

## **Hastings Borough Council response to the National Planning Policy Framework consultation September 2024**

**Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?**

Yes.

**Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?**

Yes. The added certainty of removing this section should assist with plan making. It will reduce examination time, as plans which have demonstrated how the standard method requirement will be met (taking account of the wider NPPF requirements including paragraph 11). However, it should be noted that the housing need does not equate to appropriate locations for development and the calculation of this figure does not include a consideration of legitimate policy constraints.

**Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?**

No comment, the urban uplift did not apply to Hastings Borough Council.

**Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?**

In principle the need to support appropriate densification is acknowledged and supported. However, it remains important that any uplift in density considers the character of the area, the impact on the historic environment for example, and a range of other sustainability issues. There may still be circumstances where significant uplift is inappropriate. It is important that the requirements of the framework are considered when determining what densities would be appropriate in a specific location.

**Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?**

Yes. Design codes that focus on smaller specific areas will yield greater benefits for areas over wider district level design codes as these will be more detailed and area specific. Caution should however be taken on the effect this will have on the staff resources and the need for additional specialisms within Planning Policies team.

**Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?**

No, it requires further consideration to ensure it truly delivers sustainable development.

The change to paragraph 11d does provide clarity over which policies may be considered out of date. It should also assist in clarifying which policies are not out of date, ~~and~~ These are likely to include policies regarding design, quality and sustainability standards for developments, which should still be applied even where the presumption is applied.

The change to paragraph 11dii seeks to introduce safeguards to avoid application of the presumption creating poor quality places. This is a positive addition. However, it is not clear how referencing 'in

particular those for the location and design of development' will be applied in practice, and where it will make a substantive difference, as they are still caveated by the start of the paragraph - 'would significantly and demonstrably outweigh the benefits'. The wording of this paragraph should be strengthened to ensure issues of location, design quality and sustainability are fully considered, and that it is a presumption in favour of sustainable and high quality development.

**Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?**

No. Whilst securing delivery of homes that are needed is important, the current test has many negative consequences. The five-year supply requirements have the potential to undermine strategic planning and have detrimental impacts upon the built environment. They also lead to requirement for regularly updating evidence causing an increased amount of staff resources and uncertainty to local communities.

The wording 'continually demonstrate' can be considered to provide an over-burden to under resourced planning teams. Paragraph 75 of the NPPF requires annual updates. This should be the starting point for the 5-year housing land supply given these resources required to evidence a 5-year housing land supply on an ongoing basis.

Furthermore it is important that the plan's status is not ignored. Consideration needs to be given to local residents' and businesses' trust in the planning system if a Local Plan is able to be ignored from its adoption. Particularly because factors of deliverability often sit outside the control of the Council which then encourage unplanned and speculative development. To mitigate against this an implementation of period of at least 18 months should be applicable from the date of the adoption of Local Plans where five-year land supply cannot be challenged to ensure that the Local Plan has an opportunity to be implemented.

If the 5-year housing land supply is to continue there needs to be a requirement on developers to submit information regarding development and trajectories on sites. Where a council does not have strong evidence of progress on a site then it cannot be included in the 5-year supply. The potential outcome is that tilted balance applies because there is insufficient information available to determine whether the 5-year requirement is met. This could in fact be an incentive not to submit information so the tilted balance can be applied in their favour.

**Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?**

Hastings Borough Council understands the reasoning behind the amendments to paragraph 77.

**Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?**

Yes. We appreciate there needs to be some flexibility to the identified supply.

**Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?**

Yes. 5% is an appropriate buffer.

**Question 11: Do you agree with the removal of policy on Annual Position Statements?**

Yes. The mechanism around creation of Annual Position Statements did not offer a suitable and practical method of demonstrating supply.

**Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?**

Yes. It is important that authorities work together to consider and address needs. Delivering a plan needs cooperation with a range of statutory bodies, but it also requires those bodies to support plan making efficiently and effectively if development plans are to be more widely adopted. The government should ensure those statutory bodies are also aware of their key role in enabling the roll out of local plans and that these teams are effectively resourced to deal with demand.

**Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?**

No comment.

