

## **Matter 7: Specific Sites Statements**

Prepared by

KEMBER LOUDON WILLIAMS



**On behalf of  
Mr C Simmons (Respondent ID 194)**

**Examination of the  
Hastings Borough Council Planning Strategy**

**January 2013**

---

## Matter 7: Specific Sites

### CONTENTS

	Page
1 <u>IS THE LOCAL PLAN SUFFICIENTLY IN ACCORD WITH NATIONAL PLANNING POLICY WITH REGARD TO SUITABLE LAND FOR HOUSING AND OTHER MATTERS INCLUDING RECREATION, LEISURE AND CULTURE?</u>	3
 <u>APPENDICES</u>	
APPENDIX 1 - MASTERPLAN FOR LAND OWNED BY MR SIMMONS NOVEMBER 2011	10

Prepared by Kember Loudon Williams LLP  
Contact: David Bedford ([David.Bedford@klw.co.uk](mailto:David.Bedford@klw.co.uk))  
Tel: 01892 750018  
Ridgers Barn, Bunny Lane, Eridge, Tunbridge Wells, TN3 9HA  
Our Reference: 12/043



- 
- 1 This statement presents evidence on behalf of Mr Simmons, in relation to questions raised by the Inspector with regards to land at Breadsell Lane. It should be read in conjunction with our statement on Matter 3 ‘general housing’ because of the close inter-relationship between the proposed allocation and its overall impact upon housing provision within the Hastings Borough.

**SHOULD THE LOCAL PLAN IDENTIFY LAND AT BREADSELL LANE FOR HOUSING? WHAT ARE THE CONSTRAINTS TO ITS DEVELOPMENT, AND HOW COULD THEY BE REDUCED OR OVERCOME? HOW MANY DWELLINGS COULD BE ACCOMMODATED THERE?**

**Background**

- 2 The Core Strategy ‘Preferred Approaches’ Document (2008) identified Mr Simmons’ land as part of a major Greenfield site that had genuine prospects to provide up to 1000 new dwellings (200 in Rother District and 800 in Hastings Borough) during the emerging Local Plan period.
- 3 The NPPF<sup>1</sup> acknowledges that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns. The early iterations of the Council’s planning strategy drew the same conclusion, with the proposed allocation of land at Breadsell Lane being the Council’s intended strategy at ‘preferred options’ stage.
- 4 Within the Preferred Approaches Consultation Document there was an unambiguous acknowledgement<sup>2</sup> by the Council that a strategic development of this land would provide the very best opportunities for providing essential infrastructure, such as improved transport, community and recreational facilities. It was also acknowledged that a large strategic site would provide opportunities for higher standards of sustainable design and construction, which would assist in combating climate change during the plan period.

---

<sup>1</sup> Paragraph 52.

<sup>2</sup> See paragraphs 7.9 and 7.10 of the Core Strategy Preferred Approaches Document Consultation Version May 2008.

- 
- 5 An accompanying Sustainability Appraisal document, which sat alongside the consultation document, underpinned the sustainability merits of the allocation of the land.
- 6 Notwithstanding the initial support from the Council, during the latter stages of production of the plan Natural England raised an objection to the identification of the Breadsell area for housing development. Its main concern was the potential impact on the adjacent Marline Valley Woods Site of Special Scientific Interest (SSSI), and particularly how this might affect the bryophyte populations associated with the Marline Stream.
- 7 As a result of Natural England’s objection, the Council abandoned its preferred strategy and reduced the overall provision to compensate for the loss of units at Breadsell Lane. We therefore consider that the Council’s reduced housing provision figure is a result of the loss of this strategic site and not as a result of an informed and evidenced strategy. On this basis, we do not consider that the strategy seeks to meet objectively assessed housing need, nor is it positively prepared or justified. The strategy is therefore unsound.
- 8 Further to this, the removal of the site due to Natural England’s objection has not been justified by evidence. Neither has a balancing exercise been undertaken to compare the undoubted benefits of a new residential development, in an area of high market and affordable need, against the unknown risk facing the bryophyte population. This also renders the strategy unjustified and unsound.

**What are the constraints to its development and can they be overcome?**

- 9 The site is the only strategic Greenfield opportunity that is not located within a protected Area of Outstanding Natural Beauty. In this respect, the NPPF<sup>3</sup> states that in preparing to meet development needs, plans should allocate land with the least environmental or amenity value. The prudent use of land at Breadsell Lane will be

---

<sup>3</sup> Paragraph 110

---

consistent with this aspect of the NPPF and will provide much longer-term protection for the more sensitively constrained sites in the Borough, ensuring their continued protection beyond at least 2028. This matter is not in dispute, as documented by the fact that the site was well supported by the Council prior to the objection from Natural England.

