

AUDIT TRAIL - ADVICE ABOUT ENVIRONMENTAL ISSUES OF THE RYE NEIGHBOURHOOD PLAN

Anthony Kimber PhD <anthonykimber@btinternet.com>

To

KSLPlanning Martin Small Chris Flavin consultation@naturalengland.co.uk

Rye Neighbourhood Plan - Consultation by Statutory Bodies

28 Feb 2017 17:38

Dear Colleagues, following our earlier exchanges, I have been asked to underscore that my E Mail of 19 February was a formal request for consultation on the Rye Neighbourhood Plan Strategic Environment Assessment scoping document. linked below. I am advised that it is a statutory requirement for us to seek views within 5 weeks (to 28 March) on this document. It is unclear as to whether Rother District Council did this on our behalf this time last year.

<http://www.ryeneighbourhoodplan.org.uk/wp-content/uploads/2017/02/Rye-SEA-Draft-CT-ATBK-18-Feb-2017.pdf>

This document supports our emerging Neighbourhood Plan linked below.

<http://www.ryeneighbourhoodplan.org.uk/wp-content/uploads/2017/02/RNP-Draft-Plan-V8-Kimber-and-Keech-1-February-2017-with-DM-amend.pdf>

Further background can be found on our website [Rye Neighbourhood Plan](#)

Anthony Kimber PhD
about.me/anthonykimber

<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal#consultation-bodies>

.Anthony Kimber PhD <anthonykimber@btinternet.com>

To

Chris Flavin Kal Pegler Martin
Small consultation@naturalengland.co.uk ksle@environment-agency.gov.uk

CC

[Richard Farhall](#)

19 Feb 2017 at 6:29 PM

Rye Neighbourhood Plan

Dear Colleagues.

You may recall that I approached your agencies this time last year with a view to consulting about the Rye emerging Neighbourhood Plan. At that time most suggested that until we had progressed you did not want to commit resources to any form of screening or consultation.

We have now progressed and have a suite of documents, including a draft SEA and scoping document on our website (about page) [Www.ryeneighbourhoodplan.org.uk](http://www.ryeneighbourhoodplan.org.uk)

Traffic : We have just had a visit to Rye by ESCC policy officers to look at access and other issues affecting our proposed development sites. Their further advice is awaited.

Environment Agency: Most of our sites have been subject to flood risk assessment as part of recent planning proposals. Other environmental issues are identified in the scoping paper. Advice is invited.

Natural England and Heritage England. We have considered both impacts and mitigation in our planning. Advice is now invited about the issues which we have identified in our plan and supporting documents.

[Www.ryeneighbourhoodplan.org.uk](http://www.ryeneighbourhoodplan.org.uk)

Yours

Anthony Kimber PhD
For Rye NP Steering Group

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[Chris Flavin Kal Pegler Martin](#)

Small_consultation@naturalengland.co.uk ksle@environment-agency.gov.uk

CC

[Richard Farhall](#)

19 Feb at 6:29 PM

Rye Neighbourhood Plan – Consultation by Statutory Bodies

Dear Colleagues.

You may recall that both I and Rother District Council I approached your agencies this time last year with a view to consulting about the Rye emerging Neighbourhood Plan. At that time most suggested that until we had progressed you did not want to commit resources to any form of screening or consultation.

We have now progressed and have a suite of documents, including a draft SEA and scoping document on our website (about page) [Www.ryeneighbourhoodplan.org.uk](http://www.ryeneighbourhoodplan.org.uk)

ESCC Traffic : We have just had a visit to Rye by ESCC policy officers to look at access and other issues affecting our proposed development sites. WE have access to earlier comments on those sites which were subject consultation as part of the Rother DC SHLAA (2011) exercise. Further advice is awaited.

Environment Agency: Most of our sites have been subject to flood risk assessment and consultation as part of recent planning proposals. Other environmental issues are identified in the scoping paper. We remain in close contact with the Team Leader of the Eastern Rother Tidal Walls (Flood Defence) Scheme. Further advice is invited.

Natural England and Heritage England. We have considered both impacts and mitigation in our planning. Advice is now invited about the issues which we have identified in our plan and supporting documents.

[Www.ryeneighbourhoodplan.org.uk](http://www.ryeneighbourhoodplan.org.uk)

I should be grateful for your further advice.

