragraph 124 of the framework states that planning policies should support development that makes efficient use of land, taking into account several factors including :

- c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

On that basis, the Plan was structured to highlight the need to address the existing problems within the local infrastructure as well as future needs. It seems from the Initial Comments that this cannot be done through Planning Policy but there is a need to retain these issues as both older houses and recently built houses, such as those in the Maltings, are being directly impacted by the lack of suitable infrastructure especially sewage flooding.

### Responses

#### General and Specific Flooding Solutions

##### *Paragraph 4 : general*

The Initial Comments and the responses below have elicited all of the points that we wish to highlight at this stage.

##### *Paragraph 4 : flooding solutions*

We are asked whether there are technical solutions to the flooding issues on the Tanyard Field and Tanhouse sites. We are not qualified to give a definitive answer of course but presume that there must be technical solutions – provided that they are actually implemented. It should be remembered that, as noted at the start of this document, we have not seen what was submitted at the Regulation 16 stage, only the RDC summary.

##### Tanyard Field

The geology of the parish is briefly discussed in Section 2 of the Plan : on the higher ground Wealden sandstone sits on top of clay and at lower levels there is only clay. Where the sandstone runs out is a spring line and that is more or less at the top [south side] of this site.



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Video exists of water 'geysers' erupting from the field. Any system would therefore have to cope with a considerable flow even without consideration of the impermeable surfaces created by development.

The problem is demonstrated by the regular flooding of the A268 below the site, something which is particularly dangerous in winter when the sheet of water freezes.

The existing surface water drain is marginally adequate with flooding having occurred in the past three years in properties in School Lane. Any solution would probably involve pumping the water under the A268 and then as far as beyond the sewage pumping station, after which the stream flows unhindered to the river. It would, of course, have to include a suitable treatment plant to ensure that no pollution [oil / grease / tyre particles and so on] entered the environment.

When the last four houses were built on the site – completing the infill along the A268 – the design included a surface water attenuation tank under the front garden of one of them. However, we understand that that was quietly dropped and never built. There needs to be a mechanism to ensure that whatever is required as an acceptable solution is actually implemented.

### Tanhouse

The short length of Tanhouse Lane from the A268 to the roundabout at the entrance to Jempson's campus is regularly flooded [typically twice a year but as the climate changes flooding is expected to become more frequent]. Any hard surface on this site would worsen the situation.

The solution would involve getting the surface water under the A268 to the open stream north of Sharvels Farmhouse.

## Policy L1 : Protection of Locally Significant Views

### *Paragraph 6 : map size*

Discussions with RDC indicated that the Plan would be used electronically by the decision makers. Each map in the Plan is therefore a hyperlink which opens a larger version – typically A4 size – of the same map. We tried to make that clear at the top of page iii of the Plan.

Of course that doesn't work for a printed copy of the Plan so the maps such as Figure 3.9 could be included at A4 size, in this case in Appendix 4, so that they can be readily printed for use on site by those who don't use a tablet computer.

### *Paragraph 7 : visibility arcs*

We are happy to follow the suggestion that Figure 3.9 [Figure 2 in Appendix 4] could be changed to show arcs of visibility.



## Response to the Examiner's Initial Comments

### **Policy L2 : Protection of Habitats**

#### *Paragraph 8 : cascade approach*

We see the protection of habitats as something quite separate from the enhancement of biodiversity. However, in some ways, they are not mutually exclusive so if it is considered that the Plan would be improved by combining policies L2 and L4 we would be prepared to consider that.

The objective of this policy is to protect the habitats we already have in the parish and to prevent any further loss, ideally to increase the area of habitats. This is now very possible for local land owners/farmers to achieve through the Defra Environmental Land Management Schemes<sup>2</sup> and there are increasing opportunities to do this through privately funded projects e.g. planting hedgerows and trees for carbon sequestration.

#### *Paragraph 8 : NPPF 180*

For the potential loss of habitat from development, this policy is consistent with NPPF 180, the Biodiversity Net Gain (BNG) mitigation hierarchy<sup>3</sup> and the good practice principles for development published by the Chartered Institute of Ecology and Environmental Management<sup>4</sup>.