- 10 Natural England opposes the development due to the potential of risk to water quality, quantity and the hydrological regime, not as a result of robust evidence that any harm would occur as a result of development. On this basis, it is Natural England's desire for additional monitoring to be undertaken before it would lift its objection. It is therefore important to understand that this is a holding objection that seeks additional information rather than an informed objection based on identified harm. We therefore consider a strategic allocation that includes suitably worded criteria for hydrology investigations would be a sound option should the Inspector be minded to accept our case for the inclusion of the site. This would constitute the same approach as would be adopted with matters of ecology, arboriculture and any other form of site investigation.
- 11 Mr Simmons has commissioned a number of technical studies to address how development of the site can be delivered without adverse impact upon the adjacent SSSI, including a Southern Water Study, which addresses options for foul drainage provision, a Surface Water Strategy and a Wastewater Drainage Strategy.
- 12 For the purpose of a strategic allocation, Mr Simmons has provided more than sufficient evidence to demonstrate that any risk to the adjacent SSSI can be adequately mitigated. Whilst it is the responsibility of Natural England to oversee the natural environment and particularly Sites of Special Scientific Interest, it is unreasonable to resist or significantly delay a sustainable development with such undisputed social and economic benefits on the sole basis of a lack of information.
- 13 Within Mr Simmons' Surface Water Strategy Report there is also a consultant response explaining why the data Natural England requires should not drive decisions about the

---

use of land for development. The Surface Water Strategy is clear that a baseline study would not necessarily provide any relevant data. For example, groundwater levels will reflect rainfall patterns over the period in question unless these are measured over a very long period, they can also be misleading if for instance rainfall had been well below or above normal rates. Similarly, water quality in the watercourse and groundwater will reflect current use of the land, and this again will depend whether the ground has been used for pasture or arable use. Point pollution from the surface water outlets from the development on the opposite side of the valley will also have an impact on water quality, and would be dependent on rainfall patterns and when the samples are taken.

14 We therefore conclude the baseline data is not required for the inclusion of a strategic allocation. Instead a decision should be made in regards to how it is proposed the development will be managed to ensure groundwater levels and surface water run-off are maintained at existing levels.

15 In this respect, the Surface Water Strategy submitted in support of a strategic allocation goes on to detail specific technical measures that can be put in place to ensure that groundwater levels and surface water can be managed so as not to adversely impact upon the SSSI. We therefore consider it provides sufficient evidence to justify the inclusion of an allocation and a more detailed policy with mitigation measures included within the Site Allocations and Development Management DPD. Without robust evidence to the contrary the Council's resistance of a strategic allocation is unjustified and unsound.

**How many dwellings could be accommodated**

16 Within the Council's preferred options report, the Council estimated that land at northwest Hastings could accommodate approximately 1000 new dwellings, of which it envisaged 800 units would be located within the Hastings Borough and 200 further units adjacent to the Borough boundary in Rother District. We consider this yield remains realistic if a large-scale strategic allocation was included within the strategy.

- 
- 17 Alongside our representations on the Submission Draft, an indicative masterplan was produced to provide an indication of the likely level of development that could be accommodated on land owned by Mr Simmons. A copy of this masterplan is included at **Appendix 1**.
- 18 The masterplan identifies 13 separate parcels of land within the Hastings Borough, which would provide approximately 9 ha of housing land. An additional 3 ha of land is considered suitable for housing adjacent to the Hastings boundary in Rother District.
- 19 On the basis that land at Breadsell Lane provides the last unconstrained Greenfield development opportunity in the Borough, prudent use should be made of the land by promoting an efficient density. In order to provide a reasonable mix of dwelling types and tenures, we consider that a density of 50 dwellings per hectare (dph) would be appropriate. Mr Simmons' land could therefore yield approximately 450 units within Hastings Borough and 600 units including land within Rother District.
- 20 Taking into consideration the densities required by policy H1, densities of 30 and 40 dwellings per hectare would reduce the capacity to 270 and 360 units respectively for Mr Simmons' land (within the Hastings Borough). However, these densities are identified for a strategy based on the re-use of urban brownfield sites and do not consider how best to develop a large Greenfield development, therefore we maintain that these densities would not represent efficient use of finite undeveloped land.
- 21 The proposed provision of housing on our client's land would also open access to approximately 8 ha of developable land to the south, which although in alternative ownership, has also been promoted for allocation through the Local Plan.
- 22 Taking into consideration the above, we consider there to be approximately 17 hectares of developable land in the Hastings Borough and 3 hectares over the boundary in Rother District at Breadsell Lane. At 50 dph, we consider a realistic yield of approximately 850 units in Hastings Borough, and 150 units in Rother, resulting in

---

potential for a strategic allocation of 1000 units. This is consistent with the level identified by the Council at the preferred options stage.

