



Rother District Local Plan 2020 – 2040

# **Environmental Management Background Paper**

Draft (Regulation 18) Version - April 2024

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## Contents

<b>1</b>	<b>Introduction .....</b>	<b>7</b>
<b>2</b>	<b>Planning Policy Framework.....</b>	<b>7</b>
	Legislation.....	7
	2008 Ambient Air Quality Objective.....	7
	Air Quality (England) Regulations 2000 .....	7
	Environment Act 2021 .....	8
	National Policy .....	9
	Air quality.....	10
	Noise pollution .....	13
	Biodiversity.....	14
	Coastal change .....	16
	Flooding .....	19
	Sustainable drainage .....	19
	Planning Practice Guidance on Flood Risk and Coastal Change.....	20
	Water usage and efficiency.....	20
	Regional Policy .....	20
	Sussex Local Nature Recovery Network .....	20
	South Foreland to Beachy Head Shoreline Management Plan (April 2006).....	21
	South Marine Plan 2018.....	23
	County policy and guidance .....	23
	East Sussex Environment Strategy 2020 .....	24
	Adopted Local Policy.....	25
	Rother Local Plan Core Strategy 2014.....	25
	Rother Development and Site Allocations (DaSA) Local Plan 2019 .....	25
	Article 4 Directions at Fairlight Cove.....	25
<b>3</b>	<b>Strategic/Corporate Policy Framework.....</b>	<b>27</b>
	Corporate Plan 2020-2027.....	27
	Strategy Documents .....	27
	Climate Strategy 2030 .....	27

<b>4</b>	<b>Facts and Figures .....</b>	<b>28</b>
	Local Plan Monitoring.....	28
	SA/SEA Scoping Report Indicators.....	29
	Biodiversity – Areas infringed by planning applications .....	29
	Biodiversity – Woodland Access.....	29
	Biodiversity – Infringement on habitats by planning applications.....	30
	Indices of Multiple Deprivation: Living Environment .....	30
<b>5</b>	<b>Evidence.....</b>	<b>32</b>
	A Green Future: Our 25 Year Plan to Improve the Environment and the Environmental Improvement Plan 2023.....	32
	Biodiversity Net Gain.....	33
	Percentages in Local Plans above the statutory minimum.....	33
	Location of where the net gain is sought .....	34
	Green Infrastructure.....	34
	A Green Infrastructure Study (August 2011).....	34
	Green Infrastructure Background Paper Addendum (2016).....	34
	Natural England Green Infrastructure Framework .....	35
	Flood risk management and coastal issues .....	38
	Rother District Council Strategic Flood Risk Assessment.....	38
	Environment Agency South East Flood Risk Management Plan .....	38
	East Sussex County Council Local Flood Risk Management Strategy 2016-2026 .....	38
	South Foreland to Beachy Head Shoreline Management Plan.....	38
	AECOM: Water. People. Places.....	39
	Coastal Change Management Areas – example adopted local plans.....	39
	EA Folkestone to Cliff End flood and erosion management strategy 2010.....	40
	EA Cooden to Cliff End Coastal Defence Strategy 2004 .....	40
	EA Pevensey Bay to Eastbourne Coastal Management Plan .....	40
	Water efficiency.....	40
	Building Regulations Approved Document G: Sanitation, hot water safety and water efficiency.....	40

	South East Water’s Water Resources Management Plan 2020-2080 .....	41
	Southern Water’s Water Resources Management Plan 2020-2070.....	41
	Environment Agency Water Stressed Areas – Final Classification 2021.....	41
	Water quality.....	41
	Southern Water Drainage and Wastewater Management Plan 2020-2050.....	41
	Southern Water: Fairlight East Sussex Pathfinder: Technical Report.....	42
	South East river basin district river basin management plan.....	42
	Air pollution.....	43
	Rother Air Quality Report 2022.....	43
	Noise Pollution .....	43
	Chartered Institute of Environmental Health (CIEH) and the Institute of Acoustics (IoA) Heat Pumps Professional Advice Note .....	43
<b>6</b>	<b>Consultation and Engagement.....</b>	<b>45</b>
	Early Engagement Responses .....	45
	Working Groups.....	46
	Sussex Air Quality Partnership .....	46
	Sussex Nature Partnership.....	46
	Duty to Cooperate .....	47
<b>7</b>	<b>Key Issues .....</b>	<b>48</b>
	The percentage of Biodiversity Net Gain required .....	48
	The preferred location of any Biodiversity Net Gain .....	48
	Protecting the coastline against future changes to sea level and coastal line.....	48
	Designating Coastal Change Management Areas .....	49
	Changes to the types of flood risk that need to be taken into consideration.....	49
	Water usage of new development .....	49
	Safeguarding land for future use.....	49
<b>8</b>	<b>Vision and Spatial Objectives for the Local Plan.....</b>	<b>50</b>
	Vision.....	50
	Spatial Objectives .....	50
<b>9</b>	<b>Policy Options .....</b>	<b>51</b>
	Policy area 1: Sustainable drainage .....	51
	Policy option 1a: Sustainable drainage .....	51
	Policy area 2: Coastal, water and flood risk management .....	53

Policy option 2a: Coastal, water and flood risk management.....	53
Policy area 3: Water efficiency.....	55
Policy option 3a: Water efficiency .....	55
Policy option 3b: Water efficiency (with strengthened wording).....	55
Policy area 4: Land stability .....	56
Policy option 4a: land stability.....	56
Policy area 5: Coastal Change Management Areas.....	56
Policy option 5a: Coastal Change Management Areas in the Fairlight Cove area .....	57
Policy option 5b: Coastal Change Management Areas for the whole district ...	58
Policy option 5c: Relocating uses away from the Coastal Change Management Area.....	58
Policy area 6: Habitats and species.....	59
Policy option 6a: Habitats and species .....	59
Policy area 7: Environmental pollution.....	61
Policy option 7a: Environmental pollution .....	61
<b>10 Sustainability Appraisal .....</b>	<b>63</b>
Summary of policy areas from sustainability appraisal.....	63

## 1 Introduction

- 1.1 This background paper is looking at the ways the Local Plan can be used to ensure that the natural environment is protected, managed and enhanced within Rother District Council. This will include looking at biodiversity, water issues, the coast, as well as pollution.
- 1.2 To assist in identifying these issues, the Council has been working with both internal officers and external organisations to compile an evidence base as well as enabling partnerships to help deliver any future policies.
- 1.3 The structure of the background paper will look through the planning context that surrounds the key themes as well as the main evidence base required to underpin future policies. These will then be used to define the key issues that should be addressed through policies, followed by the potential policy options and leading to the preferred options being presented.

## 2 Planning Policy Framework

### Legislation

#### 2008 Ambient Air Quality Objective

- 2.1 Sets legally binding limits for concentrations in outdoor air of major air pollutants that affect public health such as particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and nitrogen dioxide (NO<sub>2</sub>).

#### Air Quality (England) Regulations 2000

- 2.2 This legislation sets limits on certain air pollutants and a framework for their monitoring to ensure that the limits are complied with. If the objectives are not met, Air Quality Management Areas to detail what measures will be taken to address the issues.

## Environment Act 2021

- 2.3 The Environment Act is a key piece of legislation that will affect many of the policy areas within this background paper. The Local Government Association (LGA) have provided a summary of the key provisions in the Act<sup>1</sup>. The Explanatory Notes<sup>2</sup> to The Act also provides an overview of each section.
- 2.4 Based on these summaries, the key areas that will affect the Local Plan have been repeated in this background paper.
- 2.5 On **air quality**, Part 1 (as per the Explanatory Notes) requires the government to set and meet an air quality target for fine particulate matter in ambient air (PM2.5). The LGA summary says that Part 4 of The Act: updates, simplifies and strengthens the local air quality management framework (LAQM). In particular it ensures that responsibility for solutions to poor air pollution is shared across local government structures and with relevant public bodies.
- 2.6 The Explanatory Notes to The Act set out how Part 5 aims to address water and the environment. Two key pieces of The Act change the procedural requirements for Water Resources Management Plans and Drought Plans and enable increased collaboration between different water undertakers to better manage water resources, and also require the preparation of Drainage and Sewerage Management Plans by sewerage undertakers, to better plan for the management of wastewater.
- 2.7 Part 6, particularly § 98-101 and Schedules 14 and 15, sets out the legislative framework of mandating **Biodiversity Net Gain** (BNG). The Planning Advisory Service (PAS) (a part of the LGA) say that BNG “is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.”
- 2.8 The BNG requirements for developments were originally meant to come into force in November 2023, apart for small sites (April 2024) which are defined as:

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<sup>1</sup> LGA: Get in on the Act: The Environment Act 2021 (<https://www.local.gov.uk/publications/get-act-environment-act-2021>)

<sup>2</sup> Environment Act 2021 (<https://www.legislation.gov.uk/ukpga/2021/30/notes/division/2/index.htm>)



- (i) for residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares
- (ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare

2.9 The Government have [confirmed](#) that for major developments BNG comes into force on 12 February 2024 and 2 April 2024 for small sites.

2.10 PAS have also provided a summary<sup>3</sup> of the measures introduced by the Act:

- Minimum 10% gain required calculated using Biodiversity Metric & approval of net gain plan
- Habitat secured for at least 30 years via obligations/ conservation covenant
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits
- There will be a national register for net gain delivery sites
- The mitigation hierarchy still applies of avoidance, mitigation and compensation for biodiversity loss
- Will also apply to Nationally Significant Infrastructure Projects (NSIPs)
- Does not apply to marine development
- Does not change existing legal environmental and wildlife protections

2.11 Part 6 also requires the preparation and publication of **Local Nature Recovery Strategies**. The Explanatory Notes say this is a tool to direct action for nature. The Part also places an emphasis on supporting local leadership of nature improvement.

## National Policy

2.12 Paragraph references to the NPPF are from the December 2023 version.

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<sup>3</sup> PAS: Biodiversity net gain now and in the future  
(<https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities/biodiversity-net-gain-now-and-future>)

## Air quality

2.13 The importance of improved air quality features in two NPPF chapters. Firstly, *Chapter 9 Promoting sustainable transport*, sets out in para 109 that one of the factors that contribute to a location of significant development should be sustainability which is determined by how it creates, or not, the need for residents to travel and the sustainable transport modes on offer. This will impact on congestion, emissions and air quality.

2.14 Chapter 15 Conserving and enhancing the natural environment stipulates the following under the Ground conditions and pollution subsection:

*Para 192 'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'*

2.15 Building on the NPPF, paragraph 001 (reference ID: 32-001-20191101) of the [Air Quality Planning Practice Guidance page](#) sets out that the UK has national emission reduction commitments for overall UK emissions of 5 damaging air pollutants:

- fine particulate matter (PM<sub>2.5</sub>)
- ammonia (NH<sub>3</sub>)
- nitrogen oxides (NO<sub>x</sub>)
- sulphur dioxide (SO<sub>2</sub>)
- non-methane volatile organic compounds (NMVOCs)

2.16 It continues to explain how 'the Department for Environment, Food and Rural Affairs carries out an annual [national assessment of air quality](#) using modelling and

monitoring to determine compliance with relevant [Limit Values](#). It is important that the potential impact of new development on air quality is taken into account where the national assessment indicates that relevant limits have been exceeded or are near the limit, or where the need for emissions reductions has been identified.'