### **Policy L3 : Protection of Trees and Woodlands**

#### *Paragraph 9 : map size*

The question of a larger map has been addressed in the response to Policy L1 above.

#### *Paragraph 9 : figure 3.10*

With respect to a map showing only ancient woodland, that would be Map 3.5 which was prepared by HWAONB. Does that suitably address the point, perhaps with a hyperlink in the supporting text of Policy L3?

### **Policy L4 : Protection of Biodiversity**

#### *Paragraph 10 : need for this policy*

Our understanding is that the legislation is still not finalised [the Biodiversity Net Gain guidance was last updated on 23 Feb 2023<sup>5</sup>]. It is expected to require that any development in the parish will have to follow the mitigation hierarchy noted in L2 and therefore loss of habitat on site must be avoided but if this is not possible the lost habitat should be created on-site or off-site with local opportunities being preferred.

Our approach to BNG is that the net gain should be achieved within the parish and, ideally, on the development site itself as best practice. We believe that the policy should remain as part of the Plan but are happy to be guided as to the correct wording that should be used.

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<sup>2</sup> <https://defrafarming.blog.gov.uk/2023/01/26/environmental-land-management-schemes-details-of-actions-and-payments/>

<sup>3</sup> <https://defradigital.blog.gov.uk/2023/05/22/how-we-are-preparing-for-the-introduction-of-the-new-biodiversity-net-gain-digital-service/>

<sup>4</sup> <https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development/>

<sup>5</sup> <https://www.gov.uk/guidance/understanding-biodiversity-net-gain#full-publication-update-history>



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### *Paragraph 11 : percentage gain*

Until we received the Initial Comments we were not aware that RDC was working towards a minimum of 20% BNG requirement for new developments : something which we welcome and presume will be part of the emerging Local Plan. [It may be that the 20% requirement is in RDC's full response to the Regulation 16 consultation but, of course, we only have the summary of that response.] We are aware that other LPA's in the south east are working to a minimum of 20% BNG.

We selected a 15% BNG on a subjective basis and did not develop a separate justification document for that choice. Part of the justification would be that the parish is in the HWAONB and therefore deserving of more than the government's 10% for the whole country [but we didn't want to be too ambitious]. Another part would be that, according to the BNG group of the Kent Nature Partnership, the major cost of achieving BNG is in reaching a 10% BNG with a marginal additional cost to reach 15 or 20%. [We have seen figures from elsewhere of ~ £950 per dwelling to achieve 10% BNG and ~ £1,130 to achieve 20%.] If it is considered that the policy should be supported by an evidence base then a justification document could be prepared but, equally, we are happy to change the policy to requiring a 20% BNG in line with RDC's approach.

### *Paragraph 14 : BNG host land*

The opportunities for parish landowners may not be exclusively from developments in the parish. There may be opportunities from further afield, but this will depend on supply and demand – and, indeed, a developer in the parish may not be the highest bidder for a BNG opportunity.

However, one of the criteria for the scoring of BNG is the strategic importance of the habitat in the area [more valuable if in areas of strategic importance]. These include county and regional nature conservation policies including protected landscapes such as the HWAONB. Therefore the opportunity for BNG to be kept in the parish is high.

All of the parish farmland is potential BNG host land.

## **Policy L5 : Protection of Local Green Space**

### *Paragraph 15 : OS maps*

Yes, it is quite possible to have a clearer Ordnance Survey map for each of the local green spaces. It would make sense to include them in Appendix A4. An example is attached of what we anticipate is required.

## **Policy L6: Retain and Improve Public Access**

### *Paragraph 16 : on-site or off-site*

In preparing the Plan we were acutely aware of the impossibility of predicting what might happen in the next 16 years so tried to cover all eventualities and hence the use of 'where appropriate' in this policy. Admittedly our focus was entirely on residential developments on the allocated sites and not on any commercial developments nor on windfall sites. We would welcome any guidance on how the policy wording could be improved.