- 23 Notwithstanding the above, we consider that a strategic allocation should not be prescriptive in respect of a specific capacity figure. Instead this should be considered in further detail through the Site Allocations and Development Management DPD.

### **Conclusions**

- 24 Taking into consideration the above evidence, we consider that the council's decision to remove land at Breadsell Lane from the planning strategy without robust evidence has rendered the strategy unsound, as it no longer the most reasonable strategy when compared with the alternative of a large Greenfield allocation.

- 25 This, along with further failures in respect of not addressing the objectively assessed housing need for the area, and a non robust housing land supply (See matter 3 statement), results in a strategy that is neither positively prepared or in accordance with National planning policy.

- 26 Notwithstanding the above, we consider that the plan could be made sound through the inclusion of land at Breadsell Lane as a strategic housing allocation. Such approach would result in the Council increasing the level of housing and thereby meeting as much unmet need as possible, albeit in the knowledge that the full need cannot be met within the wider environmental constraints of the Borough.

- 27 The sites removal from a seventeen-year planning strategy on the basis that Natural England requires additional baseline monitoring data does not constitute positive planning or follow the presumption in favour of sustainable development. Adequate and robust evidence has been presented on behalf of Mr Simmons to positively show how ground and surface water can be managed to prevent adverse impact upon the adjacent SSSI. A strategic policy allocation restricting development to the second half of the plan period would provide the land owner with the scope to undertake further



---

monitoring to the satisfaction of the Natural England, whilst allowing the Council to manage the release of the land.

28 The inclusion of a strategic policy will provide the flexibility that will underpin the overall distribution of development and ensure as much of the objectively assessed housing need can be met as possible.

29 In conclusion, we consider that to make the Hastings Planning Strategy sound a strategic allocation at Breadsell Lane is required. Our suggested wording is as follows:

**PROPOSED STRATEGIC POLICY 1**

*'Land at Breadsell Lane is allocated as a strategic housing site to meet the long term residential needs of the Borough. The land shall be brought forward for housing after 2018, unless the land is required earlier to maintain a robust supply of housing land in the Borough.*

*Prior to 2018, a hydrological baseline position should be established for the adjacent SSSI site. Development shall not come forward until sufficient hydrological monitoring has been undertaken that demonstrates that development of the site can be completed without adverse impact upon the adjacent SSSI'.*

**Suggested Delivery Mechanisms**

*The Allocations and Development Management Plan DPD should allocate the site boundary and define an indicative capacity for the site.*

*The land should not be considered for development until after 2018 unless there is an identified shortfall of housing. The test for its release prior to 2018 should be whether the Annual Monitoring Report shows an adequate supply of deliverable sites to meet five years worth of supply plus an additional 20% buffer.*

*The hydrological study of the site should be managed in consultation with Natural England in order to preserve the existing features of the adjacent SSSI.*