- 2.17 The [local air quality management \(LAQM\)](#) regime requires every local authority to regularly review and assess air quality in their areas. Air quality is a devolved matter, and for England these reviews identify whether national objectives in the [Air Quality \(England\) Regulations 2000](#) have been, or will be, achieved by an applicable date.
- 2.18 If national objectives are not met, or at risk of not being met, the local authority concerned must declare an [air quality management area](#) and prepare an air quality action plan. This identifies measures that will be introduced in pursuit of the objectives and can have implications for planning.
- 2.19 Air quality considerations may also be relevant to obligations and policies relating to the conservation of nationally and internationally important habitats and species. The [Air Pollution Information System](#) and Natural England's 'Impact Risk Zones' tool (available on [MAGIC](#)) can help to determine the types of development proposal which can adversely affect these designated sites of special scientific interest and indicates when consultation with Natural England is required.
- 2.20 Although Rother DC does not have any AQMAs, the main road between Hastings/St Leonards and Bexhill was declared an AQMA from 2003 until 2017. PM<sup>10</sup> was monitored in an area encompassing properties between the junction of the A259 (Bexhill Road) and Harley Shute Road, and number 576 Bexhill Road on its northern side, and numbers 211 to 585 Bexhill Road on its southern side.
- 2.21 Paragraph 002 (reference ID: 32-002-20191101) expands on what plan-making can do regarding air quality: *It is important to take into account [air quality management areas](#), [Clean Air Zones](#) and other areas including sensitive habitats or designated sites of importance for biodiversity where there could be specific requirements or limitations on new development because of air quality. Air quality is also an important consideration in habitats assessment, [strategic environmental assessment and sustainability](#)*

*appraisal which can be used to shape an appropriate strategy, including through establishing the 'baseline', appropriate objectives for the assessment of impacts and proposed monitoring.*

*Drawing on the review of air quality carried out for the local air quality management regime, plans may need to consider:*

- what are the observed trends shown by recent air quality monitoring data and what would happen to these trends in light of proposed development and / or allocations;*
- the impact of point sources of air pollution (pollution that originates from one place);*
- the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments, including their implications for vehicle emissions;*
- ways in which new development could be made appropriate in locations where air quality is or is likely to be a concern, and not give rise to unacceptable risks from pollution. This could, for example, entail identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable; and*
- opportunities to improve air quality or mitigate impacts, such as through traffic and travel management and green infrastructure provision and enhancement.*

2.22 Paragraph: 005 (reference ID: 32-005-20191101) looks at when could air quality considerations be relevant to the development management process?

*Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity.*

2.23 Paragraph 006 (reference ID: 32-006-20191101) covers what specific issues may need to be considered when assessing air quality impacts?

*Considerations that may be relevant to determining a planning application include whether the development would:*

- *Lead to changes (including any potential reductions) in vehicle-related emissions in the immediate vicinity of the proposed development or further afield. This could be through the provision of electric vehicle charging infrastructure; altering the level of traffic congestion; significantly changing traffic volumes, vehicle speeds or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; could add to turnover in a large car park; or involve construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more;*
- *Introduce new point sources of air pollution. This could include furnaces which require prior notification to local authorities; biomass boilers or biomass-fuelled Combined Heat and Power plant; centralised boilers or plant burning other fuels within or close to an air quality management area or introduce relevant combustion within a [Smoke Control Area](#); or extraction systems (including chimneys) which require approval or permits under pollution control legislation;*
- *Expose people to harmful concentrations of air pollutants, including dust. This could be by building new homes, schools, workplaces or other development in places with poor air quality;*
- *Give rise to potentially unacceptable impacts (such as dust) during construction for nearby sensitive locations;*
- *Have a potential adverse effect on biodiversity, especially where it would affect sites designated for their biodiversity value.*

## Noise pollution

2.24 There are several references to light and noise pollution in the NPPF. Para 180e) says that planning policies and decisions should contribute to and enhance the natural and local environment by *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.*

2.25 Para 191 says that:

*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the*

*potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*

- 2.26 Footnote 69 of para 191 makes reference to the Explanatory Note to the [Noise Policy Statement for England](#) (Department for Environment, Food & Rural Affairs, 2010) which outlines the need for the Policy Statement and what situations it should be used in.

## Biodiversity

- 2.27 Biodiversity is a policy thread running through several chapters of the NPPF, notwithstanding any requirements that Biodiversity Net Gain have introduced.
- 2.28 Chapter 2. Achieving sustainable development sets the key purpose of the NPPF. Para 8 says that to sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). Specifically, part (c) is the environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 2.29 Chapter 15 covers conserving and enhancing the natural environment. Para 180 states that ‘planning policies and decisions should contribute to and enhance the natural and local environment by:

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'*

2.30 The *Habitats and biodiversity* section of this chapter includes para 185 says that to protect and enhance biodiversity and geodiversity, plans should:

*a) 'Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*

*b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'*

2.31 Para 186 goes on to say 'when determining planning applications, local planning authorities should apply the following principles:

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

## Coastal change

2.32 Paras 176-179 cover planning in coastal areas. The key considerations for Rother District Council area:

- In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans;
- Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries; and
- Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast.

2.33 'Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast' with the requirements set out in paragraphs 177-179. A Coastal Change Management Areas (CCMA) is defined as 'An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.'

2.34 Additionally, paras 180c) and e) state that: planning policies and decisions should contribute to and enhance the natural and local environment by:

- *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*



- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

2.35 The [PPG on Flood Risk and Coastal Change](#) (paragraph: 072 reference ID: 7-072-20220825) expands on this by stating a CCMA “will only need to be defined where rates of shoreline change are expected to be significant over the next 100 years, taking account of climate change. They will not normally need to be defined where the accepted shoreline management plan policy is to hold or advance the line (maintain existing, or build new flood and coastal erosion risk management infrastructure) for the whole period covered by the shoreline management plan.”

2.36 Based on the NPPF and PPG, it is possible to create a broad idea, Figure 1, of what types of development would be acceptable within a CCMA in different time frames. In summary, there is no development that is definitely presumed acceptable in the short term (up to 2025) but this will likely not have a significant impact due to the current timeframes for the Local Plan adoption.

Figure 1: Acceptable developments within CCMA's

Type of development	Short term (up to 2025)	Medium term (2025-2055)	Long term (2055-2105)	Explanation
<b>Permanent new residential development</b>	No	No	No	Based on the PPG, any development of this type would not be appropriate.
<b>Change of use to residential</b>	No	No	No	Based on the PPG, any development of this type would not be appropriate. The first step would be to make an Article 4 Direction for those changes of use covered under Permitted Development.
<b>Extensions (including residential)</b>	Possibly	Possibly	Possibly	The first step would be to make an Article 4 Direction for those changes of use covered under Permitted Development. It would then be up to the Council to determine a scheme on its own merits based on whether the development is likely to

Type of development	Short term (up to 2025)	Medium term (2025-2055)	Long term (2055-2105)	Explanation
				result in an increase in the scale of property or the number or vulnerability of occupants at risk from coastal change.
<b>Development directly linked to the coastal strip, such as beach huts, cafes/tea rooms, car parks and sites used for holiday or short-let caravans and camping</b>	Possibly	Yes	Yes	These uses in an area expected to be lost in the short term would need to be permitted with a time-limited permission.
<b>Development requiring a coastal location and providing substantial economic and social benefits to the community, such as hotels, shops, office or leisure activities</b>	No	Yes	Yes	Guidance states that these time-limited uses would be appropriate from the medium term.
<b>Other significant development, such as key community infrastructure</b>	No	Possibly	Possibly	Development is unlikely to be appropriate unless it has to be sited within the CCMA to provide the intended benefit to the wider community and there are clear, costed plans to manage the impact of coastal change on it and the service it provides.
<b>Essential infrastructure (as defined by the NPPF Annex 3)</b>	Possibly	Possibly	Possibly	Essential infrastructure may be permitted in a CCMA, provided there are clear plans to manage the impacts of coastal change on it, and it will not have an adverse impact on rates of coastal change elsewhere.
<b>Ministry of Defence installations that require a coastal location</b>	Possibly	Possibly	Possibly	Ministry of Defence installations that require a coastal location can be permitted within a CCMA, provided there are clear plans to manage the impacts of coastal change. Where the

Type of development	Short term (up to 2025)	Medium term (2025-2055)	Long term (2055-2105)	Explanation
				installation will have a material impact on coastal processes, this will need to be managed to minimise adverse impacts on other parts of the coast.

## Flooding

2.37 Paras 165 – 175 detail various aspects that affect planning and flooding. The main points concerning the Local Plan are that:

- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk;
- Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources;
- All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property; and
- The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage.

## Sustainable drainage

2.38 Paras 173 and 175 outline where sustainable drainage systems should be utilised. For para 173, part c) says sustainable drainage systems will need to form a part of developments that are in areas at risk from flooding, unless there is clear evidence that this would be inappropriate. Para 175 states that:

major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

## Planning Practice Guidance on Flood Risk and Coastal Change

- 2.39 Planning Practice Guidance on [flood risk and coastal change](#) sets out advice on how address risks posed by flooding and coastal changes. This includes the Strategic Flood Risk Assessment process and the processes on assessing sites that fall within higher risk flood zones, sustainable drainage systems as well as how to work with the Marine Management Organisation (MMO) on a coordinated approach to inshore, near shore and offshore coastal planning.

## Water usage and efficiency

- 2.40 Para 158 says that ‘plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.’

## **Regional Policy**

### Sussex Local Nature Recovery Network

- 2.41 There is currently a multi-organisation approach to devising a Local nature Recovery Network in Sussex. Organisations involved include East Sussex CC, West Sussex CC, the [Sussex Nature Partnership](#) and the [Sussex Wildlife Trust](#) with the Sussex Wildlife Trust providing an illustrative graphic on what a Recovery Network could encompass (Figure 2, below).

Figure 2: Sussex Wildlife Trust illustrative network map



- 2.42 A strategy is currently being developed amongst the Network Partnership which will help inform how Rother fits into this wider strategy.

