

### Pre-Submission Plan Schedule of Representations

Name of organisation or community comments	Summary of Representation	Recommended Response (change to the Plan or reason for not changing the Plan)
<b>General</b>		
National Grid	<i>Asked to be kept informed</i>	Any comments will be reflected
Power Networks	<i>Asked to be kept informed</i>	
Environment Agency	Some references out of date: PPS25 <b>Need for sewerage upgrades for major development sites</b>	Will be reflected
Southern Water	Need for some text amendments and refinements	Will be reflected
Rother DC	<p>Rother (District Councillor and Officers): a meeting was held on 16 Apr (between AK and Rother Officers) to go through the comments and draw up an action sheet. A range of changes have been recommended including the need to draw more closely the draft plan and its supporting documents; a revision of maps and plans to reflect OS standards.</p> <p>13 pages (56 serials) of text change recommendations</p>	<p>Rother has offered to support the map changes at cost.</p> <p>Will be reflected</p>
Highways England	Some text changes and see below for policy objections.	Will be reflected
Historic England	<p>Some outdated references and some detailed text changes, including need to include reference to “protection of the historic environment” and reference to Martello number 30.</p> <p>Should update the Conservation Appraisal?</p>	Will be reflected

Natural England	Some text refinements; potential conflict between Rye Tramway and proposed coastal path.	Will be reflected
ESCC	Some text changes and see below for policy objections	Will be reflected
Martello Developments	In addition to comments on policy below there are some mapping recommendations	Will be reflected
BP	In addition to objections to policy below, there are some substantial comments about elements of the plan including its ability to meet targets, which are addressed by the Consultant below.	Comments are below
Arcadis Consulting	Seeking more details of local (environment) conservation sites referred to in the Plan	The Plan does contain detailed maps of Conservation and Protected Areas but areas are not specifically named
Rye Conservation Society	Policy objections see below. There are some 27 pages of detailed comments	These are being considered and noted. Some duplicate the comments of others. .
<b>Section 1 Introduction</b>		
		Need to update the summary to reflect minor changes in later sections
<b>Section 2 Vision &amp; Objectives</b>		
<b>Section 3 Character of Rye</b>		
<b>Section 4 The Planning Policies</b>		
Rye Foreign and Playden	Policy E1: consider expanding strategic gap policy to include Rye to Rye Foreign and Rye to Playden . Aim to provide more protection to area adjacent to the AONB	This has been considered and some text changes made

Highways England	Policy S3: To add text to indicate difficulties of access to site	
Natural England	Policy E1 and H8: habitat references required.	To be reflected
Historic England	Policy H4, H5 and H6: should add "to preserve and enhance the setting of the Rye Conservation Area" Policy D1: enhance protection of historic environment and heritage assets Bullet H: reword to strengthen Link D1 with "to promote the historic environment" Include reference to archaeological matters	To be reflected
ESCC	E1: clarification on strategic gaps;  E4: suggested amendments to biodiversity; refinements to policy  H8: concerns about some access to specific sites including Lower School Site and on street parking provision;  T1: more consideration about cycle parking and ways.	Will be reflected
Southern Water	I1 should specify need to update infrastructure to match development	Will be reflected
Rye Partnership	H4: Include reference to Rock Channel study of Dec 2017  H3: Objection to housing numbers; potential for higher to ensure viability. (Tilling Green 32?)	Will be reflected