---







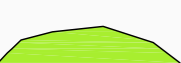






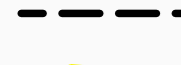





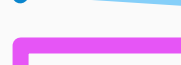


## Appendix 1

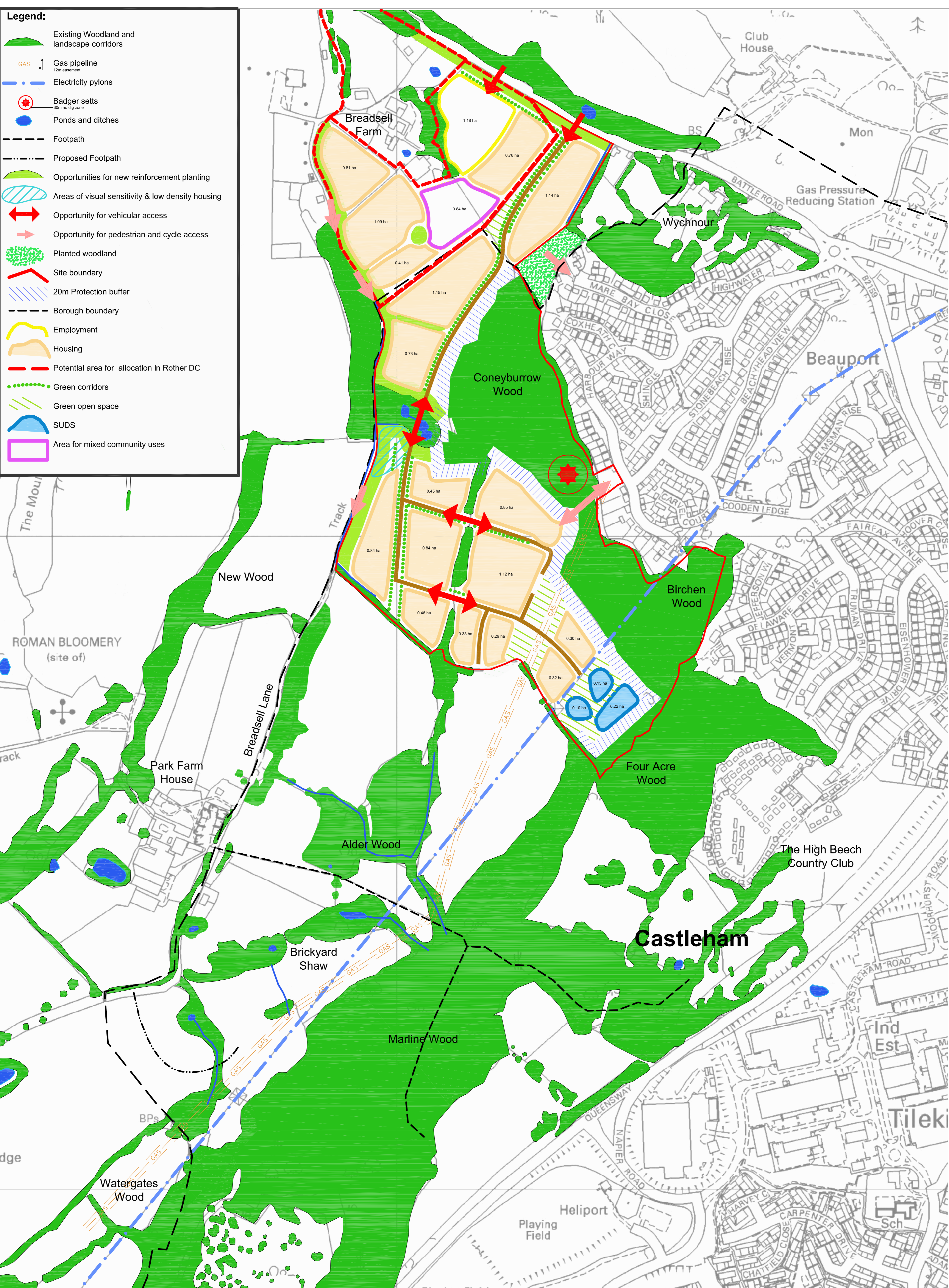
Masterplan for land owned by Mr Simmons  
November 2011





**Legend:**

-  Existing Woodland and landscape corridors
-  Gas pipeline  
12m easement
-  Electricity pylons
-  Badger setts  
30m no dig zone
-  Ponds and ditches
-  Footpath
-  Proposed Footpath
-  Opportunities for new reinforcement planting
-  Areas of visual sensitivity & low density housing
-  Opportunity for vehicular access
-  Opportunity for pedestrian and cycle access
-  Planted woodland
-  Site boundary
-  20m Protection buffer
-  Borough boundary
-  Employment
-  Housing
-  Potential area for allocation in Rother DC
-  Green corridors
-  Green open space
-  SUDS
-  Area for mixed community uses



<b>KEMBER LOUDON WILLIAMS LLP</b> planning • urban design • environment T: 01892 750018 F: 01892 750019 E: enquiries@klw.co.uk www.klw.co.uk		Project: <b>Breadsell Lane, NW Hastings</b>	
Drawn by: <b>CPA</b> Project Manager: <b>JW</b>		Dwg. Title: <b>Hastings Core Strategy Masterplan 2          FOR PLANNING PURPOSES ONLY</b>	
Scale: 1:2500 @A1 Date: November 2011 08/108/05		Rev.	