### South Foreland to Beachy Head Shoreline Management Plan (April 2006)

- 2.43 A Shoreline Management Plan (SMP) provides a large-scale assessment of the risks associated with coastal evolution and presents a policy framework to address these risks to people and the developed, historic and natural environment in a sustainable manner. In doing so, an SMP is a high-level document that forms an important part of the Department for Environment, Food and Rural Affairs (Defra) strategy for flood and coastal defence.
- 2.44 Within Rother, there are several areas of shoreline (4c14-4c22 and 4c26-4c27), or Policy Units, each with their own specific plan and characteristics. These can be viewed either on the [South East Coastal Group's](#) website or the recently launched [SMP Explorer](#) website from Defra.

2.45 When looked at in combination with the NPPF and PPG for Coastal Change Management Areas (CCMAs), the following conclusions (Figure 3) can be drawn on the relevance of CCMAs for Rother.

Figure 3: Shoreline Management Plan and Coastal Change Management Areas

SMP Policy Unit	Present day (2006-2025) policy	Medium term (2026-2055) policy	Long term (2056-2105) policy	CCMA implications
<b>4c14 - Lydd Ranges</b>	Hold The Line (updated from Managed Realignment)	Hold The Line (updated from Managed Realignment)	Hold The Line (updated from Managed Realignment)	Hold The Line means a CCMA is not needed. The policy was Managed Realignment but the Folkestone to Cliff End flood and erosion management strategy 2010 changed this)
<b>4c15 - Jury's Gap to The Suttons</b>	Hold The Line	Hold The Line	Hold The Line	Hold The Line means a CCMA is not needed
<b>4c16 - Camber Sands</b>	Hold The Line	Hold The Line	Hold The Line	Hold The Line means a CCMA is not needed
<b>4c17 - River Rother</b>	Hold The Line	Hold The Line	Hold The Line	Hold The Line means a CCMA is not needed
<b>4c18 - River Rother to Cliff End</b>	Hold The Line	Hold The Line	Hold The Line (updated from Managed Realignment)	Hold The Line means a CCMA is not needed. The long term policy was Managed Realignment but the Folkestone to Cliff End flood and erosion management strategy 2010 changed this)
<b>4c19 - Cliff End to Fairlight Cove</b>	No Active Intervention	No Active Intervention	No Active Intervention	No Active Intervention means a CCMA can be designated
<b>4c20 - Fairlight Cove East (Sea Road)</b>	Managed Realignment	Managed Realignment	Managed Realignment	Managed Realignment means a CCMA can be designated
<b>4c21 - Fairlight Cove Central (Rockmead Road)</b>	Hold The Line	Hold The Line	Managed Realignment	Managed Realignment means a CCMA can be designated
<b>4c22 - Fairlight Cove West</b>	No Active Intervention	No Active Intervention	No Active Intervention	No Active Intervention means a CCMA can be designated

<b>4c26 - Bexhill to Cooden</b>	Hold The Line	Hold The Line	Hold The Line	Hold The Line means a CCMA is not needed
<b>4c27 - Hooe and Pevensey</b>	Hold The Line	Hold The Line	Hold The Line	Hold The Line means a CCMA is not needed

2.46 As Figure 3 shows, there is scope for the Council to implement CCMA's as part of the Local Plan. The SMP is being refreshed and any evidence that emerges from it that could be used to support the Local Plan will be utilised.

2.47 There are three sources of data [that tend to be used](#) when defining a CCMA and these will be considered when looking into any CCMA's for Rother:

- the SMP indicative erosion zone 2105;
- the National Coastal Erosion Risk Mapping 5th %ile long-term 50-100 year extent; and
- the Flood Zone Map.

2.48 The Council is working with neighbouring authorities in the County to develop a consistent approach to devising CCMA's to reduce the potential for different approaches to have adverse impacts on other authorities. This process will continue to develop throughout the production of the Local Plan which may see the policy position change over this time period.

### South Marine Plan 2018

2.49 The South Marine Plan introduces a strategic approach to planning within the inshore and offshore waters between Folkestone in Kent and the river Dart in Devon. It provides a clear, evidence-based approach to inform decision-making by marine users and regulators on where activities might take place within the marine plan area.

2.50 For this background paper, this primarily affects any developments that impact on environmental designations present in coastal locations within the Plan area.

### **County policy and guidance**

## East Sussex Environment Strategy 2020

- 2.51 The East Sussex Environment Board, a partnership of private, public and educational sector organisations, have developed an Environment Strategy for the county to “drive measurable improvements in our environment, to ensure East Sussex continues to be where people want to live, work, study, visit and do business.”
- 2.52 The Strategy is divided into five key themes:
- Climate change;
  - Natural capital;
  - Air quality;
  - Water; and
  - Resource efficiency.
- 2.53 For this background paper, evidence about natural capital, air quality and water will be important in ensuring that the priorities in Rother are aligned to those for the county.
- 2.54 On natural capital, “the long term aim of this Strategy is for East Sussex to achieve a growing and resilient stock of natural capital.”
- 2.55 For air quality, “the long term aim of this Strategy is for all of East Sussex to meet the air quality standards recommended by the World Health Organisation.”
- 2.56 And finally, looking at water, “the long term aim of this Strategy is for East Sussex to achieve a resilient and sustainable water supply for consumers and the environment.”

## Guide to Sustainable Drainage Systems (SuDS) in East Sussex (2015)

- 2.57 As the Lead Local Flood Authority, East Sussex County Council have provided [guidance](#) in June 2015 on the use of SuDS in the county. The guidance outlines that SuDS are needed due to, in part, the increasing impermeable surfaces being constructed restricting rain water from naturally soaking into the ground and therefore flowing into the sewerage network and overloading it.



- 2.58 The guidance provides various examples of SuDS along with a process diagram of how to deliver SuDS alongside the secondary benefits they can bring, such as enhancing open spaces and improving biodiversity.

## **Adopted Local Policy**

### Rother Local Plan Core Strategy 2014

- 2.59 Within the Core Strategy there are several policies that relate to Environmental Management:
- SRM2: Water Supply and Wastewater Management;
  - EN5: Biodiversity and Green Space;
  - EN6: Flood Risk Management; and
  - EN7: Flood Risk and Development
- 2.60 There are other policies within the Core Strategy that have an impact on the environment, such as on energy.

### Rother Development and Site Allocations (DaSA) Local Plan 2019

- 2.61 Within the DaSA there are further policies that are supportive of environmental management:
- DRM1: Water Efficiency;
  - DEN4: Biodiversity and Green Space;
  - DEN5: Sustainable Drainage;
  - DEN6: Land Stability; and
  - DEN7: Environmental Pollution
- 2.62 Like with the Core Strategy, there are policy areas that are covered in other background papers, primarily the policies affecting the High Weald Area of Outstanding Natural Beauty.

### Article 4 Directions at Fairlight Cove

- 2.63 In 2022, the Council [made two new Article 4 Directions](#) which cover land and residential properties adjacent to the coast at Fairlight Cove. The effect of the Article 4 Directions at Fairlight Cove is to remove permitted development rights for certain householder developments. This means that planning permission will be required to carry out those developments. The Article 4 Directions are necessary so that any development near the cliff edge which has the potential to impact on land stability is subject to a planning application so that the risks can be properly assessed.
- 2.64 Due to the nature of how an Article 4 Direction is implemented, it is anticipated that the two Directions will come into force on 30 September 2023.

## 3 Strategic/Corporate Policy Framework

### Corporate Plan 2020-2027

- 3.1 Within the climate emergency part of the Corporate Plan, there is an aim to include “policies that demand higher bio-diversity net gain measures from developments than required by the National Planning Policy Framework, subject to evidence gathering and allowances within the regulations.” There is also the aim to be “actively managing our green spaces to maximise carbon reduction effectiveness.” Whilst this is intended to be conducted through an Asset Management Plan for green assets, it is possible to support green spaces through policies in the Local Plan.

### Strategy Documents

#### Climate Strategy 2030

- 3.2 The Council’s [Climate Strategy](#) builds on the previous Environment Strategy which was produced in 2020 after the Council declared a climate emergency. The Climate Strategy sets out how the Council will use its powers and influence to make the district climate-resilient, and reduce emissions to net zero, by 2030. It sets out five objectives which cover:
- Buildings and Energy Efficiency
  - Transport
  - Resource Consumption and Waste
  - Biodiversity and Land Use
  - Energy Generation
- 3.3 Each of these objectives contains output mechanisms with which the objectives can be achieved. Many of these can be achieved through the planning system, such as new buildings being net zero or carbon negative and supporting renewable energy generation. Whilst these examples are not specifically covered in this background paper, the Strategy’s objectives should lead to an improvement of the environment.

## 4 Facts and Figures

### Local Plan Monitoring

- 4.1 Policies RA2 (i, ii, viii), RA3 (v) and RA4 (ii) (iv) of the Core Strategy aim to promote environmentally sensitive land management in a way that supports the diversity of natural habitats. This is measured by looking at the condition of designated SSSIs in Rother, as shown in Figure 4.

Figure 4: SSSI conditions in Rother

SSSI Unit Condition	2020	2021	Change
Favourable	63.3%	54.2%	-9.1%
Unfavourable recovering	32.5%	29.2%	-3.3%
Unfavourable no change	1.7%	2.5%	0.8%
Unfavourable declining	1.7%	13.3%	11.6%
Part destroyed	0.8%	0.8%	0.0%

- 4.2 Policy SRM2 (i) supports maintaining an adequate, safe water supply, use water resources efficiently, and avoid their pollution. The indicator to measure this is the bathing water quality at beaches in Rother, as shown in Figure 5.

Figure 5: Bathing water quality in Rother

Bathing Water Quality	2018	2019
Bexhill	Sufficient	Sufficient
Camber	Excellent	Excellent
Norman's Bay	Good	Good
Winchelsea	Excellent	Excellent

- 4.3 Policies EN1, EN2, EN4 and EN5 intend to conserve, manage and, where appropriate enhance, the high quality landscape resources, including the High Weald Area of Outstanding Natural Beauty and the historic built environment. These policies are measured in several different ways. One is the SSSI conditions, shown in Figure 4. Another measurement is the area of Ancient Woodland within Rother. As of the revision of the Ancient Woodland Inventory in 2010, there is some 8,055 ha of Ancient Woodland in Rother, approximately 15.5% of its total area.
- 4.4 Policies EN1 and EN5 also help to protect important ecological resources in Rother, and, where appropriate, enhance these as part of a wider approach to 'green space'. The metric for this is also the conditions of SSSI units in Rother.

- 4.5 Policies EN6 (i-iv) and EN7 (i-iv) aim to protect communities from flooding and effectively manage risk. This is gauged through two measures. The first is the number of planning permissions granted contrary to EA advice; in 2020/21, there were no permissions granted contrary to EA advice. The score measure is the number of properties at risk from flooding. In September 2016 there were 8,301 residential properties at risk of flooding (in flood zones 2 or 3) in Rother.

## SA/SEA Scoping Report Indicators

### Biodiversity – Areas infringed by planning applications

- 4.6 The Biodiversity Annual Monitoring Report for Rother District (2021) outlined the protecting areas that were infringed by planning applications, with the area in hectares monitored and shown in Figure 6.