BP	The Consultant has considered the BP comments and drafted a series of handling measures as below.	Some changes will be reflected
Martello	Martello raise substantial issues about the allocations and mapping of its interest: H2, H4 and H5: Rock Channel; Winchelsea Road East and West. In addition there are comments on T2 and E1 and Aspirations 8 and 9, including “park and ride”. .	Comments will be reflected except proposals for use of the strategic gap between Rye and Rye Harbour for park and ride; alternative proposals have been discussed.
60 named individuals.	<p>Policy B3 (P53): objection to allocation of the western side of Gibbet Marsh as an alternative supermarket site on grounds of:</p> <ul style="list-style-type: none"> <li>- Does Rye need a 2nd supermarket?</li> <li>- Impact on neighbours Impact on Ferry Rd Nursery</li> <li>- Impact on use as Fast Rail overflow</li> <li>- Impact on use during peak visitor times</li> <li>- Impact on green space and pathways</li> <li>- Access issues</li> <li>- Potential increase anti social behaviour</li> <li>- “morally wrong”</li> <li>- impact on historical site</li> <li>- Potential for tailbacks on B2089</li> </ul>	<p>Rother Dc has reviewed requirement and said: “notwithstanding the Core Strategy position that 2nd store is required; evident that retail trends have changed; little interest from developers; therefore no expectation of achieving in period”.</p> <p>Therefore it was recommended to Rye TC on 14 May that RNP retains development boundary change proposal for Gibbet Marsh to cover future use such overflow car parking for Fast Rail but removes the alternative allocation from the Plan, which was AGREED by Council. Remove allocation from Plan but leave development boundary proposal as is.</p>
A named individual	Objection to BP proposals for a site on the Udimore Road on the basis that it conflicts with the Valley Park 2009 approved plan which included open ground either side of the Wellington Avenue entrance.	Comments have been considered in the RNP considerations of the BP objections.
A named individual	Objection to allocation at Gibbet Marsh	Already reflected as above.

	Objection to detail about green spaces as three conflict with the allocations Policy H3; Policy H7 and Policy H8	To be reflected
A named individual	Comments about tree preservation in the Citadel and Conservation Area	Will be reflected
A named individual	Policies E1 and E2: Comments to seek more robust text.	Will be reflected
A named individual	F1: Queries about use of flood mapping and proposal to use others	Responded and satisfied
A named individual	Policy T1: Danger of crossing in Station Approach	Is considered in the aspirations
A named individual	S1: support need for 2 <sup>nd</sup> supermarket; S3 should be revisited as it is unsuitable for development; T1: need for review of parking and improved bus transport. Some comments on social policy outside the reach of the RNP	Is considered in the revised text
One named individual	Policy D1 ( P35 and 36): object to design zones labelled as A, B and C on grounds of stigma	Alter to coloured zones as Inner = yellow; middle – blue and outer = green.
Rye Conservation Society	Policies B3 and H7: objections to both.	Rye TCF has already agreed to alter Policy B3. Comments on policy H7 have been considered and noted.
<b>Section 5 Community Aspirations</b>		
15 named individuals	Aspiration 13: Objection to any discussion of “one way” in the Citadel	Remove reference and change text to consider alternative measures such as greater use of bollards
Natural England	Aspiration 16: Potential conflict with plans for coastal path	Text refined to reflect
<b>Section 6 Delivery and Monitoring</b>		
<b>Appendices / Supporting papers</b>		

Note: Whilst there are occasional references to specific parts of the Plan in this representation, it is primarily an objection to the overall strategy so could be placed in that location in the Schedule of Representations. The representation is very repetitive so this summary only mentions and responds to each issue once under the most appropriate heading.