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### *Paragraph 17 : highlighting routes*

In terms of identifying particular routes, the fundamental issue – which we have tried to highlight in the supporting text – is the lack of a pavement on School Lane, the lane being central to the routes internal to the village. It is almost certainly not an issue which could be loaded on to potential developers.

### **Policy L7: Sustainable Public Transport**

#### *Paragraphs 18 and 19 : policy or aspiration*

We now understand the need to move this policy out of Section 3. To keep the readability of the overall Plan we would prefer that the supporting text stays in Section 3.6.4 with an additional sentence referring the reader to the new location.

We would like to differentiate between 'demoted' policies such as this and the more truly aspirational items in Section 10 and, therefore, would suggest a new section called 'Serious Issues' or similar, for the demoted policies.

[As an aside we are pleased to note that ESCC is piloting a DRT bus service throughout the county, part of which serves the parish and surrounding parishes. See <https://www.eastsussex.gov.uk/roads-transport/public/flexibus.>]

### **Policy I1: Improving Road Safety and Traffic Impact**

#### *Paragraph 20 : road safety and traffic impact*

Please see the principles established in the response above for Policy L7.

### **Policy I2: Sewage System Improvement**

#### *Paragraph 21 : independent capacity check*

We don't see an independent capacity check as a matter of greater information than that which SW has, the emphasis is the independence of the check. Much of the information is already available because the SW network map, despite its inadequacies, shows the diameters, invert levels and so on of the system [as far as SW has mapped it] up to the pumping station.

We consider that it is the developer who should pay for the independent professional but the selection should perhaps lie with RDC or us. That of course places the financial burden on the first developer to come forward, the subsequent checks being much simpler. In an ideal world the first study should indeed be undertaken for the whole system, possibly as part of the Infrastructure Delivery Plan for the emerging Local Plan.

#### *Paragraph 22 : allocated sites and sewage disposal*

The comment highlights the inadequacies of the current system. Whilst we appreciate that it is impractical / extremely expensive to serve the remote dwellings of the parish, we do feel that all of the dwellings in the village should have mains drainage for foul water. That is not unreasonable, given that the small cluster of dwellings just to the east in Rye Foreign are served by mains drainage which is then pumped the ~ 1.2 km from a WPS/FPS close to the Hare and Hounds on the A268 to the Peasmarsh pumping station. The far west end of the village [Barnetts] is a similar distance from the end of the village network.



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We are also aware that at least two existing locations to the west of the main sewer have pumps that pump into that main through private sewers.

Of the two sites which are well away from the main [if SW is wrong and we are right with respect to where the main ends], Woodside could easily pump its foul effluent to the main and Flackley Ash would have options which would include pumping, a small packaged treatment plant or a combination of the two, pumping the waste water to the main. The situation with respect to Cornerways is discussed in the response to paragraph 52.

### *Paragraph 23 : PPC position*

It is our position that no development should occur until all the inadequacies of Peasmarsh's and Iden's drainage infrastructure are rectified but we now recognise that this cannot be part of the statutory sections of the Plan. A look back through our council meeting minutes shows that complaints about the foul water system go back at least 30 years.

Since we set up an incident reporting system [as per Project 4 in Section 10 of the Plan] at the very end of last year, there have been four sewage flooding incidents recorded, albeit from the same manhole, that have resulted in sewage passing straight into the surface water drains and hence the stream, bypassing the pumping station and its spillage recorder. There were almost certainly more incidents as people are still getting used to the reporting system.

### *Paragraph 25 : advocacy*

With respect to the advocacy part of the policy, please see the principles established in the response above for Policy L7.

## **Policy I3: Surface Water Drainage**

### *Paragraph 26 : no run-off applications*

The policy wording probably does need some adjustment as the intention is not to apply it to planning issues where run-off is not affected such as some changes of use. [We viewed 'development' as new building.] One has to be somewhat careful as a change of use which, for instance, would result in a lot of wash-down should be covered.

The objective of the policy is to ensure that no development impacts on existing properties or the environment.

Proposed wording adjustments would be appreciated.