*Figure 6: Areas infringed by Planning Permissions*

Areas infringed by Planning Permissions	2019/20	2020/21	Change
Ramsars	0.25	1.08	0.83
Special Areas of Conservation (SAC)	0.02	0.01	-0.01
Special Protection Areas (SPA)	0.24	1.07	0.83
Areas of Outstanding Natural Beauty (AONB)	416.70	280.55	-136.15
National Nature Reserves (NNR)	0.00	0.00	0.00
Sites of Special Scientific Interest (SSSI)	1.27	1.13	-0.14
Local Wildlife Sites (LWS)	1.27	2.90	1.63

### Biodiversity – Woodland Access

- 4.7 There are three different metrics used to measure woodland access, as shown in Figure 7 to Figure 9 below, showing the levels of accessible woods, inaccessible woods and also the amount of woodland that would need to be created for people to have good access to it.

*Figure 7: Accessible woods*

Accessible woods	2015	2017	Change
% of population with access to a 2ha+ wood within 500m	22.1%	22.5%	0.4%
% of population with access to a 20ha+ wood within 4km	87.5%	87.6%	0.1%

Figure 8: Inaccessible woods

Inaccessible woods	2015	2017	Change
% extra population with access to a 2ha+ wood within 500m if existing woods opened	45.9%	45.6%	-0.3%
% extra population with access to a 20ha+ wood within 4km if existing woods opened	9.9%	9.1%	-0.8%

Figure 9: Woodland creation

Woodland creation	2015	2017	Change
% of population requiring new woodland to be able to access a 2ha+ wood within 500m	32.0%	31.9%	-0.1%
% of population requiring new woodland to be able to access a 20ha+ wood within 4km	2.5%	3.3%	0.8%

## Biodiversity – Infringement on habitats by planning applications

4.8 Another biodiversity measure used is looking at the areas of different habitats that were infringed by planning applications. The summary of these areas is shown in Figure 10.

Figure 10: Habitats infringed by planning applications

Habitats infringed by Planning Applications	2019/20	2020/21	Change
Ancient woodland	26.65	55.52	28.87
Coastal & floodplain grazing marsh	0.39	1.64	1.25
Coastal saltmarsh	0.00	0.00	0.00
Coastal sand dunes	0.00	0.08	0.08
Coastal vegetated shingle	0.00	0.00	0.00
Deciduous woodland	50.96	50.08	-0.88
Ghyll woodland	5.65	9.74	4.09
Intertidal chalk	0.00	0.00	0.00
Intertidal mudflat	0.00	0.00	0.00
Lowland calcareous grassland	0.00	0.00	0.00
Lowland fen	0.00	0.00	0.00
Lowland heathland	0.00	0.00	0.00
Lowland meadow	0.00	0.00	0.00
Maritime cliff and slope	0.00	0.00	0.00
Reedbed	0.00	0.00	0.00
Saline lagoon	0.00	0.00	0.00
Traditional orchard	3.62	0.13	-3.49
Wood-pasture & parkland	54.14	10.26	-43.88
<b>Total</b>	<b>141.41</b>	<b>127.45</b>	<b>-13.96</b>

## Indices of Multiple Deprivation: Living Environment

- 4.9 The Living Environment Deprivation Domain measures the quality of the local environment. The indicators that constitute this domain are: houses without central heating, housing in poor condition, air quality (based on emissions rates), and road traffic accidents involving injury to pedestrians and cyclists. A rank/score of 1 is equal to the most deprived. Where the score is higher than the rank, it indicates that there is a high degree of polarisation, as the average rank tends to flatten out the scores given to LLSOAs, as deprived areas tend to have more 'extreme'. The average rank has reduced from 137<sup>th</sup> to 120<sup>th</sup> with the average score also reducing from 132 to 107.

## 5 Evidence

### **A Green Future: Our 25 Year Plan to Improve the Environment and the Environmental Improvement Plan 2023**

5.1 The Government produced what is known as the 25 Year Environment Plan in 2018 which set out several goals for improving the environment:

- Clean air
- Clean and plentiful water
- Thriving plants and wildlife
- A reduced risk of harm from environmental hazards such as flooding and drought
- Using resources from nature more sustainably and efficiently
- Enhanced beauty, heritage and engagement with the natural environment
- Mitigating and adapting to climate change
- Minimising waste
- Managing exposure to chemicals
- Enhancing biosecurity

5.2 This would be achieved by focusing on the following six areas:

- Using and managing land sustainably
- Recovering nature and enhancing the beauty of landscapes
- Connecting people with the environment to improve health and wellbeing
- Increasing resource efficiency, and reducing pollution and waste
- Securing clean, productive and biologically diverse seas and oceans
- Protecting and improving the global environment

5.3 Since the publication of the 25 Year Environment Plan, the Government have produced the Environmental Improvement Plan 2023 which sets out the Government's progress to date and also how the goals set in the 25 Year Environment Plan would be met by 2043.

5.4 The 25 Year Environment Plan set into motion a number of measures that the Council will be considering as part of this Local Plan, such as the Green



Infrastructure Framework that Natural England have developed or the Nature Recovery Networks that are being discussed at the East Sussex level.

## **Biodiversity Net Gain**

- 5.5 The Government have published [guidance](#) on Biodiversity Net Gain (BNG) which sets out how BNG will be handled as part of the planning process.

### Percentages in Local Plans above the statutory minimum

- 5.6 As the Environment Act allows scope for Local Plans to require a higher percentage of BNG than the minimum 10%. Research from [Carter Jonas](#) in April 2022 showed that at the time 10 Local Planning Authorities were seeking a higher percentage net gain through Local Plan policies. The most recent research by [Carter Jonas](#), for Q4 2023, says this has doubled to 20.

- 5.7 The Kent Nature Partnership, the Council's neighbouring Nature Partnership, have produced an evidence base to outline both a [justification](#) for a 20% net gain (dated September 2020) and subsequently a [viability assessment](#) (dated June 2022) to support this position. The viability assessment looked into the different development typologies and drew out the additional cost per dwelling that a 15% and 20% net gain would be both on and offsite. The assessment concluded that for Kent (amongst other conclusions):

- *“A shift from 10% to 15% or 20% BNG will not materially affect viability in the majority of instances when delivered onsite or offsite.*
- *“The biggest cost in most cases is to get to mandatory, minimum 10% BNG. The increase to 15% or 20% BNG in most cases costs much less and is generally negligible.*
- *“Local Authorities who wish to pursue BNG in excess of 10% should expect push back on the policy – and the need for a local viability assessment to support it. However, this study shows an assessment is likely to demonstrate viability will not be negatively impacted (to a material extent) for BNG increases of up to 20%. Because costs are small BNG is unlikely to impact the viability threshold significantly.”*

- 5.8 Whilst this viability assessment was for Kent, it demonstrates that there is the potential to work towards seeking a higher percentage in other parts of the wider

region. The Sussex Nature Partnership are having discussions around this topic but these are only at a very early stage.

## Location of where the net gain is sought

- 5.9 Alongside looking at the percentage of net gain required, there is a debate over whether the gain is delivered onsite, offsite or a mixture of both measures. [Advice from PAS](#) explains that there is an inbuilt multiplier in the Natural England Biodiversity Metric for delivery of the net gain on or close to the development, with the biodiversity value of habitats being reduced the further away from the development.
- 5.10 The PAS guidance also explains that any offsite BNG will need to be secured through a legally binding process such as a Section 106 legal agreement or through a conservation covenant on the land. These both have different resource, monitoring and enforcement considerations.

## **Green Infrastructure**

### A Green Infrastructure Study (August 2011)

- 5.11 The purpose of the study was to provide background evidence in support of the Core Strategy and other Local Development Framework (LDF) documents. The aim was to:
- To identify the approach to green infrastructure in Rother District;
  - Identify key green spaces that contribute to green infrastructure in the district. This exercise will draw on relevant existing evidence sources;
  - To identify potential opportunities for green infrastructure in the district and identify any gaps in the data; and
  - To provide recommendations for a green infrastructure policy and to highlight opportunities for future provision.

### Green Infrastructure Background Paper Addendum (2016)

- 5.12 Core Strategy Policy EN5 contains measures to protect and enhance biodiversity, geodiversity and greenspace. It seeks to link areas of greenspace via a network of

GI; to support opportunities of management, restoration and creation of habitats; to improve accessibility to the countryside from urban areas, to ensure that development retains, protects and enhances habitats and requires developers to integrate biodiversity into development.

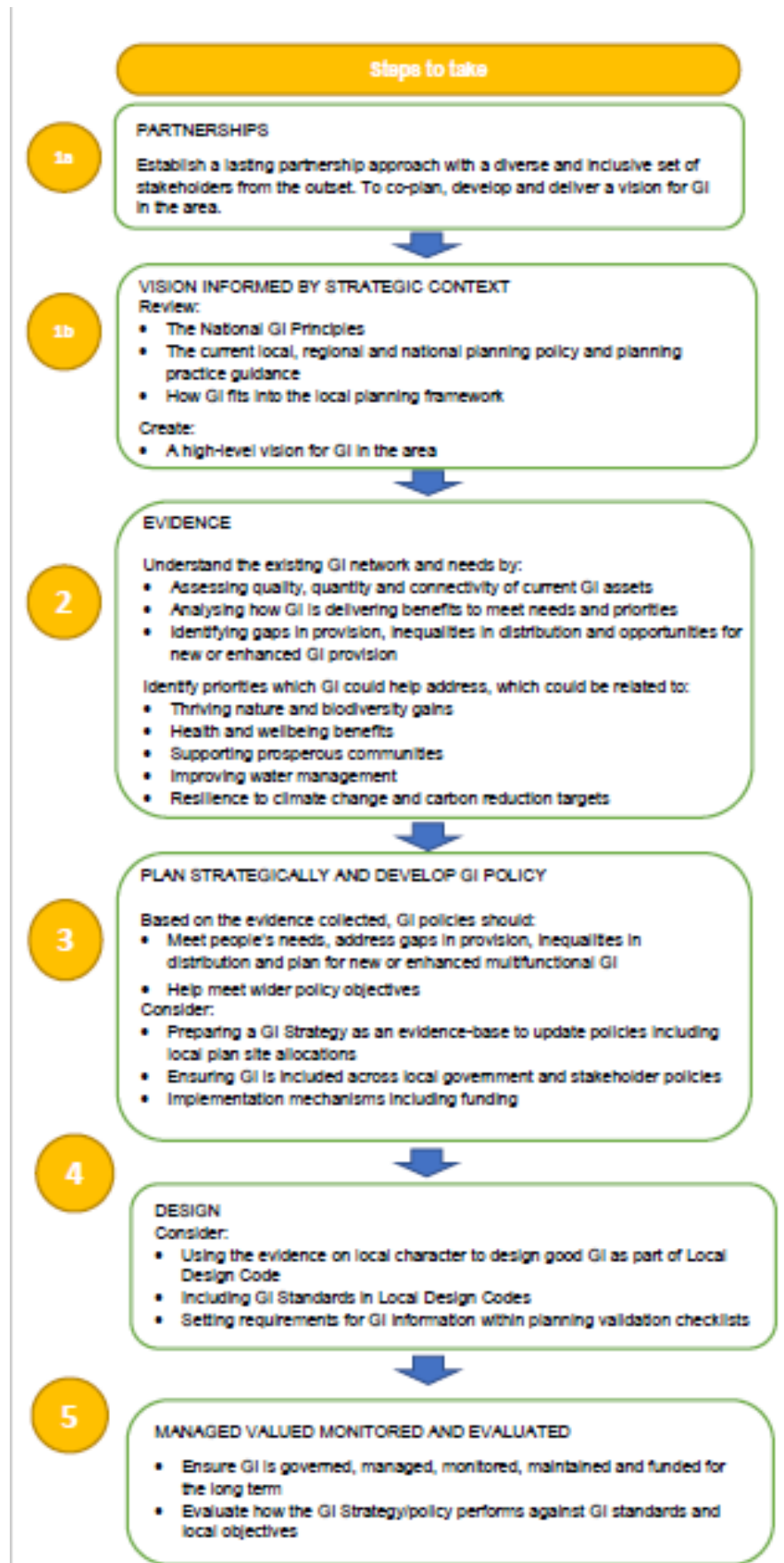
- 5.13 Where it is likely that a proposal will impact upon any of protected or priority species, designated sites, important habitats, or other biodiversity features on, or near the application site., up-to-date biodiversity information should be provided with a planning application. The type of assessment needed will vary from a biodiversity survey and report to EIA and Appropriate Assessment if a European Site is involved.