**Question 14: Do you have any other suggestions relating to the proposals in this chapter?**

Measures in this consultation are highly focused on the granting of planning permissions, however the key issue is delivery. In calculating a five-year supply local authorities are dependent on developers bring forward their sites. Their commercial decisions can be the difference between a council having a five-year supply or not. More should be done to set requirements on developers to deliver the sites they gain permission for.

Monitoring delivery of consented sites places a significant burden on local planning authorities. Developers should be required to submit annual returns regarding their delivery and updated trajectories regarding their developments.

**Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?**

Yes. The use of the housing stock does provide a simpler baseline approach.

**Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?**

Yes. Use of this data is appropriate.

**Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?**

Yes. The approach does respond to housing affordability challenges and has a marked impact on standard method requirements in areas where affordability is challenging.

**Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?**

While rental affordability is an area of a concern it is unclear how this could be factored in. The private rented sector is complex and can vary from area to area for different reasons, i.e. size of the stock, standards of the housing and management of the stock, accessibility of the stock to households in receipt of benefits, mobility and security within the stock etc. Therefore, it is difficult to consider a method that captures private rented affordability alone as a measure that should drive dwelling targets for a locality.

**Question 19: Do you have any additional comments on the proposed method for assessing housing needs?**

While the new standard methodology proposed is fine in principle and reflects an uplift in housing that is required, this does not deal with the housing delivery but merely sets a new housing number. Hastings, as a small urban coastal authority, is surrounded by the largely rural district of Rother. Over 80% of Rother district lies with the High Weald National Landscape. Hastings, itself is largely built up to its political boundary to the north. The English channel lies to the south and any development opportunities to the east and west and within the urban area of the Borough are covered by nationally important environmental and other designations or are constrained by flood risk for example. We have been severely challenged by LHN required under the present methodology and expect to meet only some 30% of what is required under it. Under the proposed revised methodology, the LHN rises by 47% from 490 to 722 homes pa.

We met with PINS in May this year. At that time we shared a draft Topic Paper with the advisory inspector, covering housing land supply. The draft paper documents the steps we have taken in a 'no stone unturned' approach to examining housing potential within the borough and the work we have undertaken with neighbouring authorities for duty to cooperate purposes. We received advice on strengthening the paper, but critically, no feedback to indicate we have left any work undone.

It is unclear how we will be expected to meet this uplift when we are unable to meet the current housing needs. This is further impacted by the financial challenge of delivering housing profitability within the Hastings arising from the higher costs of delivering largely brownfield sites. This significantly effects development and reduces the amount of deliverable affordable housing. In conclusion, changing the calculation will not change the practical delivery of housing in Hastings nor support the delivery of much needed affordable housing in the borough.

**Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?**

No. Hastings Borough Council fully supports the redevelopment of brownfield land in settlements to meet development needs. However they are expensive and complex to utilise, often overlooked by developers who would prefer to use more profitable green field sites. Consequently, they require additional funding from the central government that is not delivered through a system of competitive bidding. As with social and affordable housing, public investment is needed to achieve the right outcomes.

We also have concerns about the default of regarding proposals as 'acceptable in principle'. The Local Plan considers the appropriate development strategy and allocations to meet needs and sets out policies to guide windfall developments. Those policies consider a range of issues and seek to ensure sustainable development. This may mean that certain land uses need to be protected, for example the supply of employment land (required for 'B class' uses). If alternative uses are acceptable in principle the role of planning could be undermined. This is a particular concern where the high land values associated with residential development, puts pressure on retaining lower value uses which once lost are gone for good. Therefore, a default position may be 'acceptable in principle', but it should be subject to local plan requirements.

**Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?**

Hastings Borough Council does not have any greenbelt so will not comment on policy effecting greenbelt authorities. However the council does support the principle of prioritising the most sustainable development locations.

**Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through planmaking and decision-making, including the triggers for release?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?**

Yes, agree that tenure mix should be set locally by the local authority.

**Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 38: How and at what level should Government set benchmark land values?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?**

No comment. Hastings Borough Council does not have any greenbelt.

**Question 46: Do you have any other suggestions relating to the proposals in this chapter?**

Hastings Borough Council has made limited responses to this section as we do not have any designated greenbelt within our authority. However, we are unsure as to why the greenbelt sites get specific golden rules over other sites. It seems unevidenced why these sites would specifically get golden rules applying to them while sites in other areas of the country outside of the designated greenbelt are not allowed to apply these principles. If the aim is to deliver more housing, then it seems counter intuitive to potentially render sites unviable in the greenbelt. If the aim is to provide more affordable housing, then these golden rules should be applied to all sites.

**Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?**

Yes. The needs of those who require social rent should be considered when undertaking needs assessments and setting policies on affordable housing requirements. This should be undertaken as part of a LPA's Housing and Economic Development Needs Assessment. However, there needs to be a flexibility in the policy implementation to ensure optimal delivery of Affordable/Social Rented units.

This is largely to do with both financial viability of developments and how current funding mechanisms work for social rented development. Affordable rent is more financially viable than delivering social rent tenures meaning that affordable rented products may allow for a higher percentage of affordable homes across the development. Furthermore, the funding mechanisms are currently incentivising the delivery of Social Rent, however this funding is only available where there is additionality and does not apply to Section 106 sites unless they are delivered as 100% Affordable Housing. Therefore by securing social rent through policy and S106 agreements we inadvertently can cause a reduced amount of social and affordable rent on developments. Policy therefore needs to be flexible to maximise delivery.

To be effective local authorities need access to sufficient funding to see homes for social rent are built.

**Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?**

Yes. Hastings is an area where Social Rent and Affordable Rent are most needed and local need should dictate the mix of housing built. On smaller schemes, having a prescriptive policy makes it extremely difficult to deliver appropriate levels of social and affordable rent after the affordable home ownership requirements.

**Question 49: Do you agree with removing the minimum 25% First Homes requirement?**

Yes, we agree with the removal of this requirement and see it as a positive change. The model does not work well for meeting local housing need in Hastings and has been particularly difficult to deliver on smaller schemes of 10 – 19 dwellings in scale.

**Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?**

The current prescribed model for First Homes does not work well in Hastings, and it is therefore not a favoured approach to meeting local needs. The Council is supportive of exploring different tenure types, such as discounted market housing, where it can meet differing needs and create mixed and balanced communities. It is important that Councils have sufficient flexibility to meet local and site-specific needs through the most appropriate mix of affordable housing tenures.

First homes also provide an undue administrative burden on councils stretching further already under resourced teams.

**Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?**

We support the delivery of mixed tenure developments however we would not support a prescriptive policy around this as it should be dealt with on a site-by-site basis to maximise opportunities which support local housing need. Prescriptive policies could work in opposition to central government grant funding programmes.

**Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?**

NPPF Paragraph 65 currently prevents Councils from securing affordable housing on sites of less than 10 dwellings. Given the number of small sites within Hastings, subject to viability, it should be open to local authorities set lower thresholds to support delivery of these tenures.

There needs to be adequate public investment in housing for social rent. It is unrealistic that developers and housebuilders will fulfil this need.

**Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?**

A requirement for Local Lettings Plans could be promoted in larger developments, say 300 units+, to support the creation of mixed, sustainable communities. This would support diversity amongst renting tenants, e.g. through providing an element of homes ringfenced for existing social housing tenants who are downsizing and households who are working or providing a voluntary contribution. Our experience of smaller sites is that this can be managed through effective joint working between Local Authorities and Registered Providers.

**Question 54: What measures should we consider to better support and increase rural affordable housing?**

No comment. Hastings Borough Council is an urban authority.

**Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?**

Yes. The needs of looked after children should be reflected in needs assessments and planning policies.

**Question 56: Do you agree with these changes?**

The Council is supportive of community led housing. Housing delivered by community land trusts, housing cooperatives and other community-based groups have wider benefits and deliver directly to the existing needs in communities.

However, the main issue locally is the lack of access to land that enables such schemes to be brought forward at a price that makes such projects “viable.” These changes would not help to address this issue.

Outside the scope of the planning system there needs to be a longer-term consideration given to a simpler, streamlined process for small, volunteer-run organisations that would enable them to satisfy the Regulator of Social Housing’s registration requirements.

**Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?**

Affordability cannot be based upon a percentage of market rent. They need to be linked to incomes in the local economy and the incomes of key workers. Without this link the housing market will not serve the wider economic and social needs of communities. This needs to be further reflected in the definition of affordable in relation to ‘affordable home ownership’ which should also reflect local incomes and ensure there are the homes for the workers the economy and public services need.