## **Policy I4: Power Supply**

### *Paragraph 28 : land use planning*

Now that we understand better the permitted structure of infrastructure policies we would like to modify this policy to ensure that developments make adequate provision for future requirements and that developers demonstrate that the new load will not affect existing homes detrimentally. The existing policy wording will have to be moved as suggested [see the principles established in the response above for Policy L7].





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### **Policy I5: Telecommunications**

#### *Paragraph 29 : land use planning*

We accept that the advocacy part of this policy will have to be moved as suggested [see the principles established in the response above for Policy L7].

### **Policy I6: Developer Obligations**

#### *Paragraph 30 : what utilities?*

When we created this policy we envisaged that it would involve consultations with electricity, water supply, sewage handling and landline/broadband. We did not consider gas as future housing will be based on electrical energy only. Perhaps the policy wording needs adjusting to reflect that intent?

### **Policy I7: Access to High Quality Secondary Education**

#### *Paragraph 31 : secondary education*

Please see the principles established in the response above for Policy L7.

### **Policy E1: New Business Space Development**

#### *Paragraph 32 : limited range within Use Class E*

In creating this policy we specifically looked towards businesses where there had been an identified gap or nothing similar. The particular developments mentioned in the Initial Comments are all catered for within or in easy reach of the parish and we recognised that there is a limited population within the local catchment area. Rival facilities would be to the detriment of the existing ones.

Regarding sports and fitness :

- a number of classes are held at the parish Memorial Hall, and are an important part of the hall business plan;
- there is a gym and swimming pool at Flackley Ash, with discount prices for locals;
- there is also a large community sports hall in Northiam [less than 5 miles];
- the Rye Hub on the Hill at the Rye Hospital site [less than 3 miles] provides both fitness and leisure activities for older people and those with long term health conditions;
- additionally, there is a Freedom Leisure sports centre in Rye plus 5 private gyms and health clubs and football, tennis, cricket and rugby clubs all offering opportunities for everyone from children to older people;

Regarding health provision :

One member of the steering group has had many years working with the NHS and, in particular, the local Clinical Commissioning Group (CCG) where she sat on a number of strategic planning groups until 2020. There is not seen to be a shortage of GP services in the area and the strategic preference is to develop services on the main sites of the 3 surgeries serving Peasmarsh [Northiam, Ferry Road Rye and Rye Medical Centre at Rye Foreign] rather than developing smaller outreach sites.



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The CCG is working closely with the facilities at the Rye Hospital site to further develop the site in order to better support the local community [which includes Peasmarsh].

[It is worth noting that Rye Hospital is considered one of the best cottage hospitals in the country and is the only cottage hospital run by an independent charity. The long-term ambition, supported by the East Sussex Hospitals Trust and East Sussex CCG, is to become a national exemplar for community care. As well as hospital services, a day care centre and GP surgery, the site includes a 55 unit residential extra care building and a new 60 bed care home is being built. The hospital charity has also developed close links with Rye Community transport to provide dial-a-ride services for people who attend appointments on site. We are very lucky to be within the catchment area for all these services.]

Regarding nursery facilities :

There is already a pre-school in the parish which accepts children at any time after their second birthdays. Most of the children come from Peasmarsh and the surrounding villages.

As with Policy I3, we didn't consider 'change of use' as 'development' which is why we applied this policy to the development of new business space. If the wording needs changes to correctly reflect the intent we would welcome any suggestions.

### *Paragraph 33 : Use Classes B2 and B8*

Classes B2 and B8 were excluded from the policy because they are so broad [B2 : *use for the carrying on of an industrial process other than one falling within Class E(g)* and B8 : *use for storage or as a distribution centre including open air storage*] which would allow the development of facilities of inappropriate scale for the Parish and the AONB in general.

Perhaps there could be a word formula which permits such developments provided that the scale is appropriate to the situation although that seems fraught with difficulty : how would the decision maker decide what that means? We would welcome any suggestions as to how to solve this conundrum.

## **Policy E2: Adaptation of Existing Buildings for WFH**

### *Paragraph 34 : policy remit*

The intention of this policy is that it covers development within the full extent of the property so perhaps the wording ['building curtilage'] is wrong. We would welcome any suggestions.