### Natural England Green Infrastructure Framework

- 5.14 Natural England are developing a Green Infrastructure Framework, which is a commitment in the Government's 25 Year Environment Plan. The framework consists of GI principles and standards, a mapping database and GI process journeys written for the different strands of an LPA (DM, policy and strategy). There is a GI Design Guide in the pipeline and a set of GI Standards, the Core Menu of Standards to be used alongside the Urban Greening Factor tool. This will include an updated Accessible Natural Greenspace Standards and a Tree Canopy Cover Standard.
- 5.15 The Process Journey for LPAs has been designed for local authority planners intending to use the GIF to develop green infrastructure policy for inclusion in a local plan, as a dedicated green and blue infrastructure strategy or as a component of another related strategy. It can also be used to help embed GI informed decision making across local authority departments and for sharing with external stakeholders. The aim is to enable the development of informed and comprehensive GI related policy that is based on national principles. standards and data, which can be built on to address local needs and respond to local opportunities.
- 5.16 The Process Guides are one part of the framework and should be used in conjunction with the GI Principles and the on-line GI mapping database and User Guide. The introduction of Local Nature Recovery Strategies (LNRs) across England will affect the process of local policy and plan-making including GI. See table below.

- 5.17 The GI Principles set out why do GI, what good GI is and how to do it. They intend to provide a baseline for different organisations to develop stronger green infrastructure policy and delivery. The 15 principles are divided into the ‘Why’ – the 5 Benefit Principles, ‘What’ – the 5 Descriptive Principles, ‘How’ – The 5 Process Principles.
- 5.18 Benefit Principles: Why GI is needed:
- Active and healthy places
  - Nature rich beautiful places
  - Thriving and prosperous communities
  - Understanding and managing water environment
  - Resilient and climate positive places
- 5.19 Descriptive principles: What good GI looks like
- Multifunctional
  - Varied
  - Connected
  - Accessible
  - Character
- 5.20 Process principles: How to do good GI
- Partnership and vision
  - Evidence
  - Plan strategically
  - Design
  - Managed, valued and evaluated
- 5.21 The GI Framework will be fully available in the autumn of 2022 with the design guide, case studies, process journeys and GI standards to come.
- 5.22 Figure 11 below shows the Process Journey for Local Planning Authorities – Steps to take.

Figure 11: Process Journey for Local Planning Authorities – Steps to take



## **Flood risk management and coastal issues**

### Rother District Council Strategic Flood Risk Assessment

- 5.23 The SFRA will assess the risk to Rother district from flooding from all sources, now and in the future, taking account of the impacts of climate change. It will also consider the impact that land use changes and development in the area will have on flood risk. It made several recommendations which will be incorporated into the proposed policies.

### Environment Agency South East Flood Risk Management Plan

- 5.24 Flood risk management plans (FRMPs) explain the risk of flooding from rivers, the sea, surface water, groundwater and reservoirs. FRMPs set out how risk management authorities will work with communities to manage flood and coastal risk over the next 6 years. Risk management authorities include the Environment Agency, local councils, internal drainage boards, National Highways and lead local flood authorities (LLFAs).

### East Sussex County Council Local Flood Risk Management Strategy 2016-2026

- 5.25 The East Sussex Local Flood Risk Management Strategy provides the framework for the management of local flood risk in the county and focuses on the management of flood risk from surface water, groundwater and ordinary watercourses.

### South Foreland to Beachy Head Shoreline Management Plan

- 5.26 The South Foreland to Beachy Head [Shoreline Management Plan](#) (SMP) was produced by the South East Coastal Group in 2006. The SMP provides a large-scale assessment of the risks associated with coastal evolution and presents a policy framework to address these risks to people and the developed, historic and natural environment in a sustainable manner.

- 5.27 Defra have recently published an SMP Explorer webpage bringing together all SMPs under one website, including the [South Foreland to Beachy Head SMP](#). From here,

it is possible to more easily navigate the SMP and view the protection measures in place for the coast.

AECOM: Water. People. Places.

- 5.28 This guidance outlines the process for integrating sustainable drainage systems (SUDS) into the master planning of large and small developments.

Coastal Change Management Areas – example adopted local plans

### **Swale Borough Local Plan 2031 (adopted July 2017)**

- 5.29 Policy DM 23 of the [Swale Borough Local Plan](#) outlines the requirements for the CCMA (which appear to be broadly in line with the NPPF and PPG) and the [technical paper](#) sets out more detail as how they were defined. When comparing to the Flood Zones, it appears that this boundary broadly follows that of Flood Zone 3.

### **Waveney Local Plan 2036 (adopted March 2019)**

- 5.30 Policy WLP8.25 of the [Waveney Local Plan](#) sets out their approach for a CCMA. The boundaries drawn are those that the relevant SMP stated would be the predicted coastline location in 100 years time from the SMP modelling baseline (i.e. 2105). On top of this, the Council noted that due to the uncertainty over the modelling, any application within 30 metres of this CCMA would also need to undertake a Coastal Erosion Vulnerability Assessment in line with PPG guidance to demonstrate the development passes NPPF paragraph 172 for being of a suitable nature.

### **Dover District Council Land Allocations Local Plan (adopted 2015)**

- 5.31 The Dover DC [plan](#) sets out seven CCMA's and these were [devised](#) through offsetting the present day cliff top line by the modelled erosion setback distance in the 2105 epoch of the SMP. An additional buffer of the same distance was added to each end of the CCMA to account for the fact that erosion levels will not just intrude inland.

## EA Folkestone to Cliff End flood and erosion management strategy 2010

- 5.32 The [Folkestone to Cliff End Strategy](#) was approved by Defra in 2010. It set out the plans to manage flood and erosion risks along the Romney Marsh coastline over the next 100 years, taking the predicted impacts of climate change into account. For Rother, the strategy covers the coastline from Jury's Gap through Rye/Rye Harbour to Cliff End. Several projects are under development, such as the Pett Sea Defences, with other projects under development, such as the Lydd Ranges Sea Defences which extend up to Jury's Gap.

## EA Cooden to Cliff End Coastal Defence Strategy 2004

- 5.33 This [strategy](#) study considers the 19 kilometres of shoreline between Cooden and Cliff End Rother. The frontage comprises two distinct coastal areas at risk in Rother: Bexhill and Fairlight. The Strategy set out a preferred option in maintains the existing defence alignment and focuses on utilising the existing defence elements most effectively, in line with the SMP in place at that time.

## EA Pevensy Bay to Eastbourne Coastal Management Plan

- 5.34 This [strategy](#), launched in November 2021, covers the 15km coastline from Cooden Beach (not Pevensy Bay as the name suggests) through to Holywell in Eastbourne, and therefore covers a small extent of Rother's coastline from Cooden Beach to Normans Bay. The project aims to tackle the current known risks associated with climate change, including moving shingle away from Cooden to other places that need it to maintain the wider area's coasts.

## **Water efficiency**

### Building Regulations Approved Document G: Sanitation, hot water safety and water efficiency

- 5.35 Regulation 36 in section G2 outlines that the water consumption of a new dwelling should be either 125 litres per person per day, or 110 litres per person per day where this is conditioned as part of the planning permission. In Rother, policy



DRM1 of the DaSA states that the lower figure of 110 litres is to be used, and as such this forms part of the conditions on relevant permissions. The following subsections will demonstrate that this can continue to remain as policy in the new Local Plan.

### South East Water's Water Resources Management Plan 2020-2080

- 5.36 The water resources management plan sets out how South East Water will plan to secure water supplies for today's and tomorrow's customers, from 2020 to 2080. The plan sets out the estimate of the amount of water that will be needed, and what will need to be done – where and by when – to meet those future water needs. This plan balances the needs of customers and the environment as well as the cost of implementing it.

### Southern Water's Water Resources Management Plan 2020-2070

- 5.37 Southern Water's Water Resources Management Plan (WRMP) sets out how they propose to ensure that there is a secure and reliable supply of water for their customers over a 50 year period. It is updated every five years to take account of new information. The WRMP contains detailed proposals that take account of challenges known to already exist, and a range of future uncertainties. They identify a number of improvements and new developments in the WRMP that they propose in response to these challenges and uncertainties, to ensure water supplies are available in the future.

### Environment Agency Water Stressed Areas – Final Classification 2021

- 5.38 Rother District is served by both South East Water and Southern Water for its freshwater. Both water companies are [classed](#) as being seriously water stressed. This classification fed into the Water Efficiency Background Paper and the 110 litres per head per day requirement under Building Regulations.

## **Water quality**

### Southern Water Drainage and Wastewater Management Plan 2020-2050

5.39 Drainage and Wastewater Management Plans (DWMPs) are new plans that set out how water and wastewater companies intend to extend, improve and maintain a robust and resilient drainage and wastewater system. DWMPs must improve the water sector's approach to long-term drainage and wastewater planning with a view to providing greater transparency, robustness and clarity towards investment decisions. Rother District is within two river catchments, the Cuckmere and Pevensey Levels catchment and the Rother catchment, with each of these catchments having specific issues addressed in the DWMP.