Yours

Anthony Kimber PhD
For Rye NP Steering Group

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Consultations (NE) <consultations@naturalengland.org.uk>

To
[Anthony Kimber PhD](#)
19 Feb at 8:01 PM

Thank you for contacting [Natural England](#).

We will respond to your query within our statutory response times and Customer Service standards.

If you have any queries or require an update please contact our enquiry line on 0300 060 3900 quoting the reference number you attached to the original consultations and/or site address.

In exceptional circumstances we will consider providing a response to shorter deadlines than those listed above. Please contact the enquiry line as detailed below if you have requested a shorter response time to the statutory response times listed above.

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Dear Dr Kimber,

Thank you for your e-mail inviting Historic England to comment on the early draft (pre-Reg 14) Neighbourhood Plan and accompanying draft SEA Scoping Report. Do you have a date by which comments should be submitted ? (answer within 5 weeks please, but any major issues would be welcome as they are available)

Thank you.

Martin Small BA(Hons) BPI DipCM MRTPI

Principal Adviser, Historic Environment Planning | South East
Planning Group

Direct Line: 01483 252040 | Mobile 07879 435867

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Historic England
Eastgate Court
195-205, High Street
Guildford, GU1 3EH
20 Feb 2017

Dear Dr Kimber

Thank you for consulting Historic England on the SEA Scoping Report and Early Draft of the Rye Neighbourhood Plan. Please find our comments attached. Given Rye's importance as a town of great historic, architectural and archaeological interest we would be pleased to provide further support to the Neighbourhood Plan steering group if this can help to strengthen policies relating to the conservation of the historic environment, design or promotion of the town's visitor economy or other positive use of the heritage assets. Please do not hesitate to contact me if there are any queries relating to our comments or if you have any difficulty opening the attached document.

yours sincerely

Rober Lloyd-Sweet

Rob Lloyd-Sweet | Historic Places Adviser | Historic Places | South East

Direct Line: 01483 252028
Mobile: 07825 907288

Historic England | Eastgate Court | 195 – 205 High Street
Guildford | GU1 3EH

Dear Anthony,

Please find attached the ESCC response to the Rye NP SA Scoping Report.

As well as commenting on the SA Scoping Report, the County Archaeologist has also provided some comments and advice relating to the draft Neighbourhood Plan document (Version 8).

Archaeology comments relating to the v8 Rye NP

It is suggested (see new additional text in red italics and deletions in strikethrough text) that the wording in the draft NP could be updated as follows:

PAGE 79 Paragraph 42.24

-Principle 8 - Respecting and Recording Archaeology. There are significant archaeological remains across the parish. With Rye's long history as a port, trading and agricultural centre with the shifting nature of past river channels, beaches and marshes, there is high potential of the survival of evidence of past human activity of industrial, ship-building, fishing, and as a rural centre. Development will take account of this ~~and any finds protected~~ *potential through appropriate assessment, evaluation and mitigation in order that significant archaeological remains are protected in situ, enhanced and conserved or where this is not possible adequately recorded in advance of their loss. Provision will be made for all discoveries and findings to be reported to appropriate professional standards and the archive deposited with Rye Museum.*

With regard to the historic buildings of Rye, reference should be made to **Rye Rebuilt** (2009) by David & Barbara Martin with Jane Clubb & Gillian Draper

The NP team should also make reference to the **Rye Historic Character Assessment** (2009) by Roland Harris. A copy can be downloaded from: https://www.westsussex.gov.uk/media/1744/rye_eus_report_maps.pdf

Best Regards

Chris

Chris Flavin

Senior Strategic Planner, Strategic Economic Infrastructure
Economic Development, Skills and Infrastructure Service

KSL Enquiries <KSLE@environment-agency.gov.uk>

To: Anthony Kimber PhD

19 Feb at 6:30 PM

Thank you – The Environment Agency has received your email.

The Freedom of Information Act and Environmental Information Regulations state that a public authority must respond to requests for information within 20 working days however we always aim to provide an answer as soon as we can.

Usually we make no charge for providing information. In some cases we may make a charge for licensed re-use of our data. Where this is the case, we will notify you in advance.

We aim to answer enquiries within 10 working days, however we are experiencing a large number of enquiries at present. Our customer charter allows 20 working days to respond to information requests.

You may wish to look at www.data.gov.uk to see if the data you have requested is available for you online.

