

**ROTHER DISTRICT COUNCIL
LOCAL PLAN (2011-2028) STRATEGY EXAMINATION**

Inspector: Laura Graham BSC MA MRTPI
Programme Officer: Lynette Benton
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13th December 2012

Dear Mr Marlow

Rother Local Plan Strategy (LPS)

Following the conclusion of the hearings on 22 November 2012, I have reviewed all the evidence, the written statements and the discussion at the hearings. The Council has indicated that, under section 20(7C) of the Act, it wishes me recommend any modifications necessary to ensure that the Plan can be found sound. At the close of the hearings I indicated that I would advise you, before 13 December of any serious soundness concerns. For the avoidance of doubt, these should be regarded as my preliminary conclusions. I have concentrated on my concerns relating to housing provision as this is a fundamental aspect of the LPS which may have wider ramifications.

There was considerable discussion at the hearings regarding housing provision. As you know, until the Regional Strategy (SEP) is abolished there is a legal requirement for the Plan to be in general conformity with it. The SEP includes a net housing requirement for the provision of 5,600 dwellings in Rother District between 2006 and 2026. The LPS includes a housing target for the period 2011 -2028, expressed as a range of 3,700 - 4,100 dwellings. A straightforward comparison of the annualised dwelling requirement is that the SEP seeks the provision of 280 dwellings per annum (dpa), whereas the LPS requirement is 218 -241 dpa, which equates to 78% - 86% of the of the SE Plan annual requirement.

However, the difference in the Plan period means that a more complex calculation is required to provide a more meaningful comparison between the two figures. It is my view that this calculation should be carried out as follows: Firstly, the SEP target needs to be extended to 2028 by rolling forward the annualised requirement: $5,600 + (280 \times 2) = 6,160$ for the period 2006 - 2028. Secondly, housing completions between 2006 -2011 can be deducted to provide a residual requirement from 2011 -2028: $6,160 - 1,357 = 4803$. This equates to an annualised requirement of 283 dpa. The LPS is, therefore, seeking to provide between 77% and 85% of the SEP requirement.

I have carefully considered the Council's reasons for including a reduced target, compared to the SEP, in the LPS. A key factor relied upon by the Council is the delay to the provision of the Bexhill to Hastings Link Road (BHLR), compared to the expected timescale at the time the SEP was prepared (completion in 2010). At the time of writing this letter, there would appear to be a reasonable prospect that the BHLR will be built in accordance with the current timetable, i.e. to open in late 2014. At the hearings the Council confirmed its expectation that the north east Bexhill strategic allocation will be built out within the plan period. This leads me to the conclusion that, whilst delay in the building of the BHLR may affect the trajectory for housing provision, it is not a convincing reason to reduce the SEP target for the Plan period as a whole. The Council also refers to "other major road/rail improvements identified in the SEP" that are not progressing as planned. A number of road and rail schemes are referred to in paragraphs 9.15 - 9.18 of the Housing Provision in Rother District Background Paper, but paragraph 9.19 concludes that, aside from the BHLR, there are no other "showstoppers" in terms of infrastructure constraints.

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You also refer to the economic downturn as a factor justifying the lower housing target in the LSP. Although the economic recovery may be taking longer than originally hoped, it is still a reasonable assumption that the economy will return to more normal levels of growth over the 17 year plan period. Accordingly, this is another factor which may affect the trajectory for delivery of housing and jobs, but is not a credible reason for reducing the overall target. If there is a justified concern that unconstrained housing provision would exacerbate the existing imbalance between housing and employment provision, this could be a reason for seeking to phase new housing development across the Plan period. However, such an approach would require careful justification.

As a third factor to justify the reduction from the SEP housing target, you make reference to the settlement studies for Bexhill, Battle, Rye and the Rural Areas in addition to the results of consultation on the various iterations of the Plan. Leaving aside the BHLR implications which I deal with above, the main implications of these studies appear to be the removal of sites in the Hastings Fringe areas and the loss of one previously allocated site in Rye and doubts about delivery of some other sites. However, the loss of previously-allocated sites does not necessarily imply that the overall housing target should be reduced. In the first instance, I would expect the Council to consider whether there are other sites which could be brought forward to meet the SEP target.

I note your comments regarding the contribution that rural exception sites and small site windfalls may make to the delivery of new housing. However, new dwellings provided through such means would generally be included in annual figures of housing completions, thereby reducing any residual requirement. It is therefore unlikely that these sources of new dwellings would lead to an increase in the overall number of dwellings provided. I accept that there is a degree of flexibility implied by the requirement for general conformity and that the policies of the SEP, as a whole, must be taken into account. However my initial conclusion is that the significant shortfall in housing provision, compared to the SEP target, means that the LPS is not in general conformity with the SEP.

Furthermore, I am not convinced that the Sustainability Appraisal fully supports the assertion at paragraph 7.22 of the Plan that the SEP requirement is no longer sustainable. To my mind, the conclusions of the SA that Option B1, which reflects the SEP requirements, is “less sustainable” than option B2, which more closely reflects the lower levels of provision proposed in the Plan, falls well short of the Framework expectation that local planning authorities should meet objectively assessed needs unless any adverse impacts would *significantly and demonstrably* outweigh the benefits (my emphasis). In this regard I note, in particular, that the levels of growth proposed in the SEP took account of the AONB designation covering much of the District. In addition the Strategic Housing Land Availability Assessment suggests that there may be greater potential to accommodate housing within the District than is implied by the current targets although I accept that the cumulative impact of development both within and outside the AONB may require further investigation.

Compliance with the National Planning Policy Framework (the Framework)

The Framework (paragraph 47) requires local planning authorities to boost significantly the supply of housing by using their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is

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consistent with the policies set out in the Framework. At the hearings you advised that the Council considers that the figure of 350 - 500 dwellings per year for the Hastings/Rother Housing Market Area (HMA), set out at paragraph 70 of the Assessment of Housing Need in the Hastings and Rother Housing Market Area, May 2012, to correspond with the full, objectively assessed need required by the Framework. As the Assessment notes, different approaches to defining housing need give rise to markedly different assessments of annual housing requirements. However, I can find no evidential support for the choice of the initial range of 250-500 dwellings per year (paragraph 66), which is subsequently adjusted to 350 - 500 dwellings per year to assist in providing more affordable housing.

The impression given in the evidence before me is that the figure of 350-500 dwellings is a range which reflects the Councils' views of what they consider to be an appropriate level of housing growth, bearing in mind the various environmental and other policy constraints identified. I do not consider that this corresponds with the concept of the full, objectively assessed need referred to in the Framework. The Framework requires the level of need to be identified and places a duty on local authorities to meet that need, so far as that is consistent with other policies in the Framework. Paragraph 179 of the Framework refers to the need for local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas. There is no suggestion within the Framework that the level of 'need' should be reduced having regard to identified constraints or policy aspirations, which appears to be the methodology underpinning the 'Assessment of Housing Need' May 2012.

In the circumstances, the only robust figure available at this time is the SEP requirement. I am therefore inviting the Council to reconsider the strategy for housing provision in the LPS. One possible approach would be to revert to the SEP figures, as included in earlier versions of the Plan, and include a commitment to an early review of the Plan to ensure full compliance with the Framework.

I look forward to receiving your response by 18th January 2013. If you are unable to respond by this date please advise the Programme Officer.

Laura Graham
Inspector