Locally major registered providers have committed to delivering Affordable Rent, which is 80% of Market Rent inclusive of Service Charges, capped at Local Housing Allowance as not to penalise future tenants that have lower incomes and to enable those in the greatest housing need to be assisted.

**Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?**

Many small sites come forward through the recycling of brownfield land and intensification. It is not possible to specify these at a single point in time for the 15 years ahead, as they tend to come forward over time when opportunities arise. Some may come forward through a call for sites, but most may simply use the development management process. The NPPF should support small sites but be flexible to local circumstances and the need to deliver sustainable development and appreciate that these often are delivered through windfall.

**Question 59: Do you agree with the proposals to retain references to welldesigned buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?**

Yes. Beauty is a subjective word that does not have a specific definition. We agree that requirements for well-designed buildings and places are sufficient and effective.

**Question 60: Do you agree with proposed changes to policy for upwards extensions?**

The removal of the specific reference to Mansard roofs is welcomed. The council recognise the importance of upward extension in supporting density, however we are aware that densification may not be appropriate in certain surroundings (particularly in relation to conservation areas) and therefore flexibility should be left to individual authorities to decide on best policy requirements.

**Question 61: Do you have any other suggestions relating to the proposals in this chapter?**

No.

**Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?**

Through the development of the Local Plan we already carefully consider the needs of key sectors and seek to plan appropriately. The changes proposed to the NPPF are therefore generally supported, although with the caveat that the specified commercial developments would require regional co-ordination given the size and scope of land availability within Hastings.

Paragraph 86b could be terminated after “identified” without loss of meaning, with the potential uses typologies added as a footnote. This could provide flexibility as priorities change in the economy.

Furthermore, in light of the aims of the proposed changes Use Class E should also be re-examined to allow authorities to effectively consider impact on town centres and protecting lower value employment uses which may need to be prioritised to achieve the reflected aims.

**Question 63: Are there other sectors you think need particular support via these changes? What are they and why?**

In coastal communities, such as in Hastings, the tourism sector is a significant part of the local economy. More detailed guidance on supporting this sector in urban locations should be developed.

Agritech should also be a priority industry, increasing domestic food supply within a smaller footprint. The use of agritech allows urban areas to produce food at scale, including non-native produce- reducing carbon emissions associated with importing, exporting and domestic logistics.

The need to retain employment land and premises more generally should be more clearly set out in paragraph 11 in relation to the tilted balance conveyed through presumption if these goals are to be met. Similar protections should be afforded to employment land and premises as are afforded to areas of landscape value, setting a higher bar for their loss. Permitted development rights to convert employment floorspace (office) to residential should be revoked and a new use class created for office premises outside of town centres (eg, those within business parks with predominately B class uses).

**Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?**

For smaller scale development, including small businesses parks, keeping decision making at a local level may be beneficial. There is the possibility that delivering such development under the NSIP DCO may cause planning authorities to lose out on local policy requirements, (eg biodiversity net gain in excess of 10%, urban greening factor, BNG credits) as local plans are a material consideration, but the application will not be determined by local officers. However, for large scale cross-boundary

or multi-campus cross-boundary industrial development, incorporation into the NSIP DCO is welcomed. This should not be limited to the uses listed above and may be more practically applied to other fields within the typical "B" use classes at appropriate scale.

**Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?**

20,000 sqm or greater (floorspace), or 10,000sqm where the development crosses an administrative boundary or will be multi-campus cross-boundary at any scale.

**Question 66: Do you have any other suggestions relating to the proposals in this chapter?**

Hastings Borough Council would welcome a more comprehensive review of this chapter of the NPPF. Bringing forward new development to deliver the economic objective of sustainable development is essential for both the Borough and England as a whole to deliver much needed jobs growth, and we would be supportive of more detailed proposals for renewed national planning guidance.

The term gigafactories should be included within the NPPF glossary to ensure clarity around its definition.

Reference to LIS should be removed following the 2021 national policy change regarding the development and support of LIS including removal of industrial strategy council and decommissioning of the LEPs- the bodies tasked with delivering LIS. In the South East LEP area, the LIS ceased development in 2021.

**Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?**

Yes.

**Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?**

We agree that is important to ensure that a sufficient choice of early years, school and post-16 places are available to meet community needs. However, we have some concern about giving 'great weight to the need to create, expand or alter early years facilities' as they are often private organisations and fall into the very broad Use Class E. Early years provision is also *de facto* subject to the sequential approach to location, which may not always be appropriate as day nurseries often occupy formerly residential premises in predominately residential areas due to the needs of the industry (eg, garden space, a secure location with front door access, good observation outside of working hours to reduce crime etc).

If weight is given which overcomes other negative issues, the LPA will need to apply conditions which reflect the purpose of the consent to ensure it remains for that purpose. There may be a case for re-examining the effectiveness of class E given the importance of protecting this kind of use or removing early years provision from the E use class to *sui generis*.

**Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?**

We support the proposed changes. Ensuring the transport needs of those living in new homes are met is an important step to enabling car free living and the decarbonisation of transport.

Nevertheless, we believe that further clarity is required within the proposed NPPF to make clear that visions need to be defined, supported by the LPA and transport authorities, funded by developers,

and be capable of being achieved. Local authorities also need to be given the resources to ensure that they can fulfil this function effectively.

**Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?**

We would welcome further guidance and support in tackling health outcomes through the National Planning Policy Framework. Health is a golden thread through planning, however there should be an acknowledgement of the wider implications of how this all works together. Therefore we believe that there are numerous opportunities outside of the planning system which could better and more effectively be engaged to support healthy communities and childhood obesity. This includes, for example, issues such as platform-based delivery services limiting the effectiveness of restrictive types of policies and issues such as fuel poverty which need to be tackled through multi areas including outside of the planning system.

Specifically related to planning, while this is reflected within the NPPF to greater and lesser degrees, the following needs to be central to development:

- Access to green space;
- Ensure new housing development allows car free living and safe access to active travel for everybody including children;
- Low traffic neighbourhoods as a key feature of all development.
- As health and wealth are so closely connected, measures to ensure a good supply of affordable homes, together with standards that result in minimal energy bills, will also contribute to improved health outcomes

Specifically within the NPPF there is an issue with how hot-food takeaways are defined. There are examples of dessert bars, pubs, bakeries, restaurants, doughnut shops, supermarket “hot” counters and similar concessions (all within Class E) offering delivery or walk-in take-out as this would either be ancillary to their main function, or they would not be considered to be providing hot food operating takeaway services. We would therefore propose consideration of changes to the Class E use class to ensure that appropriate controls can be implemented to restrict unfavourable uses and ensure that these are properly planned for.

**Question 71: Do you have any other suggestions relating to the proposals in this chapter?**

No.

**Question 72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?**

Hastings Borough Council agrees that large onshore wind projects should be reintegrated into the NSIP regime because the NSIP framework is designed to handle projects of national significance. This regime allows for comprehensive consideration of broader impacts, beyond local issues and impacts, including national energy security and environmental benefits, which might be inadequately addressed through standard local planning processes. The NSIP process ensures that the strategic importance of such projects is fully recognised and appropriately managed.

**Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?**

We are generally supportive of measures to support the delivery of renewable and low carbon energy and agree that the NPPF should require that this should be given weight in planning

decisions. We are supportive of efforts to rapidly expand onshore wind. However, as with housing, we need to ensure that it is the public interest not the interest of energy companies or housebuilders and developers that is served by these changes. A proportion of community ownership should be central to all onshore wind schemes. Speeding delivery through clear community benefits. A key part of ensuring communities not just corporations benefit from the transition to renewable energy is community led energy, which should be encouraged. We therefore do not agree with the deletion of paragraph 161.

**Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?**

Yes, careful consideration needs to be given to these issues.

**Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW?**

Yes, raising the threshold from 50MW to 100MW for onshore wind projects to be considered Nationally Significant could be beneficial. It would allow smaller projects to go through local planning processes, which may be more efficient for less complex cases, while reserving the NSIP regime for larger, more impactful projects that require a national-level review and coordination.

**Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?**

Yes, increasing the threshold from 50MW to 150MW for solar projects to be considered Nationally Significant is appropriate. This change would enable smaller solar projects to be handled locally, which could streamline the process for less complex developments, while the NSIP regime would focus on larger projects with broader national significance and impacts.

**Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?**

The proposed thresholds are acceptable.

**Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?**

The current planning system and building regulations in England is not fit for purpose in addressing the scale and urgency of climate change. We suggest:

- Ensuring Zero carbon building standards are mandatory to remove discussion on development viability and ensure that this is adequately accounted for in the land value.
- The full embedded, upstream and downstream carbon impact of planning proposals must be accounted for and inform planning decisions and plan making with a stronger planning balance in favour of proposals with no carbon impact; and
- The NPPF must be reviewed to give increased direction and urgency to the opportunities for planning and development to support resilience and adaptation.
- The Future Homes Standard is brought forward. It should Rapidly introduce zero carbon building standards for all new buildings.

- The removal of the December 2023 Written Ministerial Statement (WMS) on Local Plan energy efficiency would be helpful to enable local authorities to tackle climate change mitigation.
- Allowing water efficiency standards to be set lower than 110lpd. In Hastings there is evidence of a need for stronger standards of not more than 100 lpd, and support for this from the local water companies. Some developments can also go further. We will also need to set effective standards for non-residential development. Measures are also needed at the national level to support grey water and rain-water recycling, to require measures like use of non-potable water to flush toilets. Such standards are needed to support meeting development needs, and Local Planning Authorities should have the flexibility to set standards where there is local evidence justifying it.

**Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?**

Nationally accessible tools should be made available for Local Authorities to supplement the evidence bases for the development of Local Plan policies.

Local authorities need sufficient resources to ensure that carbon accounting can be effectively delivered during the planning process. The government needs to invest in local authority capacity as a matter of urgency. The current availability of accounting tools should not be used as a reason to delay requirements for carbon accounting, which can be developed iteratively and start with current best practice.

**Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?**

It remains challenging for developers and for planning officers to fully understand surface water risk and development compatibility, as well as when the sequential test should be applied. Additional reference to surface water specifically, and a simplified surface water compatibility model similar to that set out currently for fluvial and tidal flooding in Annex 3 would likewise be helpful.

Greater clarity should be provided on the potential for flood risk from all sources (but particularly groundwater and surface water) to change rapidly in the presence of soft, wet and weak soil typologies. There is a potential need for a flood risk assessment to be required for a site of any size with soft, wet or weak soils (including but not limited to sandstones, mudstones, siltstones and clay).

Hastings suffers from flood risk in much of the borough which means that the majority of sites have an elevated flood risk. It would be helpful for greater clarity on how the sequential test can best add value in these circumstances.

A specific reference to considerations of flood risk during the temporary condition of the site (during development) and the need for construction management plans.

**Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?**

Further consideration should also be given to post occupancy requirements, to ensure that standards being set are being implemented effectively and having the impacts that were intended.

Whilst much can be achieved through the planning process in relation to new buildings, there is also a need to address the efficiency of existing buildings. Further consideration should be given to how retrofitting can be required when existing buildings are being modified. There is also the opportunity to add a presumption in favour of adapting existing buildings over demolition within the NPPF.

Councils should also be able to expedite permissions for developments with higher environmental standards.

Requiring installation of renewable energy technologies/on-site generation of low-carbon energy in all new residential developments

**Question 82: Do you agree with removal of this text from the footnote?**

Yes. The footnote does not appear to be necessary as the issue is already addressed elsewhere in the NPPF.

**Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?**

No comment.

**Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?**

We are pleased to see water infrastructure and the growing challenge of water supply availability highlighted as a key issue within this consultation. This is the potential for large scale water infrastructure projects to be included within the NSIP scheme.

**Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?**

No comment.

**Question 86: Do you have any other suggestions relating to the proposals in this chapter?**

As highlight in our responses to previous questions, climate change standards could be strengthened. The Written Ministerial Statement by the previous government restricted how local authorities can set local standards and has resulted in significant inconsistency in its application. Flexibility for Local plans to respond to local opportunities should be reinstated.

Sections relating to land stability in the NPPF needs to be further strengthened. There should be reference in paragraph 189(a) to soft, wet and weak soils in addition to coal mining areas and other potentially unstable typologies. There is also potential to include an inland designation similar to a Coastal Change Management Area. This could be applied to areas with active systems that allows local authorities to apply limits to the planned lifetimes of developments and impose specific conditions under which development would be considered acceptable. This could be a Landslide Risk Management Area, for example. There could also be an update to the Planning Practice Guidance on land stability alongside this.