KSLPlanning <KSLPlanning@environment-agency.gov.uk>

To

anthonykimber@btinternet.com

23 February 2017 at 14:17

Dear Anthony

Your email of 19th February has come to me in the Sustainable Places Planning Team. Can you confirm that I have the correct link for the draft Neighbourhood Plan – and confirm which sections you are seeking our comments on

<http://www.ryeneighbourhoodplan.org.uk/wp-content/uploads/2017/02/RNP-Draft-Plan-V8-Kimber-and-Keech-1-February-2017-with-DM-amend.pdf>

Many thanks

Sophie Page

**Planning Advisor
Sustainable Places (Kent)
Kent & South London**

☎ Direct dial 0208 4748030 / 01732 222959

Anthony Kimber PhD <anthonykimber@btinternet.com>

To

[KSLPlanning](#)

Today at 20:16

Dear Sophie Page, many thanks for your E Mail. Yes that is the correct link, which I copy below. Please contact me again if you have any more queries. You will see further down the "about" page of the website our other documents including the scoping document and the draft SEA on which we are working presently.

<http://www.ryeneighbourhoodplan.org.uk/wp-content/uploads/2017/02/RNP-Draft-Plan-V8-Kimber-and-Keech-1-February-2017-with-DM-amend.pdf>

Anthony Kimber PhD
about.me/anthonykimber
[Rye Neighbourhood Plan](#)

15/09/15 at 10:47 AM

Anthony,

As discussed I've had a discussion with a few colleagues on a number of issues concerning Rye's NP. Given recent interest from developers in the locality the evidence base underpinning the NP will come under greater scrutiny especially during Examination.

Strategic Environmental Assessment

Following screening, Rother District Council is of the view that Rye Neighbourhood Plan **does** require an SEA. RDC has consulted with the statutory environmental bodies (SEBs) – Natural England, the Environment Agency and Historic England as part of this process. Both Natural England and Historic England are also of the view that SEA is required while the EA make no comment (although welcoming opportunity for involvement in the development of the Neighbourhood Plan itself).

Rother DC is liaising further with the SEBs regarding the scope of Neighbourhood Plan SEAs and will advise in due course (**within 4 weeks**) which matters should be considered as part of the SEA.

EU Directive 2001/42

(10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (1), and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna (2), are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.

Site Assessment

The work undertaken thus far has been well researched but the focus of the Site Assessment work is residential (understandably given the SHLAA documentation) with minimum consideration of retail requirements or employment which are also policy requirements of RY1 and should be accommodated and considered by the Rye NP. However the SHLAA while important is only one source of evidence of many the NP should refer to . A systematic evaluation of sites is required to avoid challenge from developers during the Examination of the NP. I attach the SHLAA assessment summary and I noted in the NP site assessment 'heritage' and 'highways' are key omissions and should considered integral as part of the overall assessment of sites work for their potential to accommodate new development whether it be housing, retail or employment. In addition there is no 'greenbelt' in Rother I presume you are referring to AONB designation.

I would advise the Rye NP steering group for consistency they must consider alternative uses for each site including the red sites in the SHLAA and any other sites that may have come to their attention since 2013 put forward by 3rd parties.

The neighbourhood planners for example I would suggest adopted the 'reasonable alternatives' principle when doing this assessment stipulating this in the write up. This will save time and will not require an comprehensive assessment of all the sites. For example for retail assessment you are guided somewhat by the sequential test as outlined in the [PPG](#). In summary national guidance dictates which sites you should look at for retail. National guidance (NPPF) stipulates you must look at town centre first, edge of centre second and then only then you look beyond that. It follows the Neighbourhood Planners will have to look for retail sites within the town centre (post office site?) and if no suitable site is found you then look at edge of centre (edge of town centre boundary – local plan 2006 designation – former school site) and if you exhaust all options there you look beyond that (Freda Gardham/Gibbet Marsh?).

By taking this 'reasonable alternatives' route you will save yourself some time and not for example be required to look at all the red sites in Rye as it will not be

necessary. As long as the NP stipulate this in their reasoning the examiner will be able to follow this narrative. This work is necessary to fend off any challenge from developers who will argue that their site has not been given due consideration in the process. Remember the SHLAA was not out to consultation (therefore it has been not challenged) while comprehensive it remains a desktop study.

When you consider the points I have raised I would be happy to come out again to Rye to discuss any particular issue you have. At the moment we are waiting for the SEBs to come back to us on a clarification request. When I get it I will report back to you.