### *Paragraph 35 : beyond 20m*

The policy primarily exists because it could well be that development is more than 20m from the dwelling, the basic requirements being covered by RDC policy DHG9. It does however build on DHG9 by requiring consideration of the AONB and by contemplating the impact of such developments.

### *Paragraph 36 : non-residents*

The parish has a lot of residents that operate their businesses from home [microbusinesses?] which is working from home but not necessarily as 'WFH' is currently used to mean an employee not going to work but working at home.



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In creating the policy we tried to cover both situations and hence the wording. It could well be that a microbusiness will have visitors from time to time and such visitors might include employees of the microbusiness.

### **Policy E3: Rural Building Conversion to Business Use**

*Paragraph 38 : NPPF 84*

We are happy to extend the scope of this policy to include 'well designed new buildings'.

### **Policy E4: Promotion of Sustainable Tourism**

*Paragraph 39 : local needs*

In creating this policy we wanted it to address the need to satisfy, in the interests of the local economy, the local demand for services generated by tourism so the wording is, on reflection, in need of improvement. We would welcome any suggestions.

### **Policy H1: Housing Mix**

*Paragraph 40 : viability testing*

We are not clear what 'viability testing' might mean nor why it is applicable to a neighbourhood development plan but do appreciate that more research is required to confirm the findings in the AECOM report. If it refers to a more in-depth justification of the proposed housing mix we would point to Project 1 in Section 10 which is to undertake an in-depth survey of the affordable housing needs in the Parish. [At some point along the way of creating the Plan it was recommended that this work, originally a policy in Section 6 should be relegated to become a Section 10 project.]

It will take a considerable amount of time to organise, fund and carry out such a survey.

If viability testing is with respect to economic viability, we haven't undertaken a formal analysis but would point to RDC Core Strategy with respect to allocations for affordable housing [both Policy LHN4 and its supporting text] shows that [paragraph 15.34] a small amount of open market housing might be appropriate and [paragraph 15.36] that such schemes can be expected to secure grant funding.

Our policy has its origins in the feedback received from stakeholders [which includes parish businesses] who, as explained in the Plan, see very specific needs for the parish that cannot be covered by a generic policy for the whole district created some 10 years ago.

The policy is fundamental to the Plan : again we would welcome any suggestions as to how to improve the wording of the policy.

### **Policy H2: Rural Affordable Housing Sites**

*Paragraph 41 : existing policy*

When creating this policy we were trying to address the points which are not covered by RDC Policy LHN4 but applicable to the parish, e.g. that priority is given to people with local connections. Our thinking was strongly influenced by the experiences of Icklesham Parish Council [a parish not distant to Peasmarsh] in undertaking its recent successful project.



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Rother recommends that this policy is deleted on the basis that there are no wholly affordable housing allocations proposed by the Plan. This is clearly our fault as we cannot have made it adequately clear that sites PM01 Flackley Ash and PM02 Woodside are wholly affordable housing sites [as stated in Section 7 Policy S2]. Any assistance in strengthening the wording or, perhaps, the supporting text or even the policy itself would be welcomed.

### **Policy S1: Development Size**

#### *Paragraph 42 : unit size*

We see the Plan as an integral entity so that all policies must be considered together. In the case of this policy it would not be possible for a developer to build 10 larger units because Policy H1 sets out the housing mix which must be delivered.

#### *Paragraph 43 : economic viability*

We have not taken any specific advice on the economic viability of the allocated sites as a result of this policy. In part that is because two of the four sites are only suitable for less than ten units and the other two are only suitable for 10 units in any case. None of the sites is therefore constrained by this policy. Note too that that means that there is no conflict with Chapter 11 of the NPPF [see the response to paragraph 45 below].

#### *Paragraph 44 : interests of parish stakeholders*

In creating the Policy we considered that the wording needed to reflect the wording in NPPF 177 but with applicability to the parish situation – hence proviso ii). A decision maker would therefore use the same criteria as when considering NPPF 177.

As set out in Section 1.2 of the Plan, we see the stakeholders as primarily those who reside or work in the parish plus the businesses that operate within it. This is in line with the guidance given by Locality.