BP Summarised Representation	CT Comments
<b>Basic Condition a) Having regard to national policies and advice</b>	
<p>The Plan’s strategy constrains sustainable growth through a series of objectives and policies contrary to the positive approach to sustainable development as set out within the National Planning Policy Framework.</p>	<p>The NPPF says that “The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. There are three dimensions to sustainable development: economic, social and environmental...”. The objectives and policies of the RNP apply this to the specific circumstances of Rye, which as this representor acknowledges elsewhere, is highly constrained environmentally. The RNP seeks to meet its social and economic needs without damaging that environment.</p>
<p>The Development Plan is out of date and the RNP should wait until RDC has updated its Local Plan. The Rye Neighbourhood Plan is not supported by a robust or credible evidence base because it has not considered the Overall Housing Need of the wider area given the Local Plan has yet to be formally examined. The Council’s Overall Assessed Need will have to be updated to take account of the most up-to-date Household Projections, which may point to a change in the District’s housing needs. This reinforces the inappropriateness of progressing the Rye Neighbourhood Plan at this point in time, when the strategic priorities for the District are still yet to be determined.</p>	<p>The Rother Core Strategy was adopted in 2014 (post NPPF) and is an up-to-date plan which it is appropriate to use as the strategic basis for the RNP and the DASA. Work will not start on a new strategic Local Plan until 2019 with a target adoption date of 2021 and it would not be reasonable to expect the RNP to be delayed until this after this is adopted. Whilst housing projections are regularly updated, RDC successfully argued at the examination of the Core Strategy that Rother District could not meet its objectively assessed housing needs due to environmental constraints.</p>
<p>Part 2 of the Local Plan is emerging and yet to be examined. The Neighbourhood Plan is relying on housing projections from the Core Strategy until the emerging Local Plan has been adopted following examination by a Planning Inspector. The NP cannot be considered to have fully taken into account the Full Objectively Assessed Needs of the wider area. The Neighbourhood Plan therefore cannot be fairly tested against the strategic needs of the District.</p>	<p>Part 2 of the Local Plan (Development and Site Allocations) is not a strategic plan, and its housing requirements are based on the Core Strategy, which is the relevant strategic plan that the RNP is required to be in general conformity with. It would not be reasonable or proportionate to expect a neighbourhood plan to carry out an assessment of the OAHN for the whole</p>

	district.
<p>Contrary to PPG advice that NP policies must be deliverable, risking the town being left without a petrol station over the course of the Plan’s period. The Rye NP does not appear to have considered the need for viability appraisals on either housing sites or employment uses. PPG Paragraph 005 ID: 10-005-20140306 states “Local Plans and neighbourhood plans should be based on a clear and deliverable vision of the area. Viability assessment should be considered as a tool that can assist with the development of plans and plan policies. It should not compromise the quality of development but should ensure that the Local Plan vision and policies are realistic and provide high level assurance that plan policies are viable”.</p>	<p>Undertaking full viability assessments would represent a disproportionate evidence requirement for a neighbourhood plan. Several of the proposed allocated sites have been subject to viability assessments as part of previous or current planning applications and the information in these has been used to inform the achievability section of the site assessments. It is considered that this provides ‘high level assurance’ envisaged by the PPG.</p>
<p>The NP is suggesting (page 53), that the sole petrol station provider within the town be a site allocated for retail use which risks the town being left without a petrol station.</p>	<p>Page 53 refers to the proposed allocation at Gibbett Marsh, which is not the location of the current petrol filling station.</p>
<p><b>Basic Condition d) Contributing to the achievement of sustainable development</b></p>	
<p>The Neighbourhood Plan suggests that the site at Udimore Road is unsustainable and unacceptable due to traffic issues. The District Council’s reason for refusal did not find the site to be unsustainable. Similarly, there were no reasons for refusal on highway grounds. The local Highway Authority raised no objections to the proposal.</p>	<p>Consider removing mention of traffic from the site assessment in the RNP Sequential assessment for PFSs as there is no supporting evidence.</p>
<p>BP’s proposal helps to contribute to the Council’s objectively assessed retail needs, and provide the community with a second petrol station which they desire.</p>	<p>This would be true of any petrol filling site as these are normally accompanied by retail facilities.</p>
<p>The NP provides no flexibility or contingency in the event of a shortfall in the Council’s housing land supply. The Plan fails to positively contribute to the delivery of sustainable development of a scale to meet the Plan’s objectives resulting in a strategy that is likely to fail to maintain Rye’s vitality and viability providing housing to meet localised housing needs in the wider area.</p>	<p>The RNP will be allocating in excess of the housing requirement of the Core Strategy which will allow flexibility if there are delivery issues during the Plan period. The adoption of a new strategic Local Plan (anticipated in 2021) is likely to trigger the need for a review of the RNP if there is any change in the development requirements for Rye.</p>
<p>The Plan fails to apply a presumption in favour of sustainable development, with no reference to sustainability made in the vision and objectives. Instead, the objectives of the Plan are to contain development which is contrary to the positive approach set out within the NPPF. The Plan must be seen to contribute toward meeting needs identified within the Core Strategy. Objective four represents a blanket policy approach to restrict development in any area of green space.</p>	<p>The word ‘sustainable’ is used throughout the RNP, particularly in relation to transport, tourism and design. More importantly the practical application of sustainability – considering the appropriate balance between social, economic and environmental objectives and seeking to achieve net gain for all three of these - is evident in the way that the RNP allocates sites to meet its needs whilst proposing policies to protect the special</p>