## Southern Water: Fairlight East Sussex Pathfinder: Technical Report

5.40 The Fairlight catchment, located in East Sussex, was specifically chosen as a Pathfinder catchment due to historical and current flooding occurrences and current sewer overflow performance within the area. The original Fairlight sewer network was built to perform as a partially separate system with wastewater flows and roof drainage connecting into the sewerage network. Over time, the village has developed extensively, and the system now performs as a combined system conveying excess water from surface water runoff, resulting in numerous storm overflow discharges and property flooding.

5.41 The report categorises four types of interventions that would reduce the risk of flooding and storm overflow use and the specifics of each intervention is contained in the report:

- Operational interventions;
- Upstream source control (removing and slowing the flow of rainwater);
- System optimisation (making better use of the existing infrastructure); and
- Infrastructure enhancements (build larger infrastructure).

5.42 The Council will continue to work with Southern Water on solutions both in Fairlight and across the District.

## South East river basin district river basin management plan

5.43 The Environment Agency produce a River Basin Management Plan (RBMP) as a statutory document for each river basin district (RBD) in England and identifies

environmentally sensitive waterbodies at risk of not meeting water quality targets, and opportunities to protect and improve them.

## **Air pollution**

### Rother Air Quality Report 2022

- 5.44 The Air Quality Report “fulfils the requirements of Local Air Quality Management (LAQM) as set out in Part IV of the Environment Act (1995) and the relevant Policy and Technical Guidance documents.

*“The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives. This Annual Status Report (ASR) is an annual requirement showing the strategies employed by RDC to improve air quality and any progress that has been made.”*

- 5.45 Since RDC has no AQMAs, no formal AQAP has been implemented for the district.

## **Noise Pollution**

### Chartered Institute of Environmental Health (CIEH) and the Institute of Acoustics (IoA) Heat Pumps Professional Advice Note

- 5.46 An [advice note](#) has been produced regarding the noise levels produced by Heat Pumps. Whilst many Heat Pump installations are Permitted Development, they are required to meet certain criteria such as Air Source Heat Pumps complying with the Microgeneration Certification Scheme (MCS) Planning Standards or an equivalent standard. The MCS Standard sets out a calculation to determine if an installation will meet the Standards and therefore be Permitted Development.
- 5.47 However, the MCS Planning Standards assume a background noise level of 40dB(A) for Air Source Heat Pump installations. This level could exceed the background

noise levels in Rother, which can range between 25dB(A) and 30dB(A) and can be as low as 20dB(A) at night in some parts of the District<sup>4</sup>. This therefore presents the potential for noise complaints as Air Source Heat Pumps could be operating above the existing background noise levels whilst fully complying with the Permitted Development regulations.

- 5.48 The advice note therefore recommends the standard developed by the CIEH and IoA which should be quiet enough to prevent complaints and an assessment of a Statutory Nuisance which is a 'rating' level to be <35dB(A) at the façade of the nearest noise sensitive receptor. With a 15dB(A) loss across an open window, the 'rating' level inside would be 20dB(A) and therefore around the typical background noise levels in the District<sup>5</sup>.
- 5.49 As such, it is recommended to take up this guidance to ensure that new Air Source Heat Pumps are being installed to an appropriate noise level. This guidance would be able to be applied to any planning application submitted for an Air Source Heat Pump. Whilst it is difficult to make this guidance mandatory for those Air Source Heat Pumps that are Permitted Development, it is the advice of Environmental Health officers and the authors of the Standard (the CIEH and IoA) that it is best to promote this Standard as to minimise the likelihood of any potential Statutory Nuisance complaints from Air Source Heat Pumps in the future.

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<sup>4</sup> On the advice of Rother District Council's Environmental Health officers

<sup>5</sup> Based on the interpretation of the CIEH and IoA Standard by Rother's Environmental Health Officers.

## 6 Consultation and Engagement

### Early Engagement Responses

6.1 As part of the Council’s early engagement in 2020 (amongst Councillors, Town and Parish Councils, Neighbourhood Plan groups, and targeted organisations), Figure 12 to Figure 14 showing that biodiversity was a key issue identified as being a critical part of Rother by 2039.

Figure 12: What should the District look like by 2039?



Figure 13: What should have been achieved? (by 2039)



Figure 14: What should these objectives cover? Please list up to 10 objectives that you think are the most important to Rother District.



## Working Groups

### Sussex Air Quality Partnership

- 6.2 The Air Quality Partnership was set up in 2000 and comprises officers from all the Local Authorities in Sussex. The aim of the partnership is to assist partners in complying with their statutory Local Air Quality Management duties and to contribute to improving air quality and health in Sussex. The Partnership have produced an [air quality and emissions mitigation guidance](#) document for planning authorities and developers. This is so they can both assess the potential for air quality impacts from development and transport-related emissions and provide a consistent approach to mitigating those impacts.

### Sussex Nature Partnership

- 6.3 The Nature Partnership was established in 2014 as a means to enable local stakeholders to work in a joined up and strategic way to help manage the natural environment to produce multiple benefits for people, the economy and the environment. More recently, in 2021, the Nature Partnership set up a new “Local Authority Network” to provide a formal link to the 11 district and borough councils in Sussex and to provide a means for sharing knowledge and information across these organisations on issues relating to nature and nature-based solutions.

## **Duty to Cooperate**

- 6.4 As part of the Duty to Cooperate Process, the Council has already met with several organisations that form part of the prescribed bodies under the Legislation contained within section 33A of the Planning and Compulsory Purchase Act 2004 (added through the Section 110 of the Localism Act 2011) and Section 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 6.5 This work will continue throughout the Local Plan process and the nature of engagement will evolve as more of the evidence base is produced and the Local Plan itself progresses.

## 7 Key Issues

- 7.1 Based on the evidence base provided in this background paper a number of key issues can be drawn out.

### **The percentage of Biodiversity Net Gain required**

- 7.2 The Environment Act sets out a legislative minimum requirement for a 10% net gain. As outlined in the Council's Corporate Plan, there is a will to aim for a higher percentage to be required.
- 7.3 As set out in Section 5: Evidence, there are a Local Plans that are introducing policies that seek a higher percentage and work has been done in Kent on producing a justification and viability assessment on this. As such, any evidence base on how a higher percentage of net gain could be sought would need to come through the Sussex Nature Partnership.

### **The preferred location of any Biodiversity Net Gain**

- 7.4 As outlined in Section 5: Evidence, there is flexibility in the location of where any BNG is first required to be delivered. Further guidance is anticipated before the full launch of BNG and this will help to continue to shape the Council's policy approach.

### **Protecting the coastline against future changes to sea level and coastal line**

- 7.5 The current data used in the underlying models that feed into data such as Flood Zones and the Shoreline Management Plan will be reflective of the current understanding of change. As climate change, and the impacts this would cause, is likely to change over the plan period then these models will be updated in the future. As such, as planning policies that utilise these datasets should be flexible to ensure that the Council can adapt into the future as more evidence is produced.



## **Designating Coastal Change Management Areas**

- 7.6 The NPPF encourages the designation of CCMA's and as evidenced in Figure 3 there is an ability for the Council to do this based on the current SMP from 2006. As the SMP is being updated, the current defensive positions in the Plan may change and this would have a bearing on what areas could be designated in the Local Plan.

## **Changes to the types of flood risk that need to be taken into consideration**

- 7.7 Since the publication of the Core Strategy and the DaSA there has been an update to the NPPF and PPG regarding flood risk. It is now required that all forms of flooding are taken into account when allocating development. Whilst the site allocations are coming forward outside of this background paper, it is still important to ensure that District wide policies are reflective of the change in national policy.

## **Water usage of new development**

- 7.8 As Rother District is classed as a water stressed area, this (in part) allows the Council to require that new residential developments are built to use less water. The issues around water stress are could get worse with a combination of an increased risk from climate change and a growing population placing greater demands on water usage.

## **Safeguarding land for future use**

- 7.9 As is stated in Core Strategy Policy SRM2, the policy safeguards land around Bewl Water reservoir for its possible raising. This viewpoint could be adopted across all reservoirs in the District as well as for any other areas of land that are currently adjacent to current uses that may need to expand, such as wastewater treatment works. A flexible approach to the safeguarding of land may become more important as the companies that operate the facilities to be safeguarded update their future plans into the Local Plan period. This would broadly be in line with other safeguarding policies in the adopted Local Plan, such as for sustainable transport.

## 8 Vision and Spatial Objectives for the Local Plan

### Vision

- 8.1 Environmental management forms part of the vision, particularly the need to ensure that development protects the designated habitats across the district. Other aspects of the vision seek to ensure development is protected from flood risk. Environmental management will also play a role in helping to address other parts of the vision, such as addressing the climate and biodiversity emergencies.

### Spatial Objectives

- 8.2 Out of the ten spatial objectives, the themes contained within this background paper will help to preserve the protected habitat areas of Rother and ensure sensitive development that allows communities to thrive (objective 2) as well as promoting high quality design (objective 3). As with the vision, other objectives may indirectly be addressed through the themes and proposed policies in this background paper.