We deliberately used the word 'primarily' because of the problem related to landowners. Most landowners will be stakeholders [anybody owning their own house is a landowner] but, for instance, a potential developer that has purchased land on a strategic basis with the intent of creating a new development is not a stakeholder.

Perhaps a definition should be added to the glossary? If so, any assistance with the wording would be appreciated.

#### *Paragraph 45 : NPPF chapter 11*

As discussed in our response to paragraph 43, we don't think that the Plan is in conflict with chapter 11 of the NPPF.

Paragraph 124 of the NPPF says that planning policies and decisions should support development that makes efficient use of land, taking into account the following :

- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) *local market conditions and viability;*



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- c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) *the importance of securing well-designed, attractive and healthy places.*

As explained at the start of this response document, we have created the Plan with these criteria in mind :

- a) *it more than meets identified need within the parish over the plan period and shows that the land is available;*
- b) *it demonstrates the viability of the proposed developments;*
- c) *it addresses the issues of infrastructure capacity – including sustainable traffic modes;*
- d) *it does this while maintaining the area's prevailing character and setting, ensuring sufficient homes without damaging the village and wider setting, which is particularly important given that Peasmarsh sits within a designated AONB [as also set out elsewhere in the NPPF].*
- e) *it focuses on securing well designed, attractive and healthy places by allowing planned growth for the Peasmarsh community;*

Thus, while it is right that this is raised, we believe that for a small village in an AONB we have sufficiently taken into account chapter 11 and that allowing more than 10 homes per site risks unsustainable transport patterns, inadequate infrastructure and development that would not be in keeping with the area's prevailing character and setting.

### **Policy S2: Allocated Sites**

#### *Paragraph 47 : individual maps*

Yes, individual maps of the four sites will be provided. They will be akin to the attached example provided with respect to local green spaces. Should they be integrated into the body of the Plan [in Section 7] or in a separate appendix?

#### *Paragraph 48 : housing quantity*

As Rother has pointed out, the parish has more than fulfilled its allocation of new dwellings in the existing Local Plan. However, the period of the Plan spans both that of the existing plan through to 2028 and the emerging Local Plan through to 2039. Unsurprisingly, given the continuously changing government approach, there has not been any guidance as to what requirement might be applicable to Peasmarsh after 2028.

Our approach was, therefore, not to achieve any particular target but to address the housing need identified in AECOM's HNA, i.e. 32 truly affordable houses. We also deduced that there might be 20 windfall dwellings created in the period of the Plan so that a full picture of the potential could be seen.



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### *Paragraph 49 : site location*

In considering potential sites we were influenced by Rother's Rural Settlements Study which states, with respect to Peasmarsh :

*The area around the supermarket and post office is in effect a service centre of the village, despite being outside the current Local Plan development boundary. It would seem sensible therefore that any new development should aim to facilitate access to, and usage of, these local facilities.*

That reflects the reality of the situation in the village which we have tried to explain in the Plan : the focus has moved significantly west over the past few decades to the Jempson's campus.

Only the Orchard Way site is truly remote from Jempson's. Access from Cornerways to Jempson's will become even easier when the proposed active travel route along the HWLT footpath from School Lane is implemented.

### *Paragraph 50 : Oaklands and Old Football Ground*

We do not consider Oaklands and the Old Football Ground sites as 'reserved sites'. They were identified as potential sites should the question of access be resolved at some time in the period to 2039. The issue, however, is the question of what constitutes a 'major development'.

Our understanding is that consideration must be given to proximity to other possible development sites which would combine to form one much larger site which would then be a major development and hence not permitted in accordance with NPPF 177. The Pippins site is already designated for development and the other two sites are adjacent to it.

### *Paragraph 51 : Flackley Ash and Woodside*

The owners of both the Flackley Ash and Woodside are aware that they are designated for truly affordable housing as set out in Policy H2 and, therefore, RDC Policy LHN4. [Note that LHN4 concedes that it may be necessary for such allocations to include a small amount of open market housing to incentivise development.]