	environmental qualities of the area.
The settlement boundary should be deleted and replaced with a criteria-based approach which reflects the presumption in favour of sustainable development.	Development boundaries around settlements are a well-established planning policy tool in East Sussex. Rother DC Core Strategy Policy OSS2 states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. This is not contrary to the presumption in favour of sustainable development but reflects a planned planning system rather than a reactive one.
The Rye Neighbourhood Plan should be tested with significant SEA level scrutiny, particularly as the emerging Local Plan SA is still some way from being formulated and being subject to examination. It is not appropriate to rely on evidence which has yet to be tested. The cumulative nature of the Plan's policies is considered to have potential to significantly affect the sustainability of the town over the Plan period.	The RNP has been tested through a thorough Sustainability Appraisal incorporating Strategic Environmental Assessment. This is based on the most up-to-date evidence available and considers cumulative effects as required by the legislation. This demonstrates that the policies and sites proposed in the RNP have positive sustainability effects, individually and cumulatively.
<b>Basic Condition e) General conformity with the strategic policies of the Local Plan</b>	
The Core Strategy identifies a short-fall in retail floor-space which the proposal for 500sqm of gross retail floor space along Udimore Road will help to meet. The Neighbourhood Plan Group has already acknowledged they are unlikely to attract a supermarket into the town following the sale of land by Tesco and Sainsbury's. We feel the Plan is not seeking to promote sufficient levels of retail use to help meet the identified need set out within the Core Strategy.	The amount of retail space needed in the town is being reviewed with RDC in the light of the lack of commercial interest in developing a supermarket. It is acknowledged that a petrol filling station could contribute to retail floorspace in the town, wherever it is located.
The Plan cannot be seen to meet the required housing targets over the Plan's period because the sites which the Neighbourhood Plan considers to be their preferred locations for a second petrol filling station also form housing allocations in their proposed Policy H1.	There is potential to accommodate the proposed housing allocations and a petrol filling station on these sites.
<b>Basic Condition g) Prescribed conditions</b>	
The Neighbourhood Plan Group is continuing to incorrectly assert there are more favourable sites for a petrol station. These sites have been shown to be undeliverable for reasons set out within our Sequential Assessment. The NP fails to meet the prescribed conditions.	The 'prescribed conditions' are set out in Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended). These are: <ul style="list-style-type: none"> <li>• "the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in</li> </ul>