Norman Kwan
Principal Planning Officer - Strategy and Planning,
Rother District Council,

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Dear Dr Kimber,

In your email dated 4th August, you formally sought direction as to whether you need an SEA of the emerging RNP. In line with the requirements of regulation 9 of the [Environmental Assessment of Plans and Programmes Regulations 2004](#), Rother District Council (as the responsible authority) must now consult the Statutory Environmental Bodies (SEBs). We have now done this and asked for their views by 21st August 2015.

I can advise that all Rother District Council's Sustainability Appraisal documents are publicly available on this web-page: <http://www.rother.gov.uk/index.cfm?articleid=5006>.

Kind regards

Roger Comerford
Principal Planning Officer

Rother District Council
6 Aug 2015

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Dear Dr Kimber and Mr Farhall,

Further to our discussion last night, I enclose some follow-up information that you may find useful.

- Firstly the electronic copy of the RDC screening opinion regarding which of Rother's SA objectives are applicable to Rye's SEA process. (see attachment 'RDC SA Objectives screening opinion for Rye NP SEA.doc')

- I can provide an electronic copy of our own SA/SEA assessment form on request if you would find it useful? It is available in excel format, but is currently subject to some tweaks and adjustments. Paper copies were circulated last night.
- Here is a web link you may find useful. I circulated a paper copy last night. Its sets out the Neighbourhood Plan requirements for SEA / SA. <http://planningguidance.planningportal.gov.uk/blog/guidance/strategic-environmental-assessment-and-sustainability-appraisal/sustainability-appraisal-requirements-for-neighbourhood-plans/>
- Previous Highways advice on sites. See attachment 'Past Comments from Highways Authority – Rye Sites.xls'. Note these date from 2010 so should therefore be interpreted with caution as the advice may no longer be reliable. The comments were provided by Kal Peglar, ESCC. I have attached her contact details.

Roger Comerford BSc (Hons) DIP TP MRTPI
Principal Planning Officer

14 Oct 2015

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Dear Anthony,

In short, I don't believe Rye need be unduly concerned about either terms at this stage.

AA (Appropriate Appraisal) is the same thing as HRA for all intents and purposes. Officially AA is a stage of HRA, but in practice the terms get used inter-changeably. I am not sure whether Norman has passed over my comments on your meeting minutes yet, but one clarification I made was that Rother DC is effectively addressing the HRA issue on your behalf at the moment, so for the time being it is not something that Rye TC need be unduly concerned with. This may change of course, depending both on the view of Natural England to our assessment and also upon on-going review of HRA, but we will keep you informed of any implications for you.

EIA (Environmental Impact Assessment) is generally applicable at the planning application stage (as opposed to plan-making) and only to larger projects. More info is here if you are interested. But again I do not feel it is something to concern the NP process at this stage.

<http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/>

Regards

Roger Comerford BSc (Hons) DIP TP MRTPI
Principal Planning Officer

Rother District Council
Planning Division

15 Oct 2015

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Dear Anthony,

You are only obligated to consider the 8 (objectives) that we have been screened in for SEA. So you may wish to delete the rows of the exemplar that are not relevant.

However, I included all 16 objectives since you have the option to undertake a full SA if you wish (although not a legal requirement). If you decided to do this, then all 16 objectives would be useful.

Roger Comerford BSc (Hons) DIP TP MRTPI

Principal Planning Officer
Rother District Council
19 Oct 2015

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Dear Anthony,

To help see how these tables work in practice, I attach a couple of examples.

Firstly an SA of Sites example (attached).

Secondly, there are various examples on our own RDC Local Plan Sustainability Appraisal web-page here

<http://www.rother.gov.uk/index.cfm?articleid=5006>.

You will see on this page that our own Core Strategy SA went through various iterations. These are SAs of our Core Strategy, so a higher level SA of 'strategic' site options and policies. The most useful (and complete) example is probably the 2011 version here <http://www.rother.gov.uk/CHttpHandler.ashx?id=14885&p=0>

Roger Comerford BSc (Hons) DIP TP MRTPI

Principal Planning Officer
Rother District Council
October 2015

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Dear Anthony,

Another thing to mention is that the SEA should also include an 'Environmental Report'. It will need to consider reasonable options and alternatives, as well as cumulative impacts. You may find this guide on SEA process helpful.

<https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

Roger Comerford BSc (Hons) DIP TP MRTPI
Principal Planning Officer
Rother District Council
October 2015

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