**Question 87: Do you agree that we should replace the existing intervention policy criteria with the revised criteria set out in this consultation?**

No comment.

**Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?**

No comment.

**Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?**

Yes. In order to operate an effective and efficient planning system it is vital that Local Planning Authorities are able to resource their services effectively and it is appropriate to recover the costs for the services they provide.

**Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387. If Yes, please explain in the text box what you consider an appropriate fee increase would be**

Not applicable.

**Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate? If No, please explain in the text box below and provide evidence to demonstrate what you consider the correct fee should be.**

We do not have information to confirm this estimate is reasonable however 528 should be the minimum.

**Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.**

None of the current application fees are considered to cover the costs of officer time. This includes discharge of conditions, prior approvals and lawful development certificates.

**Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.**

Applications where no fees are payable includes applications for works to trees (including works to Trees subject to TPO and s211 Notifications of proposed works to trees in Conservation Areas), and Listed Buildings applications. All however require not just administration time setting up and processing the application through to decision but also technical input. Of the applications listed here, listed building applications take a huge amount of time because the level of detail that these application types require. To give an example our pre application fees for listed building householder applications are £734.40 (that pays for the letter and one 1 hour meeting). This has been costed out, having regard to the officer's hourly rate and salary. This application type is a huge draw on council resources without any fee to support it.

There should also be a charge for applications when an article 4 direction is in place, they perform an essential function for the council. However, at present we can not charge for planning applications submitted which would have otherwise been permitted development. In such cases however the council carry out the same work as any other planning application and LPA's should be able to recoup time spent by the requirement of a fee for this type of application.

**Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.**

The setting of planning application fee rates means that the circumstances of the particular authority can be fully accounted for, and all elements of the application process are fully charged for.

However we are concerned we might often have fee challenges so we would need to regularly review fee types, staff salaries and on costs and those on costs would need to be properly reflective of corporate costs. The associated level of work would put a pressure on resources.

This should be optional for authorities to choose if it is appropriate for custom fees to be charged.

**Question 95: What would be your preferred model for localisation of planning fees? Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee. Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally. Neither Don't Know Please give your reasons in the text box below.**

Model 2 (Local Variation) of the consultation allows for the option of having both nationally fixed fees and some locally set fees at the same time. This would allow us the flexibility to consider whether setting our own costs would work for us for certain application types. Clear parameters of what can be included when calculating the fee would be required.

**Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services? If yes, please explain what you consider an appropriate increase would be and whether this should apply to all applications or, for example, just applications for major development?**

No. The wider planning services represent a public service that should be paid for by other council budgets, funded by the taxpayer, not by individual applicants. There does however need to be more funding for Planning Policy Services from government to reflect the ambitions for up-to-date plans in a plan led system.

**Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?**

Planning enforcement as this is a development management function.

**Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?**

Yes.

**Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.**

There are several teams within the council that contribute to the overall assessment of an application through consultation. Planning Services ought to be able to seek recovery of costs for these services. However it should be internal only.

**Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?**

Hourly rate and mileage should be recoverable.

**Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.**

No comment.

**Question 102: Do you have any other suggestions relating to the proposals in this chapter?**

In addition to funding, finding staff with appropriate skills and experience remains challenging for planning departments. The Government should continue to support programmes providing training and apprenticeship opportunities.

Statutory consultees play an important role in the planning process. The government needs to ensure they are also resourced appropriately in order to respond in a timely and effective manner if the planning application process is to deliver timely outcomes.

There needs to be adequate funding provided for planning policy teams to ensure that up-to-date Local Plans can be adopted. The plan-led system is unable to function effectively without properly resourced policy teams.

**Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?**

While we understand the reasoning for the transitional arrangements there is likely to be a delay in the development of Local Plans as a result of the changes to the NPPF. This is particularly apparent for authorities which have limited land supplies due to constraints, as explained in question 19. The raise in the standard method does not provide for more physical land but due to the imposed thresholds Hastings are now left waiting for the publication of the latest NPPF to ensure the plan is compliant with new government policy, despite the fact that we will still be unable to achieve the proposed housing numbers.

**Question 104: Do you agree with the proposed transitional arrangements?**

See response to Q103.

**Question 105: Do you have any other suggestions relating to the proposals in this chapter?**

No comment.

**Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?**

No comment.