	<p>the Offshore Marine Conservation (Natural Habitats, &amp;c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)” and</p> <ul style="list-style-type: none"> <li>• “having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning (General) Regulations 2012 (as amended), where the development described in an order proposal is Environmental Impact Assessment development”. PPG Paragraph: 079 Reference ID: 41-079-20140306. RDC has confirmed that the Habitats Regulations Assessment of the Core Strategy is sufficient to confirm that the first condition is met and the second condition only applies to Development Orders.</li> </ul>
<p><b>General arguments put forward in favour of Udimore Road Site</b></p>	
<p>BP was under no statutory obligation to carry out a Sequential Assessment for their planning application, but have done so and it concludes that Udimore Road is the most suitable site for the development.</p>	<p>Whether there is a statutory obligation to carry out a sequential assessment for a planning application is not relevant to consideration of the most appropriate site for a PFS in the neighbourhood plan. It is reasonable for the RNP Group to carry out such an assessment as part of the evidence for the neighbourhood plan. The conclusions of BP’s assessment are different to the RNP Group’s due to different assumptions about the suitability and achievability of alternative sites, and in particular the implications of a Flood Zone 3 site for storage of fuel. This is addressed below.</p>
<p>Core Strategy evidence ‘Market Towns and Villages Landscape Assessment August 2009 Volume 1’. Within Appendix 3 of the Landscape Assessment report, part of the Udimore Road site was assessed under reference Rye – R5. The ability of the area to accommodate change was considered to be moderate and it was found that “Development would be acceptable close to the built up edge”. The LVIA has been updated in respect of the revised scheme and has found the overall level of harm, and its relationship to the AONB, to be acceptable. The landscape does not reflect the wider character of the AONB.</p>	<p>This assessment relates to an area identified as R5 on the map in Volume 2 which shows that it includes urban fringe development and the valley recently developed with new housing. Some parts of this area are clearly more sensitive to change than others, and the proposed site for the petrol filling station is one of the most prominent locations in this area due to its location high on the ridge immediately adjacent to the AONB. The LVIAs submitted with the planning applications</p>

	significantly underplay the visual impact of a petrol filling station in this location.
The Udimore Road site is identified in the Local Plan as white land (non-allocated) and Policy DS4 has been superseded by the Core Strategy.	Local Plan Policy DS4 'Proposals outside development boundaries' was replaced by Core Strategy Policy Policy OSS2: 'Use of Development Boundaries' which confirms that "Development Boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not". The proposed site for a petrol filling station is clearly outside the existing development boundary and that proposed in the RNP.
The site includes an area of concrete hardstanding and therefore represents a brownfield development opportunity.	The NPPF defines previously developed (or brownfield) land as "Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time". The site is understood to be agricultural land that was temporarily used for unauthorised storage of material when the new development in the valley was being built. A concrete hardstanding is not a structure and its presence does not make this a brownfield site.
The site at Udimore Road lies outside of the AONB and importantly represents a safe location for the storage of fuel given it sits outside of an area of flood risk.	It is acknowledged that the site is outside the AONB (albeit in the setting) and in Flood Zone 1.
No justification as to why the site forms a gateway for Rye.	The site is close to the edge of Rye next to a main

	<p>routeway into the town in an elevated position. This makes it an obvious gateway into Rye.</p>
<p><b>Arguments against alternative locations</b></p>	
<p>The Udimore Road site will always be considered sequentially preferable to either the Freda Gardham School site, or the Winchelsea Road West site in flood risk terms.</p>	<p>This is correct. In Flood risk terms a Flood Zone 1 site will always be preferable to a Flood Zone 3 site when carrying out a Sequential Test for Flood Risk. However, NPPF paragraph 102 says “If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:</p> <ul style="list-style-type: none"> <li>• it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and</li> <li>• a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall”.</li> </ul>
<p>The Former Freda Gardham School and the Winchelsea Road West sites are located within flood risk zone 3 (which is considered most likely to flood), and we consider the site to be unsuitable for the safe storage of fuel.</p>	<p><b>What is our argument on the safe storage of fuel?</b></p>
<p>In paragraph 44.30, the Group state that “the petrol filling station should be close to the A259 trunk road as it carries the larger volume of traffic through Rye”. We dispute the Group’s view that the A259 represents the most suitable location for a petrol filling station as our Sequential Assessment (Appendix 4) finds the route unsuitable for development.</p>	<p>BP’s Sequential assessment discusses the merits of various sites but does not say that the route itself is unsuitable for development.</p>