## 9 Policy Options

### Policy area 1: Sustainable drainage

#### Policy option 1a: Sustainable drainage

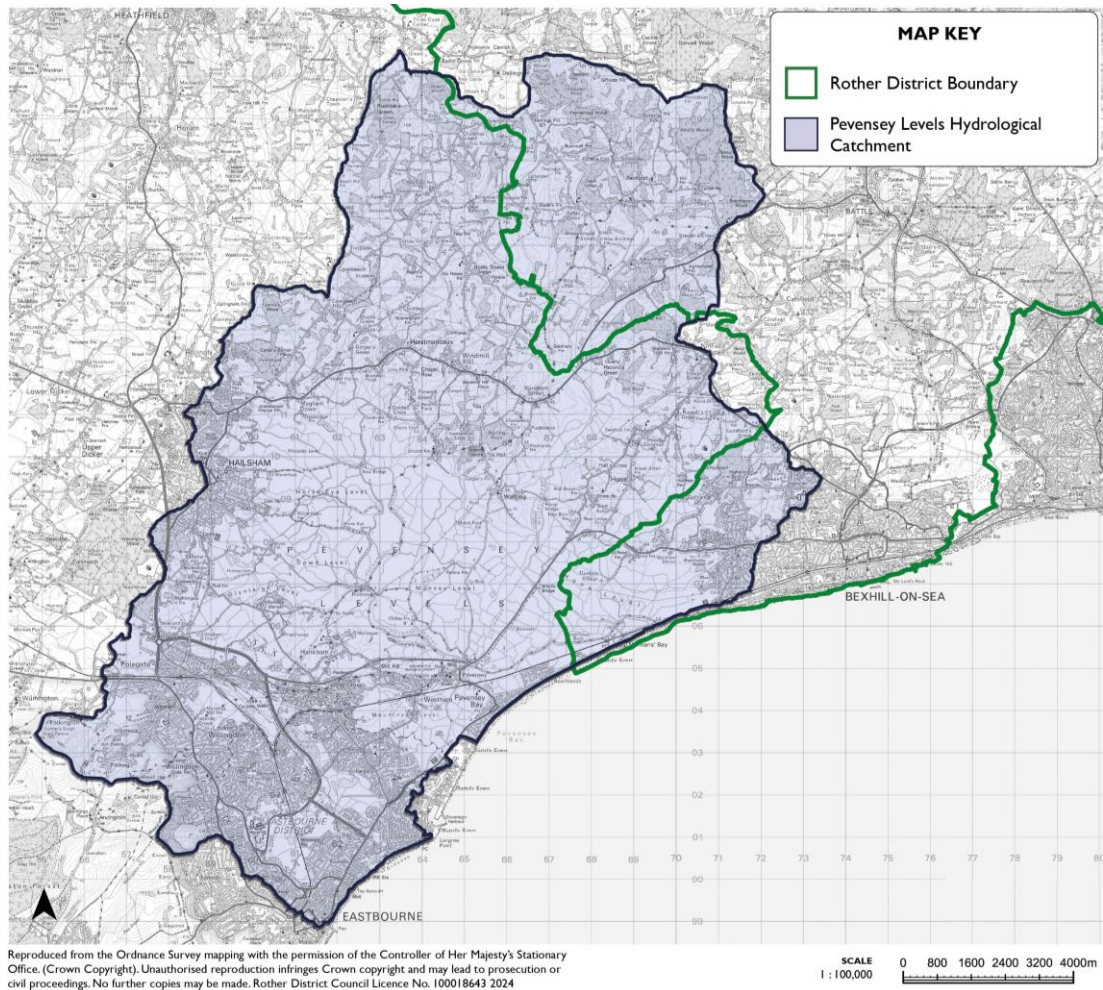
- 9.1 Current adopted policy, primarily DaSA DEN5, sets a strong position to build on and incorporate the latest guidance received from statutory bodies such as the LLFA and Natural England.

*For planning permission to be granted, applicants must demonstrate that sustainable drainage is an integral part of the proposed development and its design. In particular:*

- (i) drainage should be designed and implemented having regard to the latest local, regional and national guidance. Applicants must also demonstrate that arrangements are in place for ongoing maintenance of Sustainable Drainage Schemes (SuDS) over the lifetime of the development;*
- (ii) peak run-off rates from development must be the lower of the two following options: either the greenfield rate in terms of volume and flow; or the existing rate/volume of discharge;*
- (iii) for all development, including outline applications, sufficient space must be given within a site to ensure that the SuDS can be accommodated within the layout of the site;*
- (iv) for phased development, a Drainage Strategy should be provided which takes a strategic approach to drainage provision across the entire site and incorporates adequate provision for SuDS within each phase;*
- (v) SuDS should be designed and implemented wherever possible to be ‘multi-functional’ and deliver other policy objectives where appropriate, such as: the provision of habitats and support for biodiversity; reinforcing local landscape character; enhancing the design of development; provision of open space/*

*recreation; promotion of water use efficiency and quality; reducing risks of land instability; and incorporation into any green and blue infrastructure plans;*

- (vi) at Fairlight Cove, drainage proposals should accord with Policy X [Land Stability] and Policy X [Fairlight Cove Coastal Change Management Area];*
- (vii) new development should utilise opportunities to reduce the causes and impacts of all sources of flooding, ensuring flood risks are not increased elsewhere, that flood risks associated with the construction phase of the development are managed, and that surface water run-off is managed as close to its source as possible;*
- (viii) all developments should demonstrate all surface water will pass through at least two treatment stages. For development in the hydrological catchments of Pevensey Levels and the Dungeness Complex of Natura 2000 sites, a minimum of three stages of treatment will be required;*
- (ix) any planning application, including in outline, that triggers a Habitats Regulation Assessment (HRA) will need to provide sufficient details of an appropriate surface water drainage scheme to satisfy the HRA.*



## Policy area 2: Coastal, water and flood risk management

9.2 Currently, Core Strategy Policy SRM2 covers the issues on the more strategic side of fresh water and wastewater management. Whilst the adopted policy wording is still broadly accurate, the structure of this new Local Plan means that some of these issues are going to be covered in other policies. This policy area also looks to incorporate the relevant existing policies in Core Strategy EN6 and EN7 to form one coherent policy as well as relevant recommendations from the Council's 2021 SFRA.

### Policy option 2a: Coastal, water and flood risk management

*The effective management of the coast and water, as well as the risks posed by flooding, will be achieved through:*

- (i) *Ensuring that new development does not have an adverse effect on the water quality and potential yield of water resources, in line with the objectives of the South East River Basin Management Plan, including reference to groundwater ‘source protection zones’;*
- (ii) *Ensuring that new development does not adversely impact any Ordinary Watercourse, Main River or flood and sea defences, as defined through the Environmental Permitting Regulations (2016, as amended), including through the use of buffer zones to the edge of new developments, which is also controlled through byelaw margins by the EA and Internal Drainage Boards.*

*The Council will seek opportunities, on a site-by-site basis, and on the advice of statutory consultees, such as in areas at risk of flooding now or in the future, to increase the buffer distances defined in the Environmental Permitting Regulations (2016, as amended) to ‘make space for water’, allowing additional capacity to accommodate climate change.*

- (iii) *If development is, exceptionally, accepted in flood risk areas, consideration is paid to the layout and form of development to minimise development at risk from flooding now and in the future;*
- (iv) *Contributions will be sought for improvements to infrastructure to mitigate against flood risk where it is deemed necessary;*
- (v) *Private, non-mains foul drainage systems are not environmentally acceptable within publicly sewered areas. Planning applications must demonstrate that connection to the public sewer is feasible and any mitigating measures necessary to enable a connection must be identified and agreed between the applicant and the sewerage undertaker.*

*If a non-mains drainage solution is proposed, an applicant must demonstrate that it is not reasonable to connect to the public sewer. Sufficient information to understand the potential implications for the water environment of non-mains drainage must be submitted, including the Environment Agency’s [Foul drainage assessment form \(FDA1\)](#). The hierarchy of non-mains alternative solutions must be followed:*

- (a) *Package sewage treatment plants (which may be offered to the sewerage undertaker for adoption) where effluent goes through a wetland prior to discharge into the watercourse/ground as that will improve water quality; then*

- (b) *Septic tanks; then*
- (c) *In the last instance, a cesspool if no other solution is possible.*

## **Policy area 3: Water efficiency**

- 9.3 As detailed, Rother District Council is in a position to require all new residential developments to meet the stricter water usage criteria set out in building regulations.

### Policy option 3a: Water efficiency

- 9.4 One policy option is to carry forward all of DaSA policy DRM1 as this satisfies the triggering point needed for the building regulation to come into force.

*New development should plan positively to minimise its impact on water resources. All new dwellings are required to be designed to achieve water consumption of no more than 110 litres per person per day.*

### Policy option 3b: Water efficiency (with strengthened wording)

- 9.5 Another policy option is to carry forward DRM1 with some rephrasing of the existing opening part of the policy to demonstrate a greater level of intent on reducing water consumption in Rother. This is through taking some of the supporting text to the existing policy into the policy itself to give it greater weight in the decision-making process.

*All new dwellings must be designed to achieve the Optional Technical Housing Standard of no more than 110 litres per person per day for water efficiency as described in Building Regulation G2.*

*The extent to which a proposal can demonstrate being water efficient will be a factor weighing in favour of a proposed development (where appropriate when accounting for design, heritage and safety considerations).*

*New development, including residential extensions and alterations, should minimise its impact on water resources. As such, rainwater and/or grey-water storage and recycling measures, green roofs and walls, and other water efficiency measures are encouraged.*

## **Policy area 4: Land stability**

### Policy option 4a: land stability

- 9.6 This policy area looks to broadly carry forward DaSA Policy DEN6. The policy applies to all types of unstable locations. There is naturally some synergy with any policies that seek to protect Rother's coastal areas and currently there are policies adopted in the Core Strategy that also protect this as well as the new policy proposed regarding Coastal Change Management Areas.

*New development, including residential extensions and alterations, will only be permitted on unstable or potentially unstable land, including former landfill sites and coastal margins, where:*

- (i) the nature of the instability has been properly assessed through a full land instability risk assessment report; and*
- (ii) any remedial measures required to ensure that the development does not add to the instability of the site or surrounding land, are environmentally acceptable, and are normally implemented prior to the commencement of building works.*

*The use of infiltration to manage surface water will not be allowed, unless a qualified geotechnical engineer has assessed the risk.*

## **Policy area 5: Coastal Change Management Areas**

- 9.7 As explained earlier in this background paper, the NPPF and PPG explain the process of how a local authority can designate a CCMA. This approach is supported by the 2021 SFRA, specifically in recommendation 14.2.2 which states that:

*'Under the South Foreland to Beachy Head Shoreline Management Plan (SMP) a 'no active intervention' approach is followed between Cliff End and Fairlight*



*Cove and at Fairlight Cove West resulting in continued cliff erosion and land loss. Therefore, it is recommended that the area shown to be at risk of erosion by 2105 in Appendix C of the SMP is designated as a Coastal Change Management Area and appropriate policies with regards to future developments (including extensions, caravan sites etc.) and support with long term adaptation for existing communities are developed.'*

## Policy option 5a: Coastal Change Management Areas in the Fairlight Cove area

*The coastal zone at Fairlight Cove (as shown in both Figure 15 below and on the Local Plan Policies Map) is designated as the Fairlight Cove Coastal Change Management Area.*

*Permanent new residential development (including through change of use) will not be acceptable in the Fairlight Coastal Change Management Area. Soakaway drains will not be permitted within the Fairlight Cove CCMA.*

*Any other forms of development will only be considered acceptable if a coastal change vulnerability assessment, which is proportionate to the scale and type of development, demonstrates that:*