With respect to downsizing, the older people expressing a desire to remain in the parish are not occupying the large and expensive properties, they are the long-term residents who might not even own the house they live in.

With respect to the sites being rural exception sites, in the Regulation 14 draft of the Plan we referred to the Flackley Ash and Woodside sites as rural exception sites. However RDC said that rural exception sites '*would not normally be allocated*' and said that we should, instead, call them sites wholly or substantially for affordable housing. If there is no barrier to them being rural exception sites then we would be happy to revert to them being so.

### *Paragraph 52 : Cornerways*

The Initial Comments raise several points with respect to the Cornerways site. The site was included in our assessment in response to a late submission to Rother's HELAA site call.

Our understanding is that the landowner of the site also owns the adjacent dwellings [known as Hilltop 1 and 2]. We have assumed that he will resolve the parking issue.



## Response to the Examiner's Initial Comments

We have not considered the cost of extending the sewer but the question raises the problem inherent in infrastructure networks : why should the development bear the full cost of extending the main when the houses on School Lane will also benefit from that extension? This is discussed elsewhere in this document.

With respect to an independent assessment of the site, we do not see that it is a problem if any allocated site ultimately does not come to fruition [Cornerways and Orchard Way might not be acceptable to ESCC Highways for instance]. While AECOM was working on the assessments we worked very closely with its team and are confident that our assessment is close to what an independent assessor would achieve. We recognised however, that ultimately an independent review would be in order. We don't think that AECOM could undertake an urgent review as we would firstly have to apply to Locality to get such a Technical Support extension and, secondly, then join the queue for the relevant AECOM team, after which it would then have to undertake the work.

### *Paragraph 53 : development restriction*

The initial comment seems to be the result of a misunderstanding. The intention of the last sentence to Policy S2 is that developments of more than three houses must take place on allocated sites, i.e. developments of up to three houses can take place anywhere [provided that all other requirements are met]. It effectively sets a threshold for windfall sites.

Rother object to this on the basis that it could unnecessarily restrict windfall development and state that it should be deleted. We disagree that it should be deleted but are open to changing the threshold from three to four dwellings.

### **Policy S3: Development Boundary**

#### *Paragraph 54 : different boundaries*

We do not see the development boundary and the settlement boundary as the same. Rother also make a clear distinction between the two in the existing Local Plan. In Policy LHN3 it defines rural exception sites as 'small site residential development outside development boundaries' [emphasis added] whereas in Policy LHN4 it defines sites for wholly or substantially affordable housing as 'either within or adjacent to settlement boundaries' [emphasis added]. It specifically does not use 'development boundaries' in the latter policy..

The development boundary is something which is clearly defined. The settlement boundary, on the other hand, is not clearly defined but should encompass the entire settlement, i.e. from the eastern boundary of the parish to the top of Barnett's Hill in the west.

#### *Paragraph 55 : Oaklands and Old Football Ground*

We do not see the need to extend the development boundary to include Oaklands and the Old Football Ground sites at this stage : it will always be possible to change the boundary, in consultation, should the need arise in the future.

The Cock Inn and its caravan park is, of course, within the settlement boundary [settlement area] as indeed is the Jempson's campus.



## Response to the Examiner's Initial Comments

### **Policy D3: New Homes**

#### *Paragraph 57 : changing needs of residents*

The wording of this policy could well be improved as our intent is that developers must demonstrate compliance with Design Code 3.4 in Addendum D6 to meet 'the changing needs of residents'. That code refers primarily to the Lifetime Homes Standards [DC 3.4.3] with reference also to the HAPPI Principles.

### **Policy D4: Energy Efficiency and Sustainability**

#### *Paragraph 58 : no additional standards*

We were not aware of this Written Ministerial Statement until the Initial Comments were received.

In creating the Plan a considerable amount of research was undertaken into how other qualifying bodies with made plans had structured them, particularly parish councils. The wording of this policy would have come, in part, from that work. We also note that Rother support this policy, albeit with some additional requirements.

We consider that the requirements in the policy as it currently stands are very important in the overall scheme of things and would welcome any advice as to how to retain those requirements while complying with the basic conditions.