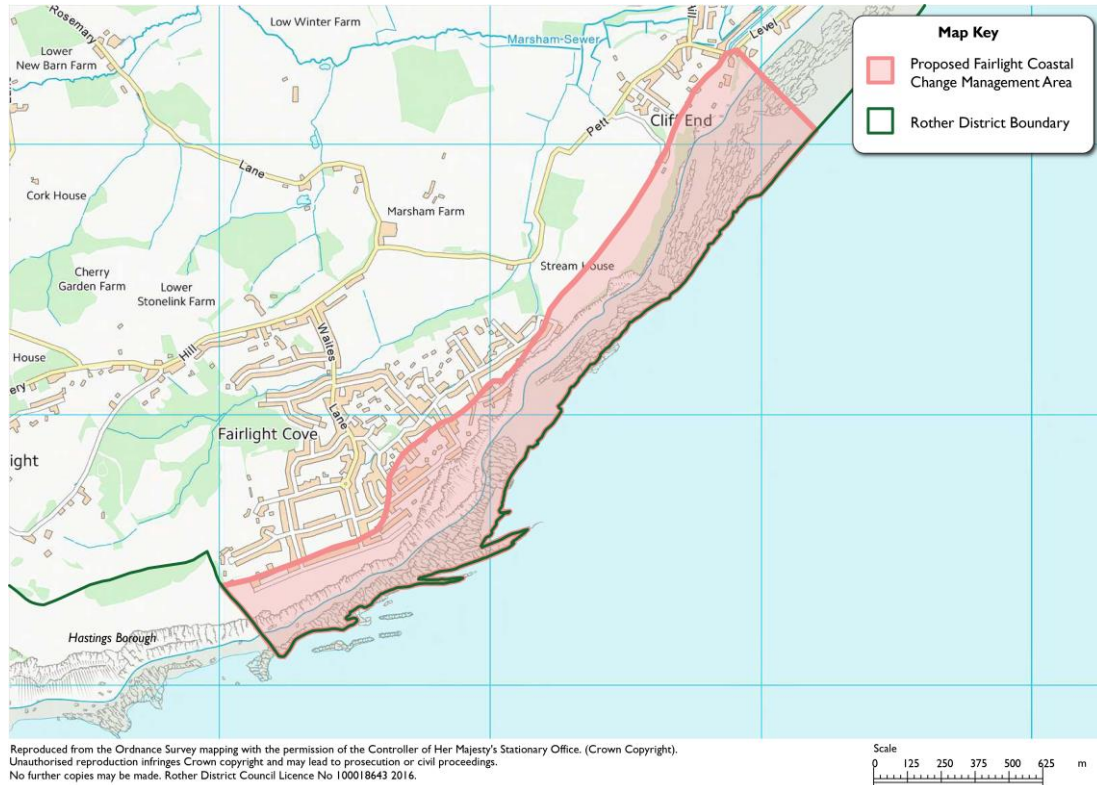
- (i) the development is necessary in that specific location;*
- (ii) it will be safe over its planned lifetime<sup>6</sup>;*
- (iii) it will not have an unacceptable impact on coastal change, including the character of the coast (and any designations);*
- (iv) the development provides wider sustainability benefits; and*
- (v) the development does not hinder the creation and maintenance of the King Charles III English Coast Path, National Cycle Network, or any other public rights of way adjacent to or that benefit from views or access to the coast.*

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<sup>6</sup> Residential development is defined as having a lifetime of at least 100 years. The starting assumption for non-residential development is 75 years.

The Council may grant a time-limited permission to minimise the longer-term risks to a particular development.

Figure 15: The area of coast bound by the green lines perpendicular to the coast and land between the blue lines and red lines parallel to the coast is designated the Fairlight CCMA



## Policy option 5b: Coastal Change Management Areas for the whole of Rother’s coast

- 9.8 An alternative policy option would be to require the same criteria as policy option 5a above but to extend the extent of the CCMA to the whole of Rother’s coastline, instead of just the Fairlight/Fairlight Cove area. The spatial extent this would apply to needs further investigation.

## Policy option 5c: Relocating uses away from the Coastal Change Management Area

- 9.9 As per the NPPF and PPG, the other part of designating a CCMA is to make provisions for the relocation of development and infrastructure. There are similar considerations for all forms of development that can be relocated away from the coast. As the SMP considers a 20 year period as “the present day”, this has been

used as the point at which a development at risk could submit a proposal to relocate.

*Any proposals for the relocation of an existing development situated within the Coastal Change Management Area to outside of it must relate to a site at risk of loss within 20 years (the short term) of the application being made. The new development must:*

- (i) be located outside and inland of the Coastal Change Management Area, such that the coastal change risks associated with the proposed site are less than the existing site;*
- (ii) be of a similar scale and character to the existing development, whilst still having regard for the character of the new location; and*
- (iii) Include plans to remove and clear any structures on the existing site to make it as safe as possible.*
- (iv) When relating to residential development, be in a location that is no less sustainable than the location it is currently situated in; or*
- (v) When relating to non-residential development, be in a location that is still accessible to the existing coastal community it currently serves.*

*Development must still accord with all other relevant policies within the Local Plan.*

## **Policy area 6: Habitats and species**

### Policy option 6a: Habitats and species

- 9.10 This policy area looks to combine where relevant Core Strategy EN5 and EN6 and DaSA DEN4 to create one comprehensive policy for protecting these important biodiversity sites. Additions and enhancements of policy wording have been considered on advice from Sussex Wildlife Trust via the Council's Environment Strategy Officer as well as the 2021 SFRA.

- (i) *Development proposals should, in respect of sites protected for their habitats and species and having regard to the local context, seek to conserve, enhance and provide the appropriate management for the biodiversity and ecological value of:*
  - (a) *international, national, regional and local designated sites of biodiversity and geological value;*
  - (b) *Irreplaceable habitats (as defined by the NPPF) as well as hedgerows;*
  - (c) *Protected Species, and Priority Habitats and Species both within and outside designated sites; and*
  - (d) *Any other ecological feature or network (either green or blue in character) that is deemed appropriate to consider.*

*Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause no or minimal harm, incorporating measures for prevention, mitigation and (only in the last resort) compensation. This should be carried out under the Habitats Regulations Assessment where appropriate.*

- (ii) *Support opportunities for management, restoration, creation and enhancement of habitats in line with the opportunities identified for the Biodiversity Opportunity Areas (BOAs), targets set out in the Sussex Biodiversity Action Plan, and/or the Local Nature Recovery Strategy;*
- (iii) *Have regard to Natural England's Green Infrastructure Framework and associated standards and guidance;*
- (iv) *ensure any proposed flood protection measures have full regard to sensitive areas designated with specific nature conservation and biodiversity interests.*
- (v) *For Ancient Woodland, a development buffer zone of at least 15 metres will be required. An impact assessment will be required where any development is proposed within 25 metres of Ancient Woodland to demonstrate that the proposed buffer zone avoids negative effects on the habitat;*

- (vi) *For ancient and veteran trees<sup>7</sup> a buffer zone of at least five metres from the canopy edge will be required. An impact assessment will be required where any development is proposed within 10 metres to demonstrate that the proposed buffer zone avoids negative effects on the habitat.*

## **Policy area 7: Environmental pollution**

- 9.11 Currently, DaSA policy DEN7 is the key policy that sets out the considerations regarding all types of environmental pollution. Core Strategy policy OSS4 also currently sets out a general development consideration that any development ‘does not unreasonably harm the amenities of adjoining properties.’

### Policy option 7a: Environmental pollution

- 9.12 This policy option looks to retain Policy DEN7 with an additional reference in part (ii) to noise generating equipment so that there is a clearer expectation on these types of equipment.

*Development will only be permitted where it is demonstrated that there will be no adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, airborne pollutants, water quality, land contamination, odour, hazardous and/or non-hazardous substances associated with development.*

*This includes where appropriate, the cumulative impacts of existing and proposed developments. Developments should put good design first to minimise the need for mitigation measures.*

*Regarding specific forms of pollution:*

- (i) ***in relation to noise***, consideration will also be given to the character of the location and established land uses. Also, in the case of new noise-sensitive development, the ‘agent of change’ principle applies to the new development and appropriate design and mitigation must be provided in the new development. In

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<sup>7</sup> As defined by the NPPF

*any instance, good acoustic design will be required (as set out within [Professional Practice Guidance on Planning & Noise - New Residential Development](#))*

- (ii) **in relation to new noise generating equipment**, any such installation should have regard to the existing background noise levels of the area and not be louder than existing background noise levels. In some cases the Council may require equipment to be below background noise levels; and*
  
- (iii) **in relation to lighting**, the proposed scheme is necessary and the minimum required, and is designed to minimise light pollution including light glare and sky glow and to conserve energy, through the use of best available technology, having regard to the lighting levels recommended by the Institution of Lighting Professionals (ILP) for the relevant environmental zone. Development should also be in accordance, where relevant, with Policy X [Dark Skies].*

*Permitted development rights for any noise generating equipment may be removed via condition where it is felt reasonable and necessary to ensure the protection of the environment from any form pollution.*

*A suitably qualified person must be used to carry out any assessments to demonstrate compliance with this policy.*

## 10 Sustainability Appraisal

### Summary of policy areas from sustainability appraisal

Policy area	Option	Comments and recommendation
<b>Policy area 1: Sustainable drainage</b>	A standalone policy covering a wide range of policy matters relating to Sustainable Drainage Schemes (SuDS)	This policy option intends to strengthen the existing DaSA policy DEN5 with guidance provided from the Lead Local Flood Authority and Natural England. As such, this policy option is recommended.
<b>Policy area 2: Coastal, water and flood risk management</b>	A standalone policy combining existing policies	Through taking direction from existing Core Strategy policies SRM2, EN6 and EN7, this proposed policy option aims to create a more overarching policy on the themes and is therefore recommended.
<b>Policy area 3: Water Efficiency</b>	A standalone policy to just trigger the optional building regulations standard	This policy option is designed to satisfy the requirement in building regulations to reduce water consumption from 125 litres per person per day to 110, mirroring the existing DaSA policy DRM1. It is not recommended to take forward this policy option for the reasons explained below.
<b>Policy area 3: Water Efficiency</b>	A standalone policy to both trigger the optional standard as well as seek efficiency measures more generally	This policy option looks to enhance the water efficiency policy by drawing on the supporting text to the DaSA policy DRM1. This is in line with the Council's wider ambitions of the Plan. As such, it is recommended to take this policy option forward.
<b>Policy area 4: Land stability</b>	A standalone policy for a district wide approach to land stability	This policy option is recommended as it looks to broadly carry forward the DaSA policy DEN6 but modified slightly to not conflict with the proposed policy for Coastal Change Management Areas.
<b>Policy area 5: Coastal Change Management Areas</b>	A Coastal Change Management Area in the Fairlight Cove area	Based on the NPPF and PPG, this policy looks to restrict certain types of development in an area of land most at risk from coastal processes.
<b>Policy area 5: Coastal Change Management Areas</b>	A Coastal Change Management Area for the whole of Rother's coast	The drawback with this policy option is there is less of a clear directive of the spatial extent the policy should cover, and therefore is not recommended at this stage.
<b>Policy area 6: Habitats and species</b>	A standalone policy looking to cover both legally and non-legally protected habitats and species	This policy option is recommended as it builds on the existing Core Strategy policies EN5 and EN6 as well as DaSA policy DEN4. The enhancements are based on evidence bases as well as advice from external organisations.
<b>Policy area 7: Environmental Pollution</b>	A standalone policy to cover all forms of environmental pollution with specific subpoints for more specific policies on certain forms of pollution	Taking the existing DaSA policy DEN7, this policy option looks to take the latest guidance available to make the policy up to date. As such, it is recommended to take this policy